

EXCEPT the following described tract:

That part of said Government Lot 4 described as follows:

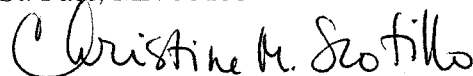
Commencing at a found iron monument which designates the southwesterly corner of Lot 2, Block Two, of ELMWOOD ACRES, said plat is on file and of record in the office of the Recorder in said County; thence North 88 degrees 30 minutes 00 seconds East 443.24 feet on an assumed bearing along the southerly line of said Block Two to a found iron monument at the southeasterly corner of Lot 3 of said Block Two; thence South 19 degrees 26 minutes 35 seconds West 252.08 feet to an iron monument, said point is the point of beginning of said exception; thence South 82 degrees 35 minutes 16 seconds East 190.15 feet to an iron monument; thence South 18 degrees 19 minutes 30 seconds East 234.62 feet to an iron monument; thence South 00 degrees 17 minutes 52 seconds East 302.00 feet to an iron monument; thence North 82 degrees 35 minutes 00 seconds West 562.81 feet to an iron monument; thence continuing North 82 degrees 35 minutes 00 seconds West 37.69 feet to the centerline of an existing public road (Long Lake Road), said point also being on the easterly line of the Buchta land as described in Document No. 511645 and recorded in the office of the Recorder in said County; thence North 36 degrees 18 minutes 29 seconds East 28.95 feet along the centerline of said existing public road (Long Lake Road) and along the easterly line of said Buchta's land; thence North 34 degrees 02 minutes 52 seconds East 165.24 feet continuing along the centerline of said existing public road (Long Lake Road) and along the easterly line of said Buchta's land; thence continuing North 34 degrees 02 minutes 52 seconds East 96.85 feet along the centerline of said existing public road (Long Lake Road) and along the easterly line of the Wilde land as described in a quit claim deed as part of a boundary line agreement in Document No. 511646 and recorded in the office of the Recorder in said County; thence North 29 degrees 49 minutes 01 seconds East 89.37 feet continuing along the centerline of said existing public road (Long Lake Road) and along the easterly line of said Wilde's land; thence continuing North 29 degrees 49 minutes 01 second East 182.06 feet along the centerline of said existing public road (Long Lake Road); thence South 82 degrees 35 minutes 16 seconds East 33.01 feet to the point of beginning of said exception.

That above described annexation tract contains 27 acres, more or less.

IT IS FURTHER ORDERED: That the tax rate of the City of Detroit Lakes on the property herein ordered annexed shall be gradually and proportionately increased from the Township rate to the City rate over a period of six years following the annexation of each such property. However, the City tax rate would become effective when new dwellings or new commercial buildings are constructed on lots or tax parcels.

Dated this 12th day of May, 2005.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, MN 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-926-4, the Chief Administrative Law Judge finds and makes the following comments:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the areas designated as II, III, and IV.

Paragraph 14 provides that the agreement shall be in full force and effect for a term of sixteen years from the date of execution. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Chief Administrative Law Judge, as required by statute. Minn. Stat. Sec. 414.0325 Subd. 1(b). Once jurisdiction is conferred by submission of this agreement to this office, it cannot be taken away by written consent of the parties. See p. 12 Paragraph #14. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be “given back” by the Chief Administrative Law Judge upon written request of the parties to mutually end their agreement has not been addressed. Pursuant to the terms of your agreement, however, it appears that the designated area is intended to be completely annexed within twelve years. This will extinguish the agreement.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

