

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF DETROIT LAKES)
AND THE TOWN OF DETROIT PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Detroit Lakes and the Town of Detroit; and

WHEREAS, a resolution was received from the City of Detroit Lakes indicating their desire that certain property be annexed to the City of Detroit Lakes pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, on July 23, 2008, the Chief Administrative Law Judge reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Detroit Lakes, Minnesota, the same as if it had originally been made a part thereof:

All that portion in Detroit Township in Section 29, 32 & 33, T139N, R41 W of the fifth principal meridian, lying northerly of the south line of said sections 32 and 33, the easterly line of trunk highway 59 westerly of the shores of Long Lake and southerly of the current corporate limits of DL said tract contains approximately 167.60 acres.

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.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Detroit Township will be reimbursed by the City of Detroit Lakes in accordance with the terms of the City Resolution signed by the city on April 8, 2008.

Dated this 23rd day of July, 2008.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-926-5, the Chief Administrative Law Judge finds and makes the following comments:

Minnesota Statutes Section 414.0325 Subd. 5 requires that a joint resolution provide for planning controls for the designated area. The joint resolution does not address what provisions the parties have agreed upon to govern planning in the designated area.

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.

CWS