

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 LAKE VIEW PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

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

WHEREAS, a resolution was received from the City of Detroit Lake 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 Director of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on April 7, 2005, the Chief Administrative Law Judge has 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:

ROAD RIGHT OF WAY

ROAD IN LAKE VIEW TOWNSHIP

**THE PORTION OF LONG LAKE ROAD THE CENTERLINE IS DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF LONG LAKE ROAD**

AND THE NORTH LINE OF SECTION 5, T138N, R41W, THENCE SOUTHERLY AND WESTERLY ALONG SAID CENTER LINE APPROXIMATELY 2434 FEET TO THE INTERSECTION OF A TOWNSHIP ROAD;

THENCE NORTHWESTERLY ALONG SAID TOWNSHIP ROAD CENTERLINE ACROSS SECTION 6, T138N, R41W, 810 FEET TO THE NORTH LINE OF SAID SECTION 6.

SAID ROAD RIGHT OF WAY IS TO FOLLOW CURRENT PLATS BOUNDARIES REGARDLESS OF WIDTH OF ROAD. OTHERWISE THIS DESCRIPTION ASSUMES A 66.00 WIDE ROAD RIGHT OF WAY.

THE AREA OF ROAD RIGHT OF WAY IS 3.75 ACRES MORE OR LESS.

PARCEL A

THAT PART OF GOVERNMENT LOT 1 OF SECTION 6, TOWNSHIP 138, RANGE 41, BECKER COUNTY, MINNESOTA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6: THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 19 MINUTES 41 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 6, 1771.30 FEET TO THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE CONTINUING NORTH 89 DEGREES 19 MINUTES 41 SECONDS EAST 450.00 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF A TOWNSHIP ROAD; THENCE SOUTH 32 DEGREES 43 MINUTES 18 SECONDS EAST ALONG SAID RIGHT OF WAY LINE 113.38 FEET; THENCE NORTH 84 DEGREES 43 MINUTES 46 SECONDS WEST 512.92 FEET; THENCE NORTH 0 DEGREES 40 MINUTES 19 SECONDS WEST, 43.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 32,592 SQUARE FEET MORE OR LESS. SUBJECT TO EASEMENTS AND RESERVATIONS OF PUBLIC RECORD.

PARCEL B

AND THAT PART OF GOVERNMENT LOT 1 OF SECTION 6, AND THAT PART OF GOVERNMENT LOT 3 OF SECTION 5, ALL IN TOWNSHIP 138 NORTH, RANGE 41 WEST, BECKER COUNTY MINNESOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 19 MINUTES 41 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 6 2299.17 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF A TOWNSHIP ROAD SAID POINT IS THE POINT OF BEGINNING OF THE LAND TO BE DESCRIBED; THENCE SOUTH 32 DEGREES 43 MINUTES 18 SECONDS EAST ALONG SAID RIGHT OF WAY LINE 745.31 FEET; THENCE NORTHEASTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF LONG LAKE ROAD, ON A NON-TANGENTIAL CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 183.00 FEET, A CENTRAL ANGLE OF 31 DEGREES 46 MINUTES 44 SECONDS AND A CHORD BEARING OF NORTH 64 DEGREES 21 MINUTES 04 SECONDS EAST, FOR AN ARC DISTANCE OF 101.50 FEET; THENCE NORTH 80 DEGREES 10 MINUTES 58 SECONDS EAST ALONG SAID NORTHERLY

RIGHT OF WAY LINE 280.16 FEET; THENCE NORTH 81 DEGREES 22 MINUTES 00 SECONDS EAST CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE 48.30 FEET TO IRON MONUMENT; THENCE NORTH 0 DEGREES 27 MINUTES 51 SECONDS EAST 103.48 FEET TO A FOUND IRON MONUMENT; THENCE NORTH 49 DEGREES 59 MINUTES 32 SECONDS WEST 88.32 FEET TO A FOUND IRON MONUMENT; THENCE NORTH 0 DEGREES 07 MINUTES 12 SECONDS EAST 236.92 FEET TO A FOUND IRON MONUMENT; THENCE CONTINUING NORTH 0 DEGREES 07 MINUTES 12 SECONDS EAST 25 FEET MORE OR LESS, TO THE SHORELINE OF LONG LAKE; THENCE WESTERLY AND NORTHERLY ALONG SAID SHORELINE TO SAID NORTH LINE OF SECTION 6; THENCE SOUTH 89 DEGREES 19 MINUTES 41 SECONDS WEST ALONG SAID NORTH LINE 404 FEET MORE OR LESS, TO THE POINT OF BEGINNING. CONTAINING 6.29 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RESERVATIONS OF PUBLIC RECORD.

THE AREA OF THE PROPERTY IS 7.04 ACRES MORE OR LESS. TOTAL OF LAKE VIEW TOWNSHIP TO BE ANNEXED IS 10.79 ACRES.

Dated this 7th day of April, 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-934-1, the Chief Administrative Law Judge finds and makes the following comments:

Paragraph 12 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. 7 Paragraph #12. 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