

OA-967-2 Prior Lake
City Resolution No. 03-193

DEPARTMENT OF ADMINISTRATION

STATE OF MINNESOTA

BEFORE THE ACTING DIRECTOR OF

STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF PRIOR LAKE)
AND THE TOWN OF SPRING LAKE PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

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

WHEREAS, an amendment to the joint resolution was received from the City of Prior Lake and the Town of Spring Lake requesting that certain property be annexed to the City of Prior Lake 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 of land pursuant to said subdivisions; and

WHEREAS, on December 11, 2003, the Acting Director has reviewed and accepted the resolution for orderly annexation;

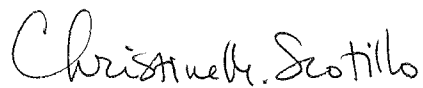
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Prior Lake, Minnesota, the same as if it had originally been made a part thereof:

That part of Government Lot 5, Section 11, Township 114, Range 22, Scott County,

Minnesota, lying west of the east 28 feet and east of the following described line;
Beginning at a point on the north line of said Government Lot 5, distant 225 feet east of
the northwest corner; thence southerly parallel with the west line of said Government Lot
5 to the shoreline of Crystal Lake and there terminating.

Dated this 11th day of December, 2003.

For the Acting Director
658 Cedar Street, Room 300
St. Paul, Minnesota 55155

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-967-2, the Acting Director finds and makes the following comment:

Paragraph No. 13 states the agreement shall expire on December 31, 2025. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. Once jurisdiction is conferred by submission of this agreement to this office, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be “given back” by the Director upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

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.

