

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE 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, a resolution was received from the City of Prior Lake indicating their desire 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 9, 2004, the 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:

Government Lot 3, Section 5, Township 114, Range 22, Scott County, Minnesota; and
Northeast Quarter of the Northeast Quarter, except the North 522.30 feet of the East

417.0 feet thereof; Government Lot 1; and that part of Government Lot 2 lying East of the West 40 acres thereof, Section 6, Township 114, Range 22, Scott County, Minnesota.

Dated this 9th day of December, 2004.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial 'C'.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-967-5, the Director finds and makes the following comment:

The authority to impose the type of charge identified in paragraph 6.7 of the agreement, is questionable. The agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township for lost tax revenue. Chapter 414 of Minnesota Statutes appears to contain no authority for the Township, or the City, to obligate the property owner for lost tax revenue as part of a boundary adjustment.

The issuance of this order makes no determination as to the legality or validity of these provisions of the agreement. Any issue that may arise relative to the application or interpretation of these sections will be the sole responsibility of the signatories to the agreement.

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.

A handwritten signature in black ink, appearing to be 'Oms', is located at the end of the final paragraph.