



## MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

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July 28, 2010

Errol E. Hauser  
Sleepy Eye City Attorney  
109 Main Street West  
P.O. Box 496  
Sleepy Eye, MN 56085

Re: A-7733 Sleepy Eye/Home Township  
(Ordinance No. 104, 2<sup>nd</sup> Series; City of Sleepy Eye Property; 69.65 acres)

Dear Mr. Hauser:

The Office of Administrative Hearings acknowledges receipt of the above-referenced ordinance for annexation to the City of Sleepy Eye. Please refer to the above-referenced docket number in future communications regarding this proposed annexation.

It is the responsibility of the initiating party to meet all necessary requirements before the annexation ordinance can be accepted for filing.

A filing fee of \$5.00 an acre with a minimum of \$100.00 and a maximum of \$600.00 is necessary. For docket number A-7733, a filing fee of \$348.25 is required.

Although the property is City owned, does the property generate taxes or will it generate taxes in the future? If so, Chapter 414 requires all proposed annexations to provide reimbursement from municipalities to townships for lost property taxes following annexation and for special assessments or debt attributable to the annexed property. For your information, Minn. Stat. Sec. 414.036 reads:

*Unless otherwise agreed to by the annexing municipality and the affected town, when an order or other approval under this chapter annexes part of a town to a municipality the order or other approval must provide a reimbursement from the municipality to the town for all or part of the taxable property annexed as part of the order. The reimbursement shall be completed in substantially equal payments over not less than two nor more than eight years from the time of annexation. The*

Errol E. Hauser  
July 28, 2010  
Page 2

municipality must reimburse the township for all special assessments assigned by the townships to the annexed property and any portion of debt incurred by the town prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over a period of not less than two or no more than eight years. (Emphasis added.)

We suggest either one of two approaches to bringing your proposed annexation into conformity with Minn. Stat. 414.036: (1) the City can amend Ordinance No. 104, Second Series to include a reimbursement provision consistent with the statutory requirements of substantially equal payments over not less than two nor more than eight years; or (2) the City can provide this office with information or a recommendation on how much you believe the annual reimbursements for property taxes should be and whether the time for payment should be from two years, or up to eight years as the statute provides.

In addition, please indicate whether any special assessments are due and what the payout schedule for those obligations should be.

If the property does not generate taxes or will not generate taxes in the future, your office will need to provide this office with written confirmation.

If you have any questions, please contact this office.

Sincerely,



Christine M. Scotillo, Executive Director  
Municipal Boundary Adjustments  
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CMS:kjl

c: Mark Kober, Sleepy Eye City Administrator (via E-mail)