

OA-1017-4 Howard Lake
City Signed Resolution 10-18-05
Town Signed Resolution 10-10-05

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, an amendment to the joint resolution was received from the City of Howard Lake and the Town of Victor requesting that certain property be annexed to the City of Howard 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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on September 19, 2006, 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 Howard Lake, Minnesota, the

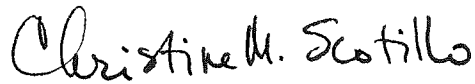
same as if it had originally been made a part thereof:

That part of the East Half of the Southwest Quarter (E1/2 of SW ¼) of Section 15, Township 118, Range 27, Wright County, Minnesota, lying northeasterly of the south 207.95 feet of the west 351.14 feet, as measured at right angles to the south and west lines thereof, except the north 467.65 feet of the south 1140.26 feet of the west 419.00 feet of said East Half of the Southwest Quarter, as measured at right angles to the south and west lines thereof. Subject to public road easements and other easements, restrictions and reservations of record, if any.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, reimbursement to the Town of Victor as provided for in the Joint Resolution signed by the City of Howard Lake on February 3, 2004 and the Town of Victor on March 5, 2004 is modified by, and pursuant to, the amendment to the Joint Resolution signed by the City of Howard Lake on October 18, 2005 and the Town of Victor on October 10, 2005.

Dated this 19th day of September, 2006.

For the Chief Administrative Law Judge
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, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1017-4, the Director finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph 22 states the agreement shall expire on and be of no further force and effect after December 31, 2013. 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.

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.

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