

OA-1051-4 Waverly  
City Resolution No. 05-10-2  
Town Resolution No. 05-10

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF WAVERLY )  
AND THE TOWN OF WOODLAND PURSUANT TO )  
MINNESOTA STATUTES 414 )  
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ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Waverly and the Town of Woodland; and

WHEREAS, a resolution was received from the City of Waverly and the Town of Woodland indicating their desire that certain property be annexed to the City of Waverly 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 May 11, 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 Waverly, Minnesota, the same

as if it had originally been made a part thereof:

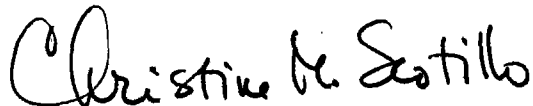
The East 50 acres, of North Half of Southwest Quarter (N ½ of SW 1/4); South Half of Southwest Quarter (S 1/2 of SW 1/4) and North Half of the Southeast Quarter (N 1/2 of SE 1/4), all in Section Four (4), Township One Hundred Eighteen (118) North, Range Twenty-six (26) West, excluding: That part of the South Half of the Southwest Quarter (S 1/2 of SW 1/4) of Section Four (4), Township One Hundred Eighteen (118) North, Range Twenty-six (26) West, Wright County, Minnesota, described as follows: Commencing at the northwest corner of said South Half of the Southwest Quarter (S 1/2 of SW 1/4), thence on an assumed bearing of S 89 degrees 20 minutes 56 seconds East along the north line of said South Half of the Southwest Quarter (S 1/2 of SW 1/4), a distance of 984.88 feet; thence S 0 degrees 03 minutes 22 seconds East, a distance of 812.62 feet; thence S 89 degrees 54 minutes 58 seconds W, a distance of 743.73 feet; thence N 0 degrees 39 minutes 32 seconds W, a distance of 599.24 feet; thence S 89 degrees 43 minutes 43 seconds W, a distance of 234.74 feet to the West line of said South Half of the Southwest Quarter (S 1/2 of SW 1/4); thence N 0 degrees 03 minutes 56 seconds W along said West line, a distance of 226.81 feet to the point of beginning.

AND

The Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section Four (4), Township One Hundred Eighteen (118) North, Range Twenty-Six (26) West, containing forty acres, more or less, AND the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section Nine (9), Township One Hundred Eighteen (118) North, Range Twenty-six (26) West, containing forty acres, more or less.

Dated this 11<sup>th</sup> day of May, 2006.

For the Chief Administrative Law Judge  
658 Cedar Street, Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1051-4, the Chief Administrative Law Judge 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. Agreeing to continue the county's planning and zoning controls for the designated area is not one of the statutory options authorized. The parties have agreed to future urbanization of the designated area and continuing the county planning and zoning controls appears to be inconsistent with statutory requirements.

Section 3 of the agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township. The authority to impose this type of obligation on the property owner is questionable. Reimbursement for lost tax revenue is an optional provision to be negotiated. Minnesota Statutes Sec. 414.036 states reimbursement is to be "from the municipality to the town...." 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.

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 'CWS', is located at the bottom right of the page.