

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 Monticello, Minnesota, the same

as if it had originally been made a part thereof:

The West Half of the Southwest Quarter of Section 17, Township 121, Range 24, according to the United States Government Survey thereof and situate in Wright County, Minnesota; **80 acres (213-00-173200)**

EXCEPT:

The North 329.99 feet of the West 649.97 feet of the West Half of the Southwest Quarter of Section 17, Township 121, Range 24, Wright County, Minnesota. **4.92 acres (213-000-173201)**

AND ALSO EXCEPT:

That part of West Half of the Southwest Quarter of Section 17, Township 121, Range 24, Wright County, Minnesota described as follows: Commencing at the Southwest corner of said West Half of the Southwest Quarter; thence on an assumed bearing of North 00 degrees 58 minutes 31 seconds West along the West line of said West Half of the Southwest Quarter, a distance of 1149.17 feet to the point of beginning of the land to be described; thence South 89 degrees 42 minutes 44 seconds East a distance of 544.50 feet; thence North 00 degrees 58 minutes 31 seconds West parallel with said West line of the West Half of the Southwest Quarter, a distance of 200.05 feet; thence North 89 degrees 42 minutes 44 seconds West, a distance of 544.50 feet to said West line of the West half of the Southwest Quarter; thence South 00 degrees 58 minutes 31 seconds East along said West line, a distance of 200.05 feet to the point of beginning. **(213-000-173300) 2.50 acres**

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

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

*Christine M. Scotillo*

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1061-11, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph/item 6 and a portion of 7 of the agreement provides for a division of tax revenue from an annexed area, based upon a one time cash payment. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Chief Administrative Law Judge.

Paragraph 15 states the agreement shall remain in full force and effect until certain events occur. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Chief Administrative Law Judge. Once jurisdiction is conferred, 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 Chief Administrative Law Judge 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.

*CWS*