

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 MONTICELLO))
AND THE TOWN OF MONTICELLO PURSUANT TO)
MINNESOTA STATUTES 414)

A M E N D E D

ORDER

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

WHEREAS, a resolution was received from the City of Monticello indicating their desire that certain property be annexed to the City of Monticello 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

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 Northwest Quarter of the Southwest Quarter, the South Half of the Northwest Quarter all in Section 10, Township 121, Range 25, Wright County, Minnesota, lying southerly and westerly of Interstate No. 94 right of way except the following described tracts of land:

- 1.) The East 50 rods of said South Half of the Northwest Quarter.
- 2.) Beginning at the northwest corner of said South Half of the Northwest Quarter; thence south along the west line of said South Half of the Northwest Quarter, a distance of 632.70 feet; thence east deflecting 90 degrees 19 minutes left along an old fence line, a distance of 518.32 feet; thence north parallel with said west line of the South Half of the Northwest Quarter, a distance of 55 feet more or less to the thread of Otter Creek, to the north line of said South Half of the Northwest Quarter; thence west along said north line a distance of 630.00 feet to the point of beginning.
- 3.) Land lying northeasterly of the following described line:
Commencing at the northwest corner of said South Half of the Northwest Quarter; thence South 89 degrees 00 minutes 10

seconds East, assumed bearing, along the north line of said South Half of the Northwest Quarter, a distance of 730.01 feet to the point of beginning of the line to be described; thence South 00 degrees 03 minutes 10 seconds West, a distance of 117.71 feet; thence 225.13 feet southeasterly along a tangential curve, concave to the east, having a radius of 440.00 feet and a central angle of 29 degrees 18 minutes 59 seconds; thence South 29 degrees 15 minutes 50 seconds East, a distance of 215.34 feet; thence 317.88 feet southeasterly along a tangential curve, concave to the northeast, having a radius of 440.00 feet and a central angle of 41 degrees 23 minutes 38 seconds; thence South 70 degrees 39 minutes 27 seconds East, a distance of 542.55 feet; thence 186.36 feet southeasterly along a tangential curve, concave to the southwest, having a radius of 360.00 feet and a central angle of 29 degrees 39 minutes 35 seconds; thence South 40 degrees 59 minutes 52 seconds East, a distance of 81.81 feet, to the west line of said east 825.00 feet and said line there terminating. Subject to Wright County Highway Right-of-Way Plat No. 3.

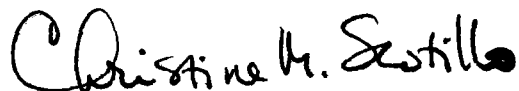
THE AREA ABOVE IS MORE PARTICULARLY DESCRIBED ON ATTACHED EXHIBIT A

AND

That part of the East Half of the Southwest Quarter of Section 10, Township 121, Range 25, Wright County, Minnesota, described as follows:

Commencing at the Southwest corner of said East Half of the Southwest Quarter; thence North 0 degrees 49 minutes 08 seconds West, assumed bearing along the West line of said East Half of the Southwest Quarter, a distance of 494.12 feet to the actual point of beginning of the land to be described, said point being the Northwest corner of BONDHUS ADDITION, according to the duly recorded plat; thence South 88 degrees 58 minutes 44 seconds East, along the North line of said Bondhus Addition, a distance of 1187.88 feet to the centerline of a township road (also known as 90th Street Northeast); thence North 45 degrees 19 minutes 28 seconds East, along said centerline, a distance of 218.66 feet to the East line of said East Half of the Southwest Quarter; thence North 0 degrees 22 minutes 22 seconds West, along said East line a distance of 46.10 feet to the Northwestern right-of-way line of said township road, said point being 696.34 feet North of the Southeast corner of said East Half of the Southwest Quarter, as measured along said East line; thence North 49 degrees 38 minutes 15 seconds West, a distance of 476.31 feet; thence North 40 degrees 21 minutes 44 seconds East, a distance of 418.51 feet to the North line of the Southeast Quarter of said Southwest Quarter; thence South 88 degrees 54 minutes 20 seconds East, along said North line of the Southeast Quarter of the Southwest Quarter, a distance of 88.25 feet to the Northeast corner of said Southeast Quarter of the Southwest Quarter; thence North 00 degrees 20 minutes 16 seconds East along the East line of said East Half of the Southwest Quarter, a distance of 660.07 feet to a point distant 661.96 feet southerly of the northeast corner of said East Half of the Southwest Quarter; thence North 40 degrees 59 minutes 53 seconds West, a distance of 892.76 feet to a point on the north line of said East Half of the Southwest Quarter distant 581.90 feet westerly of said northeast corner; thence North 88 degrees 50 minutes 00 seconds West along the North line of said East Half of the Southwest Quarter a distance of 160.29 feet to the Northwest corner of said East Half of the Southwest Quarter; thence South 0 degrees 49 minutes 08 seconds East, along the West line of the East Half of the Southwest Quarter a distance of 2153.98 feet to the point of beginning.

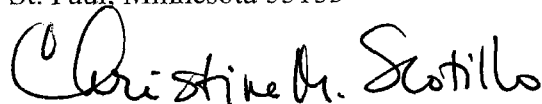
Amended order dated this 3rd day
of October, 2005
For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Dated this 9th day of September, 2004.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

EXHIBIT A

The Northwest Quarter of the Southwest Quarter, the South Half of the Northwest Quarter all in Section 10, Township 121, Range 25, Wright County, Minnesota, lying southerly and westerly of Interstate No. 94 right-of-way except the following described tracts of land:

- 1) The East 50 rods of said South Half of the Northwest Quarter.
- 2) Beginning at the northwest corner of said South Half of the Northwest Quarter; thence south along the west line of said South Half of the Northwest Quarter, a distance of 632.70 feet; thence east deflecting 90 degrees 19 minutes left along an old fence line, a distance of 518.32 feet; thence north parallel with said west line of the South Half of the Northwest Quarter, a distance of 56 feet more or less to the thread of Otter Creek; thence easterly and northerly along said thread of Otter Creek 834.00 feet to the north line of said South Half of the Northwest Quarter; thence west along said north line a distance of 630.00 feet to the point of beginning.
- 3) Land lying northeasterly of the following described line:

Commencing at the northwest corner of said South Half of the Northwest Quarter; thence South 89 degrees 00 minutes 10 seconds East, assumed bearing, along the north line of said South Half of the Northwest Quarter, a distance of 730.01 feet to the point of beginning of the line to be described; thence South 00 degrees 03 minutes 10 seconds West, a distance of 117.71 feet; thence 225.13 feet southeasterly along a tangential curve, concave to the east, having a radius of 440.00 feet and a central angle of 29 degrees 18 minutes 59 seconds; thence South 29 degrees 15 minutes 50 seconds East, a distance of 215.34 feet; thence 317.88 feet southeasterly along a tangential curve, concave to the northeast, having a radius of 440.00 feet and a central angle of 41 degrees 23 minutes 38 seconds; thence South 70 degrees 39 minutes 27 seconds East, a distance of 542.55 feet; thence 186.36 feet southeasterly along a tangential curve, concave to the southwest, having a radius of 360.00 feet and a central angle of 29 degrees 39 minutes 35 seconds; thence South 40 degrees 59 minutes 52 seconds East, a distance of 81.81 feet, to the west line of said east 825.00 feet and said line there terminating.
Subject to Wright County Highway Right-of-Way Plat No. 3.

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1061-1, the Director 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 Director.

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 Director. 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 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. *CMS*