

DEPARTMENT OF ADMINISTRATION  
STATE OF MINNESOTA  
BEFORE THE DIRECTOR OF  
STRATEGIC AND LONG RANGE PLANNING

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

WHEREAS, on December 9, 2004, the Director 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 Monticello, Minnesota, the same  
as if it had originally been made a part thereof:

The West One-Half of the Southwest Quarter of the Northwest Quarter of Section 23,  
Township 121, Range 25, Wright County, Minnesota (20 acres)

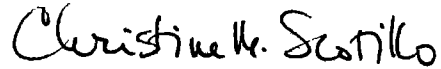
AND

That part of the Northeast Quarter of Section 22, Township 121, Range 25, Wright

County, Minnesota lying east of the easterly right-of-way of State Trunk Highway  
Number 25 (80.02 acres)

Dated this 9<sup>th</sup> day of December, 2004.

For the Director  
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-1061-5, 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.

*ews*