

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on August 10, 2005, 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 Monticello, Minnesota, the same as if it had originally been made a part thereof:

PIN # 213-100-13440

The South 478.5 feet of the West 495 feet of the Southeast Quarter of the Southeast Quarter of Section 13, Township 121, Range 25, Wright County, Minnesota.

ALSO

PIN # 213-100-241102, 213-100-241103

Commencing at a point 412.5 feet South of the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 24, Township 121, Range 25; thence East 495 feet to a point; thence North paralleling the West line of said Northeast Quarter of the Northeast Quarter a distance of 412.5 feet to the North line of said section; thence West on said section line to the Northwest corner of the Northeast Quarter to the Northeast Quarter of said section 24; thence South a distance of 412.5 feet to the place of beginning.

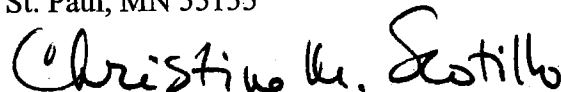
ALSO

PIN # 213-100-241104

That part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 121, Range 25, Wright County, Minnesota described as follows: Commencing at the Southwest corner of the North 412.5 feet of said Northeast Quarter of the Northeast Quarter; thence on an assumed bearing to North 88 degrees 52 minutes 59 seconds East along the south line of said North 412.5 feet of the Northeast Quarter of the Northeast Quarter a distance of 94.39 feet to the point of beginning of the land to be described; thence South 80 degrees 22 minutes 12 seconds East a distance of 37.54 feet; thence North 88 degrees 52 minutes 59 seconds East a distance of 48.31 feet; thence South 71 degrees 17 minutes 54 seconds East, a distance of 34.64 feet; thence South 85 degrees 16 minutes 45 seconds East, a distance of 44.13 feet; thence North 85 degrees 39 minutes 54 seconds East a distance of 89.26 feet; thence North 29 degrees 53 minutes 11 seconds East a distance of 21.26 feet to said South line of the North 412.5 feet of the Northeast Quarter of the Northeast Quarter; thence South 88 degrees 52 minutes 59 seconds West along said South line a distance of 261.75 feet to the point of beginning.

Dated this 10<sup>th</sup> day of August, 2005.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1061-9, 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.

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