

OA-1065-1 Staples
City Signed Resolution 6-22-04
Town Signed Resolution 6-24-04

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 STAPLES) ORDER
AND THE TOWN OF VILLARD PURSUANT TO)
MINNESOTA STATUTES 414)

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

WHEREAS, a resolution was received from the City of Staples indicating their desire that certain property be annexed to the City of Staples 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 July 8, 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 Staples, Minnesota, the same as if it had originally been made a part thereof:

EXHIBIT A

The Subject Area to be annexed in the attached Joint Resolution is legally described as

follows:

Parcel I (Riggs)

That part of the Southeast Quarter of the Northwest Quarter, Section 8, Township 133, Range 32 West of the 5th Principal Meridian described as follows:

Beginning at the point on the Northerly right of way line for Trunk Highway Number 10 where a line 33 feet Westerly of and parallel with the North South Quarter line of said Section 8 intersects said right of way line (said highway right of way line being the line 75 feet Northeasterly of the center line described in the final certificate recorded in Book 9 of Miscellaneous, Page 272) thence North 303.5 feet along said line parallel with the North South Quarter line of Section 8, thence West 235 feet, thence South 300.0 feet, more or less to the Northerly line of said highway right of way (previously described), and thence Southeasterly along said highway right of way line to the place of beginning.

Except the Southeasterly 75 feet thereof which was taken by decree set out in final certificate dated November 14, 1967 and recorded as Instrument No. 242663 in the office of the Register of Deeds for Todd County.

Subject to the site corner as set aside for the highway right of way in the instrument as recorded in Book 9 of Miscellaneous, Page 272.

Parcel II (Logering)

All that part of the East Half of the Northwest Quarter (E ½ of NW ¼) of Section 8, Township 133 N, Range 32 W lying northerly of the northerly right of way line of U.S. Highway No. 10 except the following described tract: Beginning at the point on the northerly right of way line for U.S. Highway No. 10 where a line 33 feet westerly of and parallel with the north-south quarter line of said Section 8 intersects said right of way line (said highway right of way line being the line 75 feet northeasterly of the centerline described in the final certificate recorded in Book 9 of Miscellaneous, Page 272); thence North 303.5 feet along said line parallel with the north-south quarter line of Section 8; thence West 235 feet; thence South 300 feet, more or less, to the northerly line of said highway right of way; thence southeasterly along said highway right of way line to the point of beginning, except the southeasterly 75 feet thereof taken by decree set forth in final certificate dated November 14, 1967 and recorded as Instrument No. 242663, and subject to site corner as set aside for highway right of way, and subject to cartway or roadway on east boundary line.

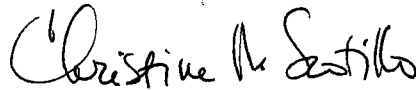
AND

EXHIBIT B

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Staples and its relation to the Subject Area to be annexed legally described in Exhibit A, is attached hereto.

Dated this 8th day of July, 2004.

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

A handwritten signature in black ink, reading "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-1065-1 Staples

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1065-1 Staples, the Director finds and makes the following comment:

In the section of the agreement entitled "5. Tax Reimbursement," the agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township for lost tax revenue. Chapter 414 of Minnesota Statutes contains no authority for the Township, or the City, to obligate the property owner in any way as part of a boundary adjustment.

Paragraph/item 5 (A) of the agreement provides for a division of tax revenue from an annexed area, based upon two equal installments. 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.

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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