

OA-1067-3 Montrose  
City Resolution No. 2004-30  
Town Resolution No. 04-13

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 MONTROSE )  
AND THE TOWN OF WOODLAND PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of  
Montrose and the Town of Woodland; and

WHEREAS, a resolution was received from the City of Montrose and the Town of  
Woodland indicating their desire that certain property be annexed to the City of Montrose  
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 21, 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 Montrose, Minnesota, the same  
as if it had originally been made a part thereof:

Parcel A:

The South Half of the Southwest Quarter of Section 2, Township 118, Range 26, Wright

County, Minnesota, Excepting the North 495 Feet thereof,  
AND

The Northwest Quarter of Section 11, Township 118, Range 26, Wright County,  
Minnesota.

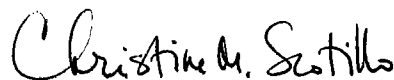
Parcel B:

The North Half of the South Half of the Southeast Quarter of Section 2, Township 118, Range 26, Wright County, Minnesota, except the east 313.08 feet thereof as measured along the north line thereof and except the following described parcel:

That part of the North Half of the South Half of the Southeast Quarter of Section 2, Township 118, Range 26 described as follows: Beginning at the southwest corner of the east 313.08 feet thereof as measured along the north line thereof; thence North 87 degrees 17 minutes 06 seconds West, assumed bearing, along the south line of said North Half of the South Half of the Southeast Quarter, a distance of 322.43 feet; thence North 0 degrees 48 minutes 47 seconds West, a distance of 44.59 feet; thence South 87 degrees 30 minutes 48 seconds East, a distance of 322.36 feet to the west line of said east 313.08 feet of the North Half of the South Half of the Southeast Quarter as measured along the north line thereof, thence South 0 degrees 48 minutes 47 seconds East along said west line, a distance of 45.88 feet to the point of beginning.

Dated this 21<sup>st</sup> day of December, 2004.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1067-3, the Director finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area. Agreeing to continue the county's planning and zoning controls for the designated area, which the parties have agreed to future urbanization, appears to be inconsistent with statutory requirements.

Section 3 of the agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township for lost tax revenue. The authority to impose this type of obligation on the property owner is questionable. Reimbursement for lost tax revenue is an optional provision to be negotiated. Minnesota Statutes Sec. 414.036 states reimbursement is to be "from the municipality to the town...." The issuance of this order makes no determination as to the legality or validity of these provisions of the agreement. Any issue that may arise relative to the application or interpretation of these sections will be the sole responsibility of the signatories to the agreement.

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*