

OA-1192-1 New Market
City Signed Resolution 7-13-05
Town Signed Resolution 4-5-05

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, said joint resolution requests that certain property be annexed to the City of New Market 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.

WHEREAS, on September 15, 2005, the Chief Administrative Law Judge 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 New Market, Minnesota, the same as if it had originally been made a part thereof:

The Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 20, Township 113, Range 21, Scott County, Minnesota.

And

The Northeast Quarter of the Southwest Quarter and the South 66.00 feet of the Northwest Quarter of the Southeast Quarter, Section 20, Township 113, Range 21, Scott County, Minnesota, EXCEPT the East 33.00 feet of said Northeast Quarter of the Southwest Quarter lying north of the South 66.00 feet of said Northeast Quarter of the Southwest Quarter, EXCEPT the East 33.00 feet of the Northwest Quarter of the Southeast Quarter, EXCEPT that part of said Northeast Quarter of the Southwest Quarter, described as follows:

Beginning at the northwest corner of said Northeast Quarter of the Southwest Quarter; thence South 00 degrees 11 minutes 15 seconds West, (assumed bearing) along the west line of said Northeast Quarter of the Southwest Quarter, 1319.58 feet to the southwest corner of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 56 minutes 39 seconds East, along the south line of said Northeast Quarter of the Southwest Quarter, a distance of 5.83 feet; thence North 00 degrees 11 minutes 15 seconds East a distance of 1319.62 feet to a point on the north line of said Northeast Quarter of the Southwest Quarter; thence South 89 degrees 42 minutes 29 seconds West, along said north line, a distance of 5.83 feet to the point of beginning.

AREA = 5,229,260 Square Feet or 120.05 Acres

IT IS FURTHER ORDERED: That the tax rate of the City of New Market on the property herein ordered annexed shall be increased in substantially equal proportions over a period of one year to equality with the tax rate of the property already within the city.

Dated this 15th day of September, 2005.

For the Chief Administrative Law Judge
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-1192-1, the Chief Administrative Law Judge finds and makes the following comment:

In the section of the agreement entitled "4. Real Estate Taxes," 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. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Chief Administrative Law Judge.

Additionally, it is unclear whether the following section entitled "5. Tax Capacity Rate" imposes a one year tax rate step up. A one year tax rate step is authorized under Minnesota Statutes section 414.035, but the statute requires the tax rate to be increased in "substantially equal proportions".

The parties are encouraged to consider these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

Cus