

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, said joint resolution requests that certain property be annexed to the City of Pine City 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 September 19, 2006, 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 Pine City, Minnesota, the same as if it had originally been made a part thereof:

Phase 1: That part of Sections 21 and 22, Township 39, Range 21, Pine County, Minnesota, described as follows: Beginning at the intersection of the north line of said

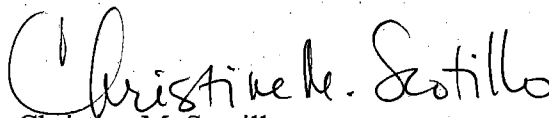
Section 21 and the easterly right-of-way line of Interstate highway No. 35. Thence East along the north line of said Sections 21 and the north line of said Section 22 to the northeast corner of the West half of the Northwest Quarter of said Section 22; thence South along the east line of said West Half of the Northwest Quarter to the southeast corner of said West Half of the Northwest Quarter; thence West along the south line of said West Half of the Northwest Quarter to the section line between Sections 21 and 22; thence North along said section line to the southeast corner of the North half of the Northeast Quarter of said Section 21; thence West along the south line of said North Half of the Northeast Quarter and the north line of the Northeast Quarter of the Northwest Quarter of said Section 21 to the easterly right-of-way line of Interstate Highway No. 35; thence Northerly along said easterly right-of-way line to the north line of Section 21 and the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Pokegama will be reimbursed by the City of Pine City in accordance with the terms of the Joint Resolution No. 06-37 signed by the City of Pine City on August 2, 2006 and the Town of Pokegama on May 25, 2006.

IT IS FURTHER ORDERED: That the annexed property as described shall constitute a rural service district pursuant to Minn. Stat. 272.67 for as long as such property satisfies the conditions of that statute for a period not to exceed seven years.

Dated this 19<sup>th</sup> day of September, 2006.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1290-1, the Chief Administrative Law Judge 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.

As you may be aware, recent legislative amendments to Chapter 414 became effective on August 1, 2006. Included in the amendments is a new subdivision that requires published notice prior to adopting an orderly annexation agreement. Minn. Stat. Sec. 414.0325, Subd. 1b states:

**Subd. 1b. Notice of intent to designate an area.** At least ten days before the municipality or township adopts an orderly annexation agreement, a notice of the intent to include property in an orderly annexation area must be published in a newspaper of general circulation in both the township and municipality. The notice must clearly identify the boundaries of the area proposed to be included in the orderly annexation agreement and the date, time, and place of the public informational meeting to be held as provided in section 414.0333. The cost of providing notice must be equally divided between the municipality and the township, unless otherwise agreed upon by the municipality and the township.

Even though the communities have been working on this joint resolution for sometime, it was not a complete agreement until all the parties signed it, which wasn't until after the effective date of the legislative amendments. This provision applies to all *new* agreements, not to subsequent trailer files that flow from the agreements.

For future reference, any new orderly annexation agreements must comply with this notice requirement.

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.

*CWS*