

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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

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

WHEREAS, said joint resolution requests that certain property be annexed to the City of Pelican Rapids 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 April 11, 2007, 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 Pelican Rapids, Minnesota, the same as if it had originally been made a part thereof:

**That part of the North 1/2 of the Northwest 1/4 of Section 34, Township 136, Range 43, Otter Tail County, Minnesota, described as follows:**

**Commencing at the northeast corner of said Northwest 1/4; thence South 89 degrees 50 minutes 30 seconds West on the northerly line of said section for a distance of 54.85 feet to the westerly right-of-way line of State Trunk Highway No. 59=30 per**

**right-of-way line of State Trunk Highway No. 59=30 per right-of-way taking as stated in a document recorded in Book O of Miscellaneous, page 355 as of public record, for point of beginning of area to be described; thence continuing South 89 degrees 50 minutes 30 seconds West for a distance of 430.27 feet; thence South 0 degrees 22 minutes 26 seconds East 259.21 feet; thence North 89 degrees 50 minutes 30 seconds East 210.59 feet; thence North 83 degrees 55 minutes 24 seconds East 219.68 feet to the westerly right-of-way line of said State Trunk Highway 59=30; thence northerly on said right-of-way line 236.56 feet to point of beginning.**

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Pelican will be reimbursed by the City of Pelican Rapids in accordance with the terms of the Joint Resolution signed by the City of Pelican Rapids on January 30, 2007 and the Town of Pelican on February 8, 2007.

Dated this 11<sup>th</sup> day of April, 2007.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large, stylized 'C' and 'S'.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

OA-1300-1 Pelican Rapids

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1300-1, the Chief Administrative Law Judge finds and makes the following comment:

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.

The Joint Resolution for Orderly Annexation referenced above was signed prior to the effective date of the new law changes and therefore would not be subject to the Notice of intent to designate requirement of Minn. Stat. Sec. 414.0325 Subd. 1b.

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

*CW*