

BEFORE THE DIRECTOR OF THE OFFICE OF
STRATEGIC AND LONG RANGE PLANNING
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF)
STEWARTVILLE AND THE TOWN OF HIGH FOREST) ORDER
PURSUANT TO MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of
Stewartville and the Town of High Forest; and

WHEREAS, said joint resolution requests that certain property be annexed to the City of
Stewartville pursuant to M.S. 414.0325, Subdivision 1; and

WHEREAS, M.S. 414.0325, M.S. 414.11, and M.S. 414.12 states that in certain
circumstances the Director of the Office 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 April 12, 2002, the Director of the Office of Strategic and Long Range
Planning 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 resolution to the City of Stewartville, Minnesota, the same as if
it had originally been made a part thereof:

That part of the Southwest Quarter of Section 2, Township 104 North, Range 14 West, Olmsted County,
Minnesota, described as follows:

Commencing at the southeast corner of said Southwest Quarter; thence northerly

on a Minnesota State Plane Grid Azimuth from north of 357 degrees 46 minutes 41 seconds along the east line of said Southwest Quarter 1002.41 feet to the point of beginning; thence continue northerly 357 degrees 46 minutes 41 seconds azimuth along said east line 1649.14 feet to the southeast corner of RADCLIFFE THIRD SUBDIVISION, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence westerly 269 degrees 54 minutes 42 seconds azimuth along the south line of said RADCLIFFE THIRD SUBDIVISION; the south line of RADCLIFFE SECOND SUBDIVISION, and the south line of BUCKNELL FIRST SUBDIVISION, according to the plats thereof on file at the County Recorder's office, Olmsted County, Minnesota and the westerly extension of said south line, a distance of 2131.54 feet; thence southerly 179 degrees 54 minutes 42 seconds azimuth 607.70 feet; thence westerly 269 degrees 54 minutes 42 seconds azimuth 401.18 feet to the easterly right-of-way line of Trunk Highway No. 63; thence southerly 174 degrees 35 minutes 42 seconds azimuth along said easterly right-of-way line 480.89 feet; thence southerly 562.50 feet on a tangential curve concave westerly, having a radius of 7739.44 feet and a central angle of 04 degrees 09 minutes 51 seconds; thence easterly 89 degrees 54 minutes 42 seconds azimuth 2517.82 feet to the point of beginning.

Said tract contains 90.32 acres more or less.

Dated this 12th day of April, 2002.

For the Director of the Office of Strategic
& Long Range Planning
658 Cedar Street, Room 300
St. Paul, Minnesota 55155

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-822-1, the Director of Strategic and Long Range Planning finds and makes the following comments:

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.

Paragraph XI of the agreement provides for a division of tax revenue from an annexed area, based upon a ten year schedule. 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.

Additionally, paragraph XIV states the agreement shall expire within five years unless an extension is requested by the parties. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. (Paragraph VII). Once jurisdiction is conferred, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be "given back" by the Director upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

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.

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