

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

ORDER

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

WHEREAS, a joint resolution was received from the City of Sauk Rapids and the Town of Minden indicating their desire that certain property be annexed to the City of Sauk 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 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 June 9, 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 Sauk Rapids, Minnesota, the same as if it had originally been made a part thereof:

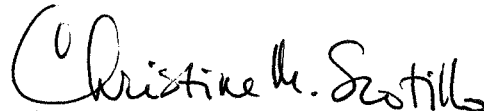
The Northwest Quarter of the Southwest Quarter (NW ¼ SW ¼) of Section Nineteen (19), Township Thirty-six (36) North of Range Thirty (30) West, Fourth Principle Meridian, Benton County, Minnesota. LESS AND EXCEPT: All that part of the following described tract: The West half of the Northwest Quarter (W ½ of NW ¼) of Section 19, Township 36 North, Range 30 West: Which lies Westerly of a line run parallel with and distant 75 feet Easterly of the following described line: Beginning at the

Southwest Corner of Section 19, Township 36 North, Range 30 West, thence run north along the West line of said Section for 3985.5 feet and there terminating.

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

Dated this 9th day of June, 2005.

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

A handwritten signature in black ink, reading "Christine M. Scotillo". The signature is written in a cursive style with a large, stylized "C" at the beginning.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-845-5, the Chief Administrative Law Judge finds and makes the following comment:

Paragraph/item 8 of the agreement provides for a division of tax revenue from an annexed area, based upon a 10 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.

Paragraph/item 21 of the agreement states the parties agree that they will, at a minimum, either meet or request the Joint Planning Board to consider potential changes and adjustments to this Agreement every 5 years beginning in January of 2005. Unless the parties have agreed to an extension, this Agreement shall expire on December 31, 2025. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. Once jurisdiction is conferred, it cannot be taken away by written consent of the parties

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.

A handwritten signature in black ink, appearing to be 'JWS', is located at the bottom right of the page.