

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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 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 Sauk Rapids, Minnesota, the same as if it had originally been made a part thereof: **SEE ATTACHED EXHIBIT 1**

Dated this 15th day of September, 2005.

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

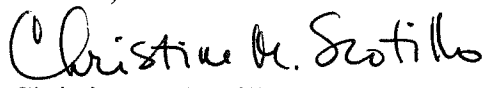

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Exhibit 1

Legal Description to Scenic Acres – as noted on final plat

That part of the Northeast Quarter of the Southwest Quarter of Section 19, Township 36 North, Range 30 West, 4th Principal Meridian, Minden Township, Benton County, Minnesota, which lies east of the line 899.70 feet east of, measured at a right angle to and parallel with the west line of said Northeast Quarter of the Southwest Quarter.

AND

That part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 36 North, Range 30 West, 4th Principal Meridian, Minden Township, Benton County, Minnesota, lying easterly of the following described line:

Commencing at the southwest corner of the said Southwest Quarter; thence Easterly along the south line of said Southwest Quarter, a distance of 2235.67 feet, to the point of beginning of said described line; thence northerly deflecting 89 degrees 47 minutes to the left, to the north line of said Southeast Quarter of the Southwest Quarter, and said described line there terminating.

AND

That part of the West Half of the Southeast Quarter of Section 19, Township 36 North, Range 30 West, 4th Principal Meridian, Minden Township, Benton County, Minnesota, lying West of a line described as beginning at a point on the South line of said West Half of the Southeast Quarter (W 1/2 SE 1/4) distant 825 feet West of the Southeast corner thereof; thence North at an angle of 91 degrees 24 minutes with said South line of said West Half of the Southeast Quarter (W 1/2 SE 1/4), as measured from West to North, for 2640 feet more or less to the North line of said West Half of the Southeast Quarter (W 1/2 SE 1/4) and there terminating.

MEMORANDUM

In ordering the annexation contained in Docket No. OA-845-7, 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 Chief Administrative Law Judge.

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 Chief Administrative Law Judge. 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.

