

OA-878-1 New Market
City Signed Resolution 9-11-02
Town Signed Resolution 9-3-02

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 NEW MARKET) ORDER
AND THE TOWN OF NEW MARKET PURSUANT TO)
MINNESOTA STATUTES 414)

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

WHEREAS, a joint resolution was received from the City of New Market and the Town of New Market indicating their desire that certain property be annexed to the City of New Market pursuant to M.S. 414.0325, Subd. 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 October 11, 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 joint resolution, to the City of New Market, Minnesota, the

same as if it had originally been made a part thereof:

That part of the north 664.78 feet of the Southeast Quarter of the Southeast Quarter of Section 20, Township 113, Range 21, Scott County, Minnesota, lying east of the west 654.84 feet, and north of the following described line:

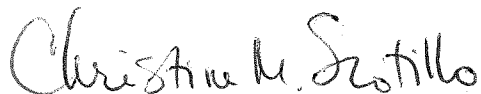
Commencing at a point on the east line of said Southeast Quarter of the Southeast quarter distant 635.00 feet north of the southeast corner; thence westerly at right angles to said east line a distance of 100.00 feet; thence north parallel with said east line a distance of 19.71 feet to the south line of said north 644.78 feet, the point of beginning of the line to be described; thence continuing north parallel with said east line a distance of 55.29 feet; thence easterly at right angles a distance of 100.00 feet to said east line and there terminating. Together with that Township 113, Range 21, Scott County, Minnesota, lying westerly of the centerline of Dakota Avenue and north of a line drawn easterly at right angles to the west line of said Southwest Quarter of the Southwest Quarter from the above described point of termination.

This parcel contains 10.02 Acres

IT IS FURTHER ORDERED: That in the calendar year following annexation, the tax capacity rate of the Orderly Annexation Area be increased to equality with the tax capacity rate on property already situated within the City of New Market.

Dated this 11th day of October, 2002.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-878-1, the Director of Strategic and Long Range Planning finds and makes the following comment:

In the section of the agreement entitled "4. Real Estate Taxes," beginning with the third sentence, the agreement imposes a financial obligation on the property owners of the subject property to reimburse the Township for lost tax revenue. Chapter 414 of Minnesota Statutes contains no authority for the Township, or the City, to obligate the property owner in any way as part of a boundary adjustment.

Additionally, it is unclear whether the following section entitled "5. Tax Capacity Rate" imposes a one year tax rate step up. A one year tax rate step is authorized under Minnesota Statutes section 414.035, but the statute requires the tax rate to be increased in "substantially equal proportions".

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.

Cms