

OA-926-1 Detroit Lakes  
City Signed Resolution 12-3-02  
Town Signed Resolution 3-10-03

DEPARTMENT OF ADMINISTRATION  
STATE OF MINNESOTA  
BEFORE THE ACTING DIRECTOR OF  
STRATEGIC AND LONG RANGE PLANNING

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF DETROIT LAKES )  
AND THE TOWN OF DETROIT PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, following a contested case proceeding resolved through mediation, a joint resolution for orderly annexation was adopted by the City of Detroit Lakes and the Town of Detroit representing among other things, a resolution of contested issues contained in Municipal Boundary Adjustment (hereinafter "MBA") Docket A-6600; and

WHEREAS, said joint resolution requests that certain property, previously the subject of MBA Docket A-6600, be designated for orderly annexation and that part of the designated area be immediately annexed to the City of Detroit Lakes pursuant to M.S. 414.0325, Subd. 1; 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, on June 16, 2003, the Acting Director has reviewed and accepted the resolution for orderly annexation, and approved the immediate annexation of certain lands as set

forth in said agreement;

IT IS HEREBY ORDERED: That the property described is hereby annexed in accordance with the terms of the resolution to the City of Detroit Lakes, Minnesota, the same as if it had originally been made a part thereof:

That portion of Sections 28, 29, 32 and 33 Township 139 North, Range 41 West of the fifth principal meridian described as follows:

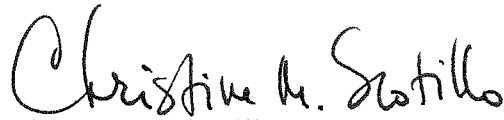
Beginning at the intersection of the east line of section 29 and the southerly right of way line of U.S. Highway 10, also being the northwest corner of the current corporate limits line; thence northwesterly along said Highway 10 right of way 2878.5 feet to the northwest corner of the airport property; thence South along the west airport property line 1374.52 feet; thence northwesterly along the northerly airport property line and the southerly line of the Plat of Mardon's Estates 1262.27 feet, more or less, to the water's edge of Long Lake; thence southeasterly along the water's edge 2169.3 feet, more or less, to the northerly line of Lot 3, Block Three, of Flickertail Beach First Addition, said plat is on file and of record at the Office of the Becker County Recorder; thence East along the north line of said Lot 3, and its extension, 446 feet, more or less, to the easterly right of way of Longview Drive; thence southerly along said right of way line 226.5 feet, more or less, to the northwest corner of Lot 11, Block One, of Flickertail Beach Second Addition, said plat is on file and of record at the office of the Becker County Recorder. Thence northeasterly along the north line of said Lot 11 to the northeast corner of said Lot 11; thence southerly along the easterly line of said Flickertail Beach Second Addition to the southeast corner of said Lot 1, Block One; thence westerly along the south line of said Lot 1 to the southwest corner said Lot 1; thence southerly along the easterly right of way of Longview Drive 503.5 feet; thence southerly crossing the east - west portion of Longview Drive 69.5 feet; thence continuing south 908.00 feet along the east right of way line of Longview Drive; thence northeasterly along Longview Drive 90.75 feet; thence southeasterly along Longview Drive 66.00 feet; thence southwesterly along Longview Drive 84.35 feet to the most northerly corner of Lot One, Block One of Brainerd Beach Second Addition, said plat is on file and of record at the Office of the Becker County Recorder; thence southeasterly along the east line of said Lot One 195.00 feet to the southeast corner of said Lot One; thence westerly along the southerly line of said Lot One 283 feet, more or less, to the water's edge of Long Lake; thence southerly along the water's edge 525 feet, more or less, to the northwest corner of Lot Four, Block One of Brainard Beach Third Addition; thence southeast along the north line of said Lot Four 139.00 feet; thence easterly continuing along said north line 76.09 feet, more or less, to the westerly right of way line of Brainard Boulevard; thence easterly and then southerly along the northerly and easterly right of way line of Brainard Boulevard 628 feet, more or less, to the northerly right of way line of Long Lake Road; thence easterly along the northerly right of way of said Long Lake Road and its extension 1761 feet, more or less, to the East right of way line of Airport Road, this point also is the current corporate limits line; thence northerly, easterly, northerly, northwesterly, and northerly along the current corporate limits line to the point of beginning. Said tract contains 436 acres.

IT IS FURTHER ORDERED: That the tax rate of the City of Detroit Lakes 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 and pursuant to the terms of the agreement.

Dated this 16<sup>th</sup> day of June, 2003.

For the Acting Director  
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, flowing style.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

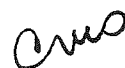
MEMORANDUM

In ordering the annexation contained in Docket No. OA-926-1, the Acting 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 areas designated as II, III, and IV.

Paragraph 14 provides that the agreement shall be in full force and effect for a term of sixteen years from the date of execution. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director, as required by statute. Minn. Stat. Sec. 414.0325 Subd. 1(b). Once jurisdiction is conferred by submission of this agreement to this office, it cannot be taken away by written consent of the parties. See p. 12 Paragraph #14. 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 mutually end their agreement has not been addressed. Pursuant to the terms of your agreement, however, it appears that the designated area is intended to be completely annexed within twelve years. This will extinguish the agreement.

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 dark ink, appearing to be "CWS", is located at the bottom right of the page.