

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID LONG LAKE ROAD

AND THE EAST LINE OF SECTION 32, T139N, R41 W THENCE WESTERLY AND SOUTHERLY 5,018 FEET ALONG SAID CENTERLINE TO THE NORTH LINE OF SECTION 5, T135 N, R 41W.

SAID ROAD RIGHT OF WAY IS TO FOLLOW CURRENT PLATS BOUNDARIES REGARDLESS OF WIDTH OF ROAD. OTHERWISE THIS DESCRIPTION ASSUMES A 66.00 WIDE ROAD RIGHT OF WAY.

THE AREA OF THE ROAD RIGHT OF WAY IS 7.7 ACRES MORE OR LESS.

PROPERTY

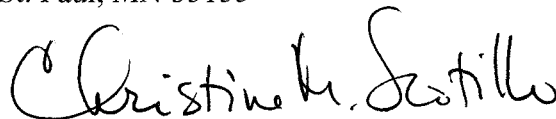
THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE ¼) AND GOVERNMENT LOTS NUMBERED FIVE (5) AND SIX (6) OF SECTION THIRTY ONE (31) IN TOWNSHIP ONE HUNDRED THIRTY-NINE (139) NORTH RANGE FORTY-ONE (41) WEST OF THE FIFTH PRINCIPAL MERIDIAN IN MINNESOTA.

THE AREA OF THE PROPERTY IS 118.7 ACRES MORE OR LESS. TOTAL AREA IN DETROITI TOWNSHIP TO BE ANNEXED IS 126.40 ACRES MORE OR LESS.

IT IS FURTHER ORDERED: That the tax rate of the City of Detroit Lakes on the property herein ordered annexed shall be gradually and proportionately increased from the Township rate to the City rate over a period of six years following the annexation of each such property. However, the City tax rate would become effective when new dwellings or new commercial buildings are constructed on lots or tax parcels.

Dated this 7th day of April, 2005.

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

A handwritten signature in black ink, reading "Christine M. Scotillo". The signature is fluid and cursive, with the first name "Christine" being more prominent and the last name "Scotillo" following in a similar style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-926-2, the Chief Administrative Law Judge 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 Chief Administrative Law Judge, 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 Chief Administrative Law Judge 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.

CWS