

That part of Government Lot 1 and that part of Government Lot 2 of Section 34, Township 139 North, Range 41 West of the Fifth Principal Meridian in Becker County, Minnesota, which lies northerly of the northerly line of BERGQUIST ESTATES, said plat is on

file and of record in the office of the Recorder in said County;

And

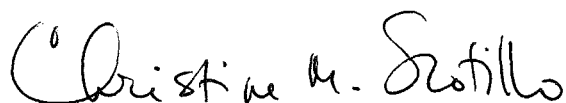
That part of Government Lot 1 and that part of the Southeast Quarter of the Northeast Quarter of said Section 32 which lies southerly or westerly of the following described line:

Beginning at a found iron monument which designates the southeasterly corner of DEER HAVEN ESTATES, said plat is on file and of record in the office of the Recorder in said County; thence South 88 degrees 08 minutes 27 seconds West 648.81 feet on an assumed bearing along the southerly line of said DEER HAVEN ESTATES to a found iron monument; thence South 87 degrees 57 minutes 06 seconds West 270.00 feet continuing along the southerly line of said DEER HAVEN ESTATES to a found iron monument at the southwesterly corner of said DEER HAVEN ESTATES; thence continuing South 87 degrees 57 minutes 06 seconds West 80.00 feet to a found iron monument; thence North 03 degrees 47 minutes 31 seconds East 500.00 feet to a found iron monument; thence continuing North 03 degrees 47 minutes 31 seconds East 33.17 feet to the centerline of an existing public road (Long Lake Road); thence South 87 degrees 57 minutes 06 seconds West 84.00 feet along the centerline of said existing public road (Long Lake Road); thence South 87 degrees 50 minutes 00 seconds West 250 feet, more or less, continuing along the centerline of said existing public road (Long Lake Road) to the west line of said Southeast Quarter of the Northeast Quarter and said line there terminates. The above described area contains 54 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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-926-3, 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.

A handwritten signature in cursive script, likely belonging to the Chief Administrative Law Judge, is written at the end of the document.