

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-357-103
Mankato/Mankato Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The city resolution for orderly annexation submitted by the City of Mankato was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Mankato and Mankato Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A resolution adopted and submitted by the City of Mankato, requests annexation of part of the designated area described as follows:

The Southeast Quarter of the Northwest Quarter of Section 21 Township 108 North Range 26 West, Blue Earth County, Minnesota, lying southwesterly of the southwesterly right of way line of Victory Drive according to the plat of Minnesota Department of Transportation Right Of Way Plat No. 07-6, on file and of record with the Blue Earth County Recorder; EXCEPTING therefrom the West 215.00 feet of the South 235.60 feet of the Southeast Quarter of the Northeast Quarter of said Section 21, all more particularly described as:

Commencing at the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 21; (the east - west center line of said Section 21 to have an assumed bearing of North 89 degrees 55 minutes 06 seconds West); thence North 00 degrees 52 minutes 21 seconds West, along the west line of the Southeast Quarter of the Northwest Quarter of said Section 21, a distance of 235.60 feet to the point of beginning; thence continuing North 00 degrees 52 minutes 21 seconds West, along said west line, 654.54 feet to the point of intersection with the southwesterly right of way line of Victory Drive according to

the plat of Minnesota Department of Transportation Right Of Way Plat No. 07-6; thence South 31 degrees 58 minutes 06 seconds East, along said southwesterly right of way line, 1050.05 feet to the point of intersection with the east - west center line of said Section 21; thence North 89 degrees 55 minutes 06 seconds West, along said east - west center line, 327.40 feet to a point distant 215.00 feet easterly of the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 21, as measured along said east - west center line; thence North 00 degrees 52 minutes 21 seconds West, along a line parallel with the west line of the Southeast Quarter of the Northwest Quarter of said Section 21, a distance of 235.60 feet; thence North 89 degrees 55 minutes 06 seconds West, along a line parallel with the east - west center line of said Section 21, a distance of 215.00 feet to the point of beginning. Containing 4.38 acres.

3. Minnesota Statutes § 414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes § 414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Mankato, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.036, Mankato Township will be

reimbursed by the City of Mankato in accordance with the terms of the Joint Resolution signed by the City of Mankato and Mankato Township on February 3, 1995.

Dated: September 11, 2012



Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-103, the Chief Administrative Law Judge finds and makes the following comment:

Article XII states the agreement shall expire within 20 years unless an extension is requested by the parties in writing. 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. See Section II. Once jurisdiction is conferred, it cannot be taken away by written consent of the parties. 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 the agreement to mutually end their agreement has not been addressed.

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.

T.J.O.