

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-357-104
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:

Commencing at the northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 16; thence South 89 degrees 48 minutes 45 seconds East (Minnesota County Coordinate System - Blue Earth County Zone - NAD 83 - 1986 datum) along the north line of the Southwest Quarter of the Southeast Quarter of said Section 16, a distance of 144.00 feet to the point of intersection with the northerly extension of the easterly line of Lot 1, Block 2, Diamond Creek Homes, according to the plat thereof on file and of record with the Blue Earth County Recorder, said point being the point of beginning; thence South 05 degrees 37 minutes 15 seconds West, along said extension and along the easterly line of Lots 1, 2, 3, 4 and 5, Block 2, Diamond Creek Homes, 323.40 feet; thence South 83 degrees 38 minutes 57 seconds East, along the northerly line of Lots 6, 7, 8 and 9, Block 2, Diamond Creek Homes, 270.00 feet to a point distant 5.00 feet westerly of the southwesterly corner of Outlot A, Diamond Creek Homes, as measured along said northerly line; thence North 06 degrees 19 minutes 57 seconds East, 352.96 feet to a point on the north line of the Southwest Quarter of the Southeast Quarter of said Section 16, distant 419.60 feet easterly of the northwest corner of the

Southwest Quarter of the Southeast Quarter of said Section 16, as measured along said north line; thence North 89 degrees 48 minutes 45 seconds West, along said north line, 275.60 feet to the point of beginning. Containing 2.11 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.

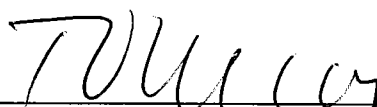
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

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: February 12, 2013



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-104, 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.