

Parcel U2, according to said right of way plat, 406.54 feet to the northwest corner of Sohler Drive according to the plat of Eastwood Industrial Park No. 3, on file and of record with the Blue earth County Recorder, said point being the point of beginning; thence South 00 degrees 17 minutes 16 seconds East, along the westerly line of said Sohler Drive, 655.98 feet to the northeast corner of Lot 1, Block 1, Eastwood Industrial Park No. 3; thence South 89 degrees 30 minutes 20 seconds West, along the north line of said Lot 1, a distance of 892.60 feet to the northwest corner of said Lot 1; thence North 00 degrees 07 minutes 25 seconds West, along the easterly line of Eastwood Industrial Park No. 2, according to the plat thereof on file and of record with the Blue Earth County Recorder, 652.08 feet to the most northeast corner of said Eastwood Industrial Park No. 2; thence North 89 degrees 15 minutes 15 seconds East, along the southerly line of Parcel U1, Parcel V, and Parcel U2, according to said Blue Earth County Highway Right Of Way Plat No. 13, a distance of 890.76 feet to the point of beginning.

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-357-105, 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.