

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-357-106  
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:

That part of the Northeast Quarter of the Southeast Quarter of Section 8 and that part of the East Half of the Southeast Quarter of the Northeast Quarter of Section 8, all in Township 108 North Range 26 West, Blue Earth County, Minnesota, and that part of Madison East Center, according to the plat thereof on file and of record with the Blue Earth County Recorder, all more particularly described as:

Beginning at the East Quarter corner of said Section 8; thence South 00 degrees 18 minutes 01 seconds West, (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1986), along the east line of the Southeast Quarter of said Section 8, a distance of 1268.12 feet to the northeast corner of said Madison East Center; thence South 89 degrees 05 minutes 27 seconds West, along the north line of said Madison East Center, 22.60 feet to the point of curvature of a circular curve to the left; thence southwesterly, along a 286.00 foot radius curve, central angle = 28 degrees 22 minutes 20 seconds, an arc distance of 141.62 feet to the

point of reverse curve; thence southwesterly, along a 380.00 foot radius curve, central angle = 28 degrees 22 minutes 20 seconds, an arc distance of 188.17 feet to the point of tangency of said curve; thence South 89 degrees 05 minutes 27 seconds West, 356.31 feet to the point of curvature of a circular curve to the right; thence northwesterly, along a 380.00 foot radius curve, central angle = 37 degrees 51 minutes 49 seconds, an arc distance of 251.12 feet to a point on the northerly line of said Madison East Center; thence South 89 degrees 05 minutes 27 seconds West, along said north line, 390.45 feet to the northwest corner of said Madison East Center; thence North 00 degrees 13 minutes 03 seconds East, along the east line of Orness Plaza Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder and along the east line of Primrose Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder, 1270.88 feet to the northeast corner of said Primrose Subdivision, the same being the southwest corner of Oak Haven Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence North 89 degrees 12 minutes 42 seconds East, along the south line of said Oak Haven Subdivision, 660.43 feet to the southwest corner of said Oak Haven Subdivision; thence North 00 degrees 03 minutes 24 seconds East, along the most easterly line of said Oak Haven Subdivision, 500.00 feet; thence South 71 degrees 09 minutes 39 seconds East, 527.54 feet; thence South 25 degrees 36 minutes 12 seconds East, 302.30 feet to a point on the westerly line of North Victory Drive Stage 2, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 00 degrees 03 minutes 07 seconds West, along said westerly line, 48.36 feet to the point of intersection with the East - West center line of said Section 8; thence North 89 degrees 12 minutes 42 seconds East, along said East - West center line, 30.00 feet to the point of beginning. Said parcel contains 44.99 acres.

EXCEPTING therefrom Parcel No. R01.09.08.426.001 – City of Mankato property containing 4.29 acres and

EXCEPTING therefrom Parcel No. R.01.09.08.426.003 – Kearney Grandchildren LTD PTN containing 2.17 acres previously annexed.

EXCEPTING therefrom that portion platted as Madison East Center – containing 1.25 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: June 11, 2013

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

**MEMORANDUM**

In ordering the annexation contained in Docket No. OA-357-106, 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.