

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-357-107
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:

A tract in the SW 1/4 of SE 1/4 of Section 16, Township 108 North, Range 26 West, Blue Earth County, Minnesota, further described as follows:

Beginning at a point of the North line of the SW 1/4 of the SE 1/4 of Sec. 16-108-26, 419.6 feet east of the northwest corner thence deflecting to the right from said north line at an angle of 95 degrees and 20 minutes a distance of 33 feet, thence continuing along the same line a distance of 225 feet, thence deflecting left at an angle of 95 degrees and twenty minutes a distance of 127 feet, thence deflecting left at an angle of 84 degrees and 40 minutes a distance of 225 feet, thence continuing along the same line, a distance of 33 feet to the north line, thence deflecting left at an angle of 95 degrees and 20 minutes a distance of 127 feet to the place 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.

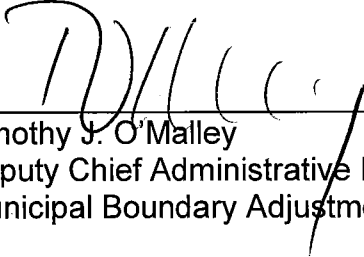
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

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: October 8, 2013



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-107, 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.