

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-357-108
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 East half of the Southwest Quarter of Section 21 Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Commencing at the northwest corner of the East Half of the Southwest Quarter of said Section 21; thence South 00 degrees 57 minutes 07 seconds East (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1986) along the west line of the East Half of the Southwest Quarter of Section 21, a distance of 552.56 feet to the point of beginning; thence continuing South 00 degrees 57 minutes 07 seconds east, along said west line, 642.00 feet; thence 89 degrees 55 minutes 06 seconds East, and parallel with the East-West center line of said Section

21, a distance of 462.78 feet; thence North 00 degrees 57 minutes 07 seconds West, and parallel with the west line of the East Half of the Southwest Quarter of said Section 21, a distance of 465.35 feet; thence South 89 degrees 55 minutes 06 seconds East, and parallel with the East-West center line of said Section 21, a distance of 498.77 feet to a point on the westerly 75.00 foot wide right of way line of South Victory Drive (formerly Minnesota Trunk Highway No. 22), said point being on a circular curve which center of radius bears South 64 degrees 12 minutes 00 seconds West; thence northwesterly along said westerly right of way line, along a 3744.72 foot radius curve, central angle = 03 degrees 02 minutes 39 seconds, an arc distance of 198.97 feet to the southeasterly corner of Skorr Addition, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence North 89 degrees 55 minutes 06 seconds West, not radially to said curve, and parallel with the East-West center line of said Section 21, along the south line of said Skorr Addition, 873.17 feet to the point of beginning. Containing 8.67 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).

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: March 10, 2014



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

MEMORANDUM

In approving Docket No. OA-357-108, 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.