

OA-357-43 Mankato
City Signed Resolution 4-22-02
Town Signed Resolution 4-20-02

BEFORE THE DIRECTOR OF THE OFFICE OF
STRATEGIC AND LONG RANGE PLANNING
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF MANKATO)
AND THE TOWN OF MANKATO PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Mankato and the Town of Mankato; and

WHEREAS, a resolution was received from the City of Mankato indicating their desire that certain property be annexed to the City of Mankato pursuant to M.S. 414.0325, Subd. 1; and

WHEREAS, M.S. 414.0325, M.S. 414.11, and M.S. 414.12 states that in certain circumstances the Director of the Office of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, on May 13, 2002, the Director of the Office of Strategic and Long Range Planning has reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Mankato, Minnesota, the same as

if it had originally been made a part thereof:

That part of the Northwest Quarter of the Northwest Quarter of Section 9, and that part of the Southwest Quarter of the Southwest Quarter of Section 4, all in Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Commencing at the northwest corner of Section 9; thence South 89 degrees 57 minutes 23 seconds East, (Minnesota County Coordinate System of 1983 - Blue Earth County Zone), along the north line of the Northwest Quarter of Section 9 a distance of 556.47 feet to the point of intersection with the northeasterly right of way line U.S. Trunk Highway No. 14; said point being the point of beginning; thence South 28 degrees 37 minutes 43 seconds East, along said northeasterly right of way line, 642.18 feet to the point of intersection with the northerly line of County Road No. 3 (Thompson Ravine Road); thence North 56 degrees 34 minutes 46 seconds East, along said northerly right of way line, 347.54 feet; thence North 44 degrees 24 minutes 52 seconds West, 767.94 feet; thence North 39 degrees 59 minutes 38 seconds West, 486.13 feet; thence North 35 degrees 34 minutes 23 seconds West, 344.22 feet to the point of intersection with the northeasterly right of way line of U.S. Trunk Highway No. 14; thence South 28 degrees 37 minutes 43 seconds East, along said northeasterly right of way line, 944.12 feet to the point of beginning.

Said parcel contains 233,539 square feet, subject to any and all easements of record.

DESCRIPTION
(Permanent Right of Way)

That part of the Southeast Quarter of the Northeast Quarter of Section 8, Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Beginning at the northeast corner of the Southeast Quarter of the Northeast Quarter of Section 8; thence South 00 degrees 03 minutes 07 seconds West, (Minnesota County Coordinate System of 1983 - Blue Earth County Zone), along the east line of the Northeast Quarter of Section 8 a distance of 21.22 feet to a point on the existing southerly 33.00 foot wide right of way line of Thompson Ravine Road; thence South 46 degrees 20 minutes 49 seconds West, along said right of way line, 37.64 feet; thence South 48 degrees 55 minutes 49 seconds West, along said right of way line, 102.31 feet; thence South 54 degrees 21 minutes 49 seconds West, along said right of way line, 253.61 feet; thence South 61 degrees 27 minutes 49 seconds West, along said right of way line, 104.27 feet; thence South 69 degrees 10 minutes 49 seconds West, along said right of way line, 198.56 feet; thence South 73 degrees 47 minutes 49 seconds West, along said right of way line, 75.96 feet to a point on the west line of the Southeast Quarter of the Northeast Quarter of Section 8; thence North 00 degrees 03 minutes 24 seconds East, along said west line, 34.37 feet to a point on the center line of Thompson Ravine Road; thence North 73 degrees 47 minutes 49 seconds East, along said center line, 65.00 feet; thence North 69 degrees 10 minutes 49 seconds East, along said center line, 195.00 feet; thence North 61 degrees 27 minutes 49 seconds East, along said center line, 100.00 feet; thence North 54 degrees 21 minutes 49 seconds East, along said center line, 250.00 feet; thence North 48 degrees 55 minutes 49 seconds East, along said center line, 100.00 feet; thence North 46 degrees 20 minutes 49 seconds East, along said center line, 32.48 feet to a point on the north line of Southeast Quarter of the Northeast Quarter of Section 8; thence North 89 degrees 07 minutes 59 seconds East, along said north line, 26.00

feet to the point of beginning. Said parcel contains 25,270 square feet.

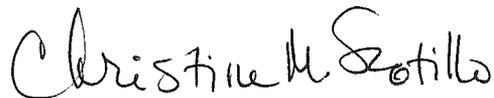
AND

(Permanent Right of Way)

That part of the Southeast Quarter of the Northeast Quarter of Section 8, Township 108 North, Range 26 West, Blue Earth County, Minnesota, described as: Commencing at the northeast corner of the Southeast Quarter of the Northeast Quarter of Section 8, thence South 00 degrees 03 minutes 07 seconds West, (Minnesota County Coordinate System of 1983 – Blue Earth County Zone), along the east line of the Northeast Quarter of Section 8 a distance of 21.22 feet to the point of beginning, thence continuing South 00 degrees 03 minutes 07 seconds West, along said east line 82.23 feet to a point on a circular curve which center of radius bears South 02 degrees 55 minutes 26 seconds East, thence westerly and southwesterly along a 222.84 foot radius curve, central angle = 34 degrees 26 minutes 14 seconds, an arc distance of 133.93 feet, thence South 85 degrees 17 minutes 29 seconds West, not radically to said curve, 32.31 feet to a point on the existing easterly 33.00 foot wide right of way line of Thompson Ravine Road; thence North 54 degrees 21 minutes 49 seconds East, along said right of way line, 63.69 feet; thence North 48 degrees 55 minutes 49 seconds East, along said right of way line, 102.31 feet, thence North 46 degrees 20 minutes 49 seconds East, along said right of way line, 37.64 feet to the point of beginning. Said parcel contains 5537 square feet.

Dated this 13th day of May, 2002.

For the Director of the Office of Strategic &
Long Range Planning
658 Cedar Street, Room 300
St. Paul, MN 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-43, the Director of Strategic and Long Range Planning finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Minnesota Statutes Section 414.036 specifically allows for municipal reimbursement in an order issued pursuant to Minnesota Statutes Section 414.0325. Such reimbursement to the township of property taxes must be of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director. Article VIII of the agreement provides for a division of tax revenue from an annexed area, based upon an eight year schedule. By making this order, no determination is made as to the effectiveness of such a schedule.

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 Director. 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 Director 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. *CRS*