

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

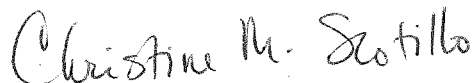
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Mankato, Minnesota, the same as

if it had originally been made a part thereof:

Beginning at the East Quarter Corner of Section 30, Township 108 North, Range 26 West; thence South 00 degrees 34 minutes 22 seconds East, (Minnesota County Coordinate System of 1983 - Blue Earth County Zone) along the east line of the Southeast Quarter of Section 30, a distance of 132.00; thence South 89 degrees 00 minutes 44 seconds West, along a line parallel with the east - west center line of Section 30, a distance of 165.00 feet; thence North 27 degrees 13 minutes 14 seconds West, 147.15 feet to a point on the east - west center line of Section 30 distant 231.00 feet westerly of the East Quarter Corner of Section 30 as measured along said east - west center line; thence South 89 degrees 00 minutes 44 seconds West, along the east - west center line of Section 30 a distance of 69.00 feet; thence North 13 degrees 57 minutes 48 seconds West, 80.00 feet; thence North 76 degrees 27 minutes 48 seconds West, 45.00 feet; thence North 04 degrees 02 minutes 12 seconds East, 35.00 feet; thence North 79 degrees 27 minutes 48 seconds West, 55.00 feet; thence North 05 degrees 02 minutes 12 seconds East, 40.00 feet; thence North 64 degrees 42 minutes 48 seconds West, 45.00 feet; thence North 08 degrees 02 minutes 12 seconds East, 30.00 feet; thence North 42 degrees 57 minutes 48 seconds West, 35.00 feet; thence North 63 degrees 57 minutes 48 seconds West, 35.00 feet; thence North 26 degrees 02 minutes 12 seconds East, 30.00 feet; thence South 72 degrees 27 minutes 48 seconds East, 40.00 feet; thence North 02 degrees 02 minutes 12 seconds East, 49.35 feet to a point on the north line of the South half of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 30, the same being the south line of South Brook Addition Phase Two; thence North 88 degrees 59 minutes 30 seconds East, along said north line, the same being the south line of South Brook Addition Phase Two, a distance of 453.70 feet to the northeast corner of the South half of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 30; thence South 00 degrees 39 minutes 29 seconds West, along the east line of the Northeast Quarter of Section 30 a distance of 329.95 feet to the point of beginning. Containing 3.66 acres.

Dated this 13th day of September, 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-357-46, 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.

CWS