

DEPARTMENT OF ADMINISTRATION

STATE OF MINNESOTA

BEFORE THE ACTING DIRECTOR OF

STRATEGIC AND LONG RANGE PLANNING

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IN THE MATTER OF THE ORDERLY ANNEXATION )	<u>A M E N D E D</u>
AGREEMENT BETWEEN THE CITY OF MANKATO )	
AND THE TOWN OF MANKATO PURSUANT TO )	<u>ORDER</u>
MINNESOTA STATUTES 414 )	

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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; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director 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 June 16, 2003, the Acting Director 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:

Circle Seven Annexation Description: The South 495.50 feet of the Southwest Quarter of the Northwest Quarter of Section 3 Township 108 North Range 26 West, Blue Earth County, Minnesota lying easterly of Parcel 7 according to the "Blue Earth County Highway Right of Way Plat No. 15, on file and of record with the Blue Earth County Recorder. Containing 12.69 acres;

AND

# Turner Annexation Description

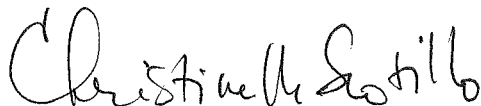
That part of the ~~East Half of the~~ Northwest Quarter of Section 3 all in Township 108 North Range 26 West, lying southerly of the former Chicago and North Western Railroad, now the Department of Natural Resources Sakatah Singing Hills Trail, all more particularly described as:

Commencing at the West Quarter corner of Section 3; thence North 89 degrees 25 minutes 58 seconds East (Minnesota County Coordinate System of 1983 - Blue Earth County Zone) along the east - west center line of Section 3, a distance of 260.51 feet to the southeasterly corner of Parcel 7, according to the "Blue Earth County Highway Right of Way Plat No. 15, on file and of record with the Blue Earth County Recorder, thence continuing North 89 degrees 25 minutes 53 seconds East, along said east - west center line, 1064.78 feet to the southwest corner of the East Half of the Northwest Quarter of Section 3, said point being the point of beginning; thence continuing North 89 degrees 25 minutes 53 seconds East, along said east - west center line, 1325.29 feet to the Center of Section 3; thence North 00 degrees 06 minutes 27 seconds East, along the north - south center line of Section 3, a distance of 697.54 feet to the point of intersection with the southerly right of way line of the former Chicago and North Western Railroad, now the Department of Natural Resources Sakatah Singing Hills Trail; thence North 54 degrees 19 minutes 49 seconds West, along said southerly right of way line, 998.44 feet to the point of curvature of a circular curve to the right; thence northwesterly along said southerly right of way line, along a 2914.79 foot radius curve, central angle = 13 degrees 32 minutes 53 seconds, an arc distance of 689.22 feet to the point of intersection with the west line of the East Half of the Northwest Quarter of Section 3; thence South 00 degrees 15 minutes 37 seconds West, along said west line, 438.06 feet to the northeast corner of the Southwest Quarter of the Northwest Quarter of Section 3; thence South 89 degrees 23 minutes 42 seconds West, along the north line of the Southwest Quarter of the Northwest Quarter of Section 3, a distance of 855.18 feet to the northeast corner of the North 466.69 feet of the West 466.69 feet of the Southwest Quarter of the Northwest Quarter of Section 3; thence South 00 degrees 24 minutes 42 seconds West, along the east line of the West 466.69 feet of the Southwest Quarter of the Northwest Quarter of Section 3, a distance of 466.69 feet; thence South 73 degrees 20 minutes 53 seconds East, 57.33 feet; thence South 28 degrees 15 minutes 18 seconds East, 216.00 feet to a point on the center line of the existing creek; thence North 66 degrees 32 minutes 54 seconds East, along said creek center line, 256.50 feet; thence North 76 degrees 10 minutes 54 seconds East, along said creek center line, 477.70 feet to the point of intersection with the east line of the Southwest Quarter of the Northwest Quarter of Section 3; thence South 00 degrees 15 minutes 37 seconds West, along said east line, 852.66 feet to the point of beginning.

Containing 47.03 acres.

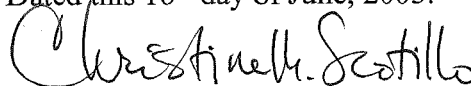
Amended order dated this 18<sup>th</sup> day  
of September, 2003.

For the Acting Director  
658 Cedar Street - Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

Dated this 16<sup>th</sup> day of June, 2003.



For the Acting Director  
658 Cedar Street - Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-48, 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. *Qus*