

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE ACTING DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING



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; 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:

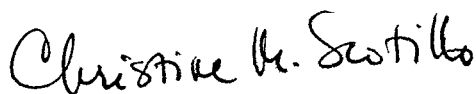
Commencing at a found iron pipe monument designating the Center of Section 21; thence South 00 degrees 55 minutes 59 seconds East (Minnesota County Coordinate System of 1983 - Blue Earth County Zone) along the North - South center line of Section 21, a distance of 200.00 feet to the point of beginning; thence South 89 degrees 51 minutes 23 seconds East, along a line parallel with the East - West center line of Section 21, a distance of 233.00 feet to the southwest corner of Outlot D, Highway 22 Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 57 degrees 50 minutes 44 seconds east, along the southerly line of said Outlot D, a distance of 398.17 feet to the most southerly corner of

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said Outlot D; said point being on a circular curve which center of radius bears South 65 degrees 55 minutes 21 seconds East; thence southwesterly along the westerly right of way line of Highway 22, according to the plat of Highway 22 Subdivision, along a 3469.05 foot radius curve, central angle = 01 degrees 34 minutes 30 seconds, an arc distance of 95.35 feet; thence South 67 degrees 29 minutes 51 seconds East, along said westerly highway right of way line, radially to said curve, 25.00 feet to a point on a circular curve which center of radius bears South 67 degrees 29 minutes 51 seconds East; thence southwesterly along said westerly highway right of way line, along a 3444.05 foot radius curve, central angle = 02 degrees 41 minutes 03 seconds, an arc distance of 161.34 feet to the point of intersection with the south line of the North Half of the Northeast Quarter of the Southeast Quarter of Section 21; thence North 89 degrees 54 minutes 38 seconds West, along said south line, 489.78 feet to the southwest corner of the North Half of the Northeast Quarter of the Southeast Quarter of Section 21; thence North 00 degrees 55 minutes 59 seconds West, along the west line of the North - South center line of Section 21, a distance of 9.40 feet to a point distant 650.00 feet south of the center of Section 21 as measured along the North - South center line of Section 21; thence South 89 degrees 04 minutes 01 seconds East, at right angles to the North - South center line of Section 21, a distance of 233.00 feet; thence North 00 degrees 55 minutes 59 seconds West, along a line parallel with the North - South center line of Section 21, a distance of 200.00 feet; thence South 89 degrees 04 minutes 01 seconds West, at right angle to the North - South center line of Section 21, a distance of 233.00 feet to a point on the North - South center line of Section 21, distant 450.00 feet south of the center of Section 21 as measured along the North - South center line of Section 21; thence North 00 degrees 55 minutes 59 seconds West, along said North - South center line, 250.00 feet to the point of beginning.

Dated this 16th 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-357-49, 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.

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