

OA-357-53 Mankato
City Resolution No. 04-0426-68

DEPARTMENT OF ADMINISTRATION

STATE OF MINNESOTA

BEFORE THE 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 10, 2004, the 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:

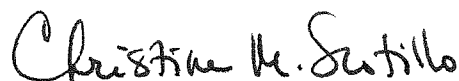
That part of the Northwest Quarter of the Southeast Quarter of Section 16 and that part of the Northeast Quarter of the Southeast Quarter of Section 16 all in Township 108 North Range 26

West, Blue Earth County, Minnesota described as:

Commencing at the northeast corner of the Northwest Quarter of the Southeast Quarter of Section 16, the same being the southeast corner of Kenwood Heights Addition No. 2, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 89 degrees 55 minutes 40 seconds West, (Minnesota County Coordinate System of 1984 - Blue Earth County Zone) along the south line of said Kenwood Heights Addition No. 2, a distance of 40.00 feet to the northwesterly corner of the City of Mankato property purchased for Hosanna Avenue; said point being the point of beginning; thence continuing South 89 degrees 55 minutes 40 seconds West, along the south line of said Kenwood Heights Addition No. 2, a distance of 307.65 feet to a point distant 975.00 feet east of the center of Section 16 as measured along the north line of the Northwest Quarter of the Southeast Quarter of Section 16; thence South 00 degrees 21 minutes 46 seconds East, along a line parallel with the west line of the Northwest Quarter of the Southeast Quarter of Section 16, a distance of 1312.13 feet to the point of intersection with the south line of the Northwest Quarter of the Southeast Quarter of Section 16; thence South 89 degrees 48 minutes 45 seconds East, along said south line and along the south line of the Northeast Quarter of the Southeast Quarter of Section 16 a distance of 1130.49 feet to the point of intersection with the westerly right of way line of Highway 22 Subdivision, according to the plat thereof on file and of record with the Blue earth County Recorder; thence North 00 degrees 19 minutes 22 seconds West, along the westerly line of said Highway 22 Subdivision, 71.63 feet; thence North 89 degrees 40 minutes 37 seconds East, along the westerly line of Highway 22 Subdivision, 407.11 feet; thence North 00 degrees 00 minutes 33 seconds West, along the westerly line of Highway 22 Subdivision, 1229.26 feet to the point of curvature of a circular curve to the right; thence northerly along the westerly line of Highway 22 Subdivision, along a 22,738.31 foot radius curve, central angle = 00 degrees 02 minutes 19 seconds, an arc distance of 15.34 feet to the point of intersection with the north line of the Northeast Quarter of the Southeast Quarter of Section 16; thence South 89 degrees 53 minutes 27 seconds West, along said north line, 1157.64 feet to a point distant 40.00 feet east of the northwest corner of the Northeast Quarter of the Southeast Quarter of Section 16, said point being the northeast corner of the City of Mankato property purchased for Hosanna Avenue; thence South 00 degrees 11 minutes 56 seconds East, along a line parallel with and distant 40.00 feet easterly of the west line of the Northeast Quarter of the Southeast Quarter of Section 16, a distance of 1262.56 feet to the point of intersection with the northerly 33.00 foot wide right of way of Hoffman Road, the same being the southeasterly corner of the City of Mankato property purchased for Hosanna Avenue; thence North 89 degrees 52 minutes 30 seconds West, along said right of way line, 80.00 feet to the southwest corner of the City of Mankato property purchased for Hosanna Avenue; thence North 00 degrees 11 minutes 55 seconds West, along the line parallel with the distant 40.00 feet westerly of the east line of the Northwest Quarter of the Southeast Quarter of Section 16, a distance of 1262.60 feet to the point of beginning.

Dated this 10th day of June, 2004.

For the 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-357-53, the Director 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. *cms*