

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF MANKATO)	
AND THE TOWN OF MANKATO PURSUANT TO)	<u>ORDER</u>
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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on July 13, 2005, the Chief Administrative Law Judge 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 North Half of the Southeast Quarter of Section 5 and that part of the Southwest Quarter of the Northeast Quarter of Section 5 all in Township 108 North Range 26 West, Blue Earth County, Minnesota, described as: Commencing at the East Quarter corner of Section 5; thence South 89 degrees 26 minutes 18 seconds West, (Minnesota County Coordinate System of 1983 - Blue Earth County Zone) along the east - west center line of Section 5, a distance of 1826.74 feet to the point of intersection with the center line of Country Club Drive (as traveled), said point being on a circular curve which center of radius bears North 16 degrees 19 minutes 19 seconds East; thence

northwesterly, along the center line of Country Club Drive (as traveled) along a 300.00 foot radius curve, central angle = 11 degrees 12 minutes 30 seconds , an arc distance 58.69 feet; to the point of tangency of said curve; thence North 62 degrees 28 minutes 11 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 82.97 feet to the point of curvature of a circular curve to the left; thence northwesterly, along the center line of Country Club Drive (as traveled) along a 300.00 foot radius curve, central angle = 12 degrees 43 minutes 59 seconds , an arc distance of 66.67 feet to the point of tangency of said curve; thence North 75 degrees 12 minutes 10 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 77.22 feet to the point of curvature of a circular curve to the right; thence northwesterly along the center line of Country Club Drive (as traveled) along a 600.00 foot radius curve, central angle = 45 degrees 31 minutes 53 seconds, an arc distance of 476.80 feet to the point of tangency of said curve; thence North 29 degrees 40 minutes 17 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 111.01 feet to the point of curvature of a circular curve to the left; thence northwesterly along the center line of Country Club Drive (as traveled) along a 300.00 foot radius curve, central angle = 27 degrees 04 minutes 13 seconds , an arc distance of 141.74 feet to the point of tangency of said curve; thence North 56 degrees 44 minutes 30 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 46.45 feet to the point of intersection with the north - south center line of Section 5; thence South 00 degrees 45 minutes 54 seconds West, along said north - south center line, 39.12 feet to the point of intersection with the southerly 33.00 foot wide right of way line of Country Club Drive, said point being the northwesterly corner of the Gas Company Property recorded in Book 161 Deeds, Page 78; thence South 56 degrees 44 minutes 30 seconds East, along said southerly right of way line, along the northerly line of said Gas Company Property, 25.43 feet to the point of curvature of a circular curve to the right; thence southeasterly along the southerly right of way line of Country Club Drive, the same being the northerly line of said Gas Company Property, along a 267.00 foot radius curve, central angle = 16 degrees 00 minutes 08 seconds , an arc distance of 74.57 feet to the northeasterly corner of said Gas Company Property; thence South 00 degrees 20 minutes 53 seconds West, along the easterly line of said gas Company Property, 75.00 feet to the southeasterly corner of said property; thence North 50 degrees 58 minutes 23 seconds West, along the southerly line of said Gas Company Property, 100.00 feet to the southwesterly corner of said property, said point being on the north - south center line of Section 5; thence South 00 degrees 45 minutes 54 seconds West, along said north - south center line, 247.02 feet to the point of intersection with the northerly right of way line of Minnesota Trunk Highway No. 14; thence South 83 degrees 38 minutes 40 seconds East, along said northerly highway right of way line, 104.35 feet; thence South 58 degrees 17 minutes 53 seconds East, along the northeasterly highway right of way line, 1072.80 feet; thence South 69 degrees 48 minutes 12 seconds East, along the northeasterly highway right of way line, 619.25 feet; thence South 53 degrees

46 minutes 50 seconds East, along the northeasterly highway right of way line, 1290.73 feet to the southeast corner of the North Half of the Southeast Quarter of Section 5; thence North 00 degrees 39 minutes 36 seconds East, along the east line of the North Half of the Southeast Quarter of Section 5, a distance of 1319.53 feet to the point of beginning. Containing 32.96 acres.

And that according to Minnesota Statutes Chapter 505.1792, STREETS, ROADS, HIGHWAYS AND RIGHTS-OF-WAY, the City of Mankato is hereby also designating the location of Country Club Drive from its intersection with the easterly right of way line of North Riverfront Drive located in the Southeast Quarter of the Northwest Quarter of Section 5 Township 108 North Range 26 West, in a generally southeasterly and easterly direction a distance of approximately 3500 feet to its termination point located 220.00 feet easterly of the West Quarter Corner of Section 4 Township 108 North Range 26 West which is all more particularly described as follows:

That part of the Southwest Quarter of the Northwest Quarter of Section 4 and that part of the Northwest Quarter of the Southwest Quarter of Section 4 and that part of the North Half of the Southeast Quarter of Section 5 and that part of the South Half of the Northeast Quarter of Section 5 and that part of the Southeast Quarter of the Northwest Quarter of Section 5 all in Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Commencing at the East Quarter corner of Section 5; thence South 89 degrees 26 minutes 18 seconds West, (Minnesota County Coordinate System of 1983 - Blue Earth County Zone) along the east - west center line of Section 5, a distance of 1826.74 feet to the point of intersection with the center line of Country Club Drive (as traveled), said point being on a circular curve which center of radius bears North 16 degrees 19 minutes 19 seconds East; thence northwesterly, along the center line of Country Club Drive (as traveled) along a 300.00 foot radius curve, central angle = 11 degrees 12 minutes 30 seconds, an arc distance 58.69 feet; to the point of tangency of said curve; thence North 62 degrees 28 minutes 11 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 82.97 feet to the point of curvature of a circular curve to the left; thence northwesterly, along the center line of Country Club Drive (as traveled) along a 300.00 foot radius curve, central angle = 12 degrees 43 minutes 59 seconds, an arc distance of 66.67 feet to the point of tangency of said curve; thence North 75 degrees 12 minutes 10 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 77.22 feet to the point of curvature of a circular curve to the right; thence northwesterly along the center line of Country Club Drive (as traveled) along a 600.00 foot radius curve, central angle = 45 degrees 31 minutes 53 seconds, an arc distance of 476.80 feet to the point of tangency of said curve; thence North 29 degrees 40 minutes 17 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 111.01 feet to the point of curvature of a circular curve to the left; thence northwesterly along the center line of Country Club Drive (as traveled) along a 300.00 foot radius curve, central angle = 27 degrees 04 minutes 13 seconds, an arc distance of 141.74 feet to the point of tangency of said curve; thence North 56 degrees 44 minutes 30 seconds West, along the center line of Country Club Drive (as traveled) along the tangent of said curve, 46.45 feet to the point of intersection with the north - south center line of Section 5; thence South 00 degrees 45 minutes 54 seconds West, along said north - south center line, 39.12 feet to the point of intersection with the southerly 33.00 foot wide right of way line of Country Club Drive, said point being the northwesterly corner of the Gas Company Property recorded in Book

161 Deeds, Page 78; thence North 56 degrees 44 minutes 30 seconds West, along the southerly 33.00 foot wide right of way line of Country Club Drive (as traveled), 132.81 feet to the point of curvature of a circular curve to the right; thence northwesterly, along the southwesterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 133.10 foot radius curve, central angle = 60 degrees 00 minutes 09 seconds, an arc distance 139.39 feet to the point of tangency of said curve; thence North 03 degrees 15 minutes 39 seconds East, along the westerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along the tangent of said curve, 130.93 feet to the point of curvature of a circular curve to the left; thence northwesterly, along the westerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 37.64 foot radius curve, central angle = 41 degrees 13 minutes 59 seconds, an arc distance 27.09 feet to the point of tangency of said curve, said point being the point of intersection with the easterly 50.00 foot wide right of way line of North Riverfront Drive, said point being on a circular curve which center of radius bears North 67 degrees 21 minutes 52 seconds West; thence northerly, along said easterly 50.00 foot wide right of way line, along a 2914.79 foot radius curve, central angle = 01 degrees 21 minutes 47 seconds, an arc distance 69.34 feet to the point of intersection with the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled); thence southeasterly, along the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 103.64 foot radius curve, central angle = 60 degrees 49 minutes 17 seconds, an arc distance 110.01 feet to the point of tangency of said curve; thence South 03 degrees 15 minutes 39 seconds West, along the easterly 33.00 foot wide right of way line of Country Club Drive (as traveled), 130.93 feet to the point of curvature of a circular curve to the left; thence southeasterly, along the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 67.10 foot radius curve, central angle = 60 degrees 00 minutes 09 seconds, an arc distance of 70.27 feet to the point of tangency of said curve; thence South 56 degrees 44 minutes 30 seconds East, along the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along the tangent of said curve, 158.24 feet to the point of curvature of a circular curve to the right; thence southeasterly, along the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 333.00 foot radius curve, central angle = 27 degrees 04 minutes 13 seconds, an arc distance of 157.33 feet to the point of tangency of said curve; thence South 29 degrees 40 minutes 17 seconds East, along the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along the tangent of said curve, 111.01 feet to the point of curvature of a circular curve to the left; thence southeasterly, along the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 567.00 foot radius curve, central angle = 45 degrees 31 minutes 53 seconds, an arc distance of 450.58 feet to the point of tangency of said curve; thence South 75 degrees 12 minutes 10 seconds East, along the northerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along the tangent of said curve, 77.22 feet to the point of curvature of a circular curve to the right; thence easterly, along the northerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 333.00 foot radius curve, central angle = 12 degrees 43 minutes 59 seconds, an arc distance of 74.00 feet to the point of tangency of said curve; thence South 62 degrees 28 minutes 11 seconds East, along the northeasterly 33.00 foot wide right of way line of Country Club Drive (as traveled), along the tangent of said curve, 82.97 feet to the point of curvature of a circular curve to the left; thence easterly, along the northerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 267.00 foot radius curve, central angle = 33 degrees 00 minutes 35 seconds, an arc distance of 153.83 feet to the point of tangency of said curve; thence North 84 degrees 31 minutes 14 seconds East, along the northerly 33.00 foot wide right of way line of Country Club Drive (as

traveled), along the tangent of said curve, 95.01 feet to the point of curvature of a circular curve to the right; thence easterly, along the northerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a 1033.00 foot radius curve, central angle = 04 degrees 55 minutes 05 seconds, an arc distance of 88.67 feet to the point of tangency of said curve; thence North 89 degrees 26 minutes 18 seconds East, along the northerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along the tangent of said curve, along a line parallel with and distant 33.00 feet northerly of, as measured at right angles to, the east - west center line of said Section 5, a distance of 1533.87 feet to the point of intersection with the west line of the Southwest Quarter of the Northwest Quarter of Section 4, said point being the southwest corner of Lot 1, Block One, Country Club Estates, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence North 89 degrees 50 minutes 38 seconds East, along the northerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a line parallel with and distant 33.00 feet northerly of, as measured at right angle to, the east - west center line of said Section 4, the same being the south line of said Lot 1, Block One, and it's easterly extension, a distance of 220.00 feet to the point of intersection with the west line of Lot 1, Block Two, Country Club Estates; thence South 00 degrees 03 minutes 46 seconds East, along said west line, 33.00 feet to the southwest corner of said Lot 1, Block Two; thence South 00 degrees 39 minutes 36 seconds West, along a line parallel with the west line of the Northwest Quarter of the Southwest Quarter of Section 4, a distance of 33.00 feet; thence South 89 degrees 50 minutes 38 seconds West, along the southerly 33.00 foot wide right of way line of Country Club Drive (as traveled), along a line parallel with and distant 33.00 feet southerly of, as measured at right angles to, the east - west center line of said Section 4, a distance of 220.00 feet to point of intersection with the west line of the Northwest Quarter of the Southwest Quarter of Section 4; thence North 00 degrees 39 minutes 36 seconds East, along said west line, 33.00 feet to the point of beginning. Containing 3.11 acres.

Dated this 13th day of July, 2005.

For the Chief Administrative Law Judge
658 Cedar Street – Room 300
St. Paul, MN 55155

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-64, the Chief Administrative Law Judge 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 Chief Administrative Law Judge. 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 Chief Administrative Law Judge. 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 Chief Administrative Law Judge 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.

Ans