

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) 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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on August 10, 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:

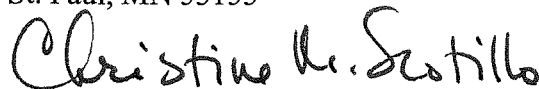
Outlot A, Eastwood Industrial Park, according to the plat thereof on file and of record with the Blue Earth County Recorder and that part of the East Half of the Northwest Quarter of Section 10 and all that part of the West Half of the Northeast Quarter of Section 10 all in Township 108 North Range 26 West, Blue Earth County, Minnesota all more particularly described as:

Commencing at the North Quarter Corner of Section 10; thence South 00 degrees 10 minutes 11 seconds East, Minnesota County Coordinate System of 1983 - Blue Earth County Zone, along the north - south center line of Section 10 a distance of 85.00 feet to a point on the south line of Parcel U1, according to the "Blue Earth County Highway Right Of Way Plat No. 13" on file and of record with the Blue Earth County Recorder; said point being the northeast corner of Eastwood Industrial Park, according to the plat thereof on file and of record with the Blue Earth County Recorder, said point being the point of beginning; thence South 89 degrees 30 minutes 20 seconds West, along the north line of said Eastwood Industrial Park, 41.52 feet to the northwest corner of Outlot A, Eastwood Industrial Park; thence South 00 degrees 07 minutes 25

seconds East, along the west line of said Outlot A, 782.00 feet to the southwest corner of said Outlot A; thence South 89 degrees 30 minutes 20 seconds West, along the south line of Eastwood Industrial Park, 620.00 feet to the southwest corner of said plat, said point being on the east line of Eastwood Industrial Centre, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 00 degrees 07 minutes 25 seconds East, along said east line, 1539.27 feet to the southeast corner of said Eastwood Industrial Centre; said point being on the northerly line of Minnesota Department of Transportation Right Of Way Plat No. 07-42, on file and of record with the Blue Earth County Recorder; thence South 82 degrees 34 minutes 56 seconds East, along said northerly line, 140.86 feet to Monument B3 according to said Right Of Way Plat; said point being the point of curvature of a circular curve to the left; thence easterly, along said northerly line, along a 7455.44 foot radius curve, central angle = 04 degrees 02 minutes 43 seconds, an arc distance of 526.39 feet to Monument B4 according to said Right Of Way Plat; said point being on the north - south center line of Section 10; thence continuing easterly along said northerly right of way line along said 7455.44 foot radius curve, central angle = 00 degrees 07 minutes 38 seconds, an arc distance of 16.54 feet; thence North 00 degrees 07 minutes 25 seconds West, along a line parallel with the east line of Eastwood Industrial Center, 2395.68 feet to a point on the south line of Parcel U1, according to the "Blue Earth County Highway Right Of Way Plat No. 13"; thence South 89 degrees 15 minutes 15 seconds West, along said south line, 18.48 feet to the point of beginning.

Dated this 10th day of August, 2005.

For the Chief Administrative Law Judge
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-357-65, 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.

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