

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 15, 2007, 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:

The East Half of the Southwest Quarter of the Northwest Quarter and the South 468.54 feet of the East Half of the Northwest Quarter of the Northwest Quarter, all in Section 15, Township 108 North, Range 26 West, Blue Earth County, Minnesota, EXCEPT Bassett Drive being the portion thereof which was conveyed to the city of Mankato described as follows:

That part of the East Half of the West Half of the Northwest Quarter of Section 15,

Township 108 North, Range 26 West, described as: Beginning at the southwest corner of Lot 5, Block One, Government Service Center, according to the recorded plat thereof; thence North 00 degrees 26 minutes 56 seconds West (bearing based on said Government Service Center) along the west line of said Lot 5, a distance of 10.00 feet to a point on an 870.00 foot radius curve to the left having a central angle of 15 degrees 34 minutes 04 seconds, a 235.66 foot chord which bears South 81 degrees 24 minutes 10 seconds West; thence along said curve, 236.39 feet to the point of curvature of a reverse 770.00 foot radius curve to the right having a central angle of 15 degrees 32 minutes 44 seconds and a 208.28 foot chord which bears South 81 degrees 23 minutes 30 seconds West; thence along said curve 208.92 feet to the point of tangency; thence South 89 degrees 09 minutes 52 seconds West, 224.02 feet to the Northeast corner of Bassett Drive, Mankato Heights Plaza, according to the recorded plat thereof; thence along the east line of said Bassett Drive, South 00 degrees 32 minutes 35 seconds East, 100.00 feet to the southeast corner of said Bassett Drive; thence North 89 degrees 09 minutes 52 seconds East, 224.53 feet to the point of curvature of a 870.00 foot radius curve to the left having a central angle of 15 degrees 32 minutes 44 seconds and a 235.33 foot chord which bears North 81 degrees 23 minutes 30 seconds East; thence along said curve 236.05 feet to a point on a reverse 770.00 foot radius curve to the right having a central angle of 15 degrees 31 minutes 13 seconds and a 207.94 foot chord which bears North 81 degrees 22 minutes 45 seconds East; thence along said curve 208.58 feet to the east line of said West Half of the Northwest Quarter; thence along said east line North 00 degrees 26 minutes 56 seconds West, 90.00 feet to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Mankato will be reimbursed by the City of Mankato in accordance with the terms of the Joint Resolution signed by the City of Mankato and the Town of Mankato on February 3, 1995.

Dated this 15th day of August, 2007.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-79, 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.

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.

CWS