

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION     )  
AGREEMENT BETWEEN THE CITY OF MANKATO     )  
AND THE TOWN OF MANKATO PURSUANT TO         )  
MINNESOTA STATUTES 414                         )  
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ORDER

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 September 13, 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:

That part of the Northeast Quarter of the Southwest Quarter of Section 21, Township 108 North, Range 26 West, lying West of Minnesota Trunk Highway No. 22, described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 21, thence South along the West line of said Northeast Quarter of the Southwest Quarter a distance of 277.56 feet; thence East and parallel to the North line of said Northeast Quarter of the Southwest quarter a distance of 713.10 feet; to the Westerly right of way line of Minnesota Trunk Highway No. 22; the place or beginning, thence back in a westerly direction along the last described line 713.10 feet to a point on the West line of the Northeast Quarter of the Southwest Quarter; thence Southerly along said West line 275.00 feet; thence Easterly and parallel to the North line of said Northeast Quarter of the Southwest Quarter; 873.60 feet to the Westerly right of way line of Minnesota Trunk Highway No. 22; thence Northwesterly along said Highway right of way line to the place of beginning. Said tract containing 5.0 acres of land more or less.

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 13<sup>th</sup> day of September, 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-357-80, 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*