

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Mankato and Mankato Township; 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 January 24, 2008, 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:

Tract A, Registered Land Survey No. 4, and that part of the Southeast Quarter of the Southeast Quarter of Section 24 Township 108 North Range 27 West, Blue Earth County,

Minnesota, including a portion of Doc Jones Road, according to the plat of Stoltzman Road Subdivision No. 2, on file and of record with the Blue Earth County Registrar of Titles, all more particularly described as:

Commencing at the southeast corner of Section 24 Township 108 North Range 27 West; thence South 89 degrees 13 minutes 43 seconds West, (Minnesota County Coordinate System - Blue Earth County Zone - NAD 83 - 1986) along the south line of the Southeast Quarter of Section 24, a distance of 1136.43 feet to the point of intersection with the east line of Confer Addition, according to the plat thereof on file and of record with the Blue Earth County Registrar of Titles; thence North 00 degrees 22 minutes 50 seconds West, along said east line, 197.01 feet; thence North 16 degrees 37 minutes 10 seconds East, along the easterly line of Confer Addition, 40.00 feet; thence North 35 degrees 07 minutes 10 seconds East, along said easterly line, 50.00 feet; thence North 63 degrees 07 minutes 10 seconds East, along the southeasterly line of Confer Addition, 215.00 feet; thence North 25 degrees 07 minutes 09 seconds East, along the easterly line of Confer Addition, 72.00 feet; thence North 06 degrees 04 minutes 08 seconds East, along said easterly line, and it's northerly extension, 311.42 feet to the southwesterly corner of Lot "C", Registered Land Survey No. 17, according to the plat thereof on file and of record with the Blue Earth County Registrar of Titles; thence South 82 degrees 22 minutes 50 seconds East, along the southerly line of said Lot "C", 200.00 feet; thence North 70 degrees 37 minutes 10 seconds East, along the southeasterly line of said Lot "C", 43.00 feet; thence North 43 degrees 37 minutes 10 seconds East, along said southeasterly line, 50.00 feet; thence North 15 degrees 37 minutes 10 seconds East, along the easterly line of said Lot "C", 106.00 feet; thence North 89 degrees 07 minutes 10 seconds East, along the southeasterly line of said Lot "C", 25.20 feet to the most easterly corner of said Lot "C"; thence North 31 degrees 52 minutes 50 seconds West, along the northeasterly line of said Lot "C", 36.92 feet to the southwesterly corner of Tract A, Registered Land Survey No. 55, according to the plat thereof on file and of record with the Blue Earth County Registrar of Titles, said point being on a circular curve which center of radius bears South 33 degrees 58 minutes 07 seconds East; thence easterly and southeasterly along the southerly line of said Tract A, along a 116.67 foot radius curve, central angle = 71 degrees 37 minutes 59 seconds, an arc distance of 145.86 feet too the point of tangency of said curve; thence South 52 degrees 20 minutes 08 seconds East, along the tangent of said curve, along the southwesterly line of said Tract A, 140.71 feet to the point of curvature of a circular curve to the right; thence southeasterly along the southwesterly line of said Tract A, along a 378.37 foot radius curve, central angle = 15 degrees 44 minutes 03 seconds, an arc distance of 103.91 feet to the point of tangency of said curve, said point being the most northerly corner of Tract A, Registered Land Survey No. 155, according to the plat thereof on file and of record with the Blue Earth County Registrar of Titles; thence South 53 degrees 24 minutes 02 seconds West, along the northwesterly line of said Tract A, Registered Land Survey No. 155, a distance of 65.00 feet; thence South 36 degrees 36 minutes 04 seconds East, along the westerly line of said Tract A, 110.19 feet; thence South 40 degrees 27 minutes 25 seconds West, along the westerly line of said Tract A, 64.16 feet; thence South 14 degrees 54 minutes 42 seconds West, along the

westerly line of said Tract A, 108.26 feet; thence South 42 degrees 35 minutes 14 seconds East, along the southwesterly line of said Tract A, 70.85 feet; thence South 66 degrees 12 minutes 02 seconds East, along the southwesterly line of said Tract A, 160.66 feet; thence South 42 degrees 21 minutes 08 seconds East, along the southwesterly line of said Tract A, 112.66 feet to the most southerly corner of Tract A, Registered Land Survey No. 155, said point being on the east line of the Southeast Quarter of Said Section 24; thence South 00 degrees 08 minutes 58 seconds West, along said east line, 245.58 feet to the point of beginning. Containing 15.34 acres.

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

Dated this 24th day of January, 2008.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-87, 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.

