

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 Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to said subdivisions; and

WHEREAS, on June 18, 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:

That part of the East Half of the Northwest Quarter of Section 3, Township 108 North Range 26 West, Blue Earth County, Minnesota described as:

Beginning at the North Quarter corner of Section 3; thence South 00 degrees 06 minutes 27 seconds West, (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1986) along the north - south center line of Section 3, a distance of 1909.94 feet

to the point of intersection with the northerly right of way line of the former Chicago and North Western Railroad, now the Department of Natural Resources Sakatah Singing Hills Trail; thence North 54 degrees 19 minutes 49 seconds West, along said northerly right of way line, 926.95 feet to the point of curvature of a circular curve to the right; thence northwesterly along said northerly right of way line, along a 2814.93 foot radius curve, central angle = 15 degrees 56 minutes 36 seconds, an arc distance of 783.30 feet to the point of intersection with the west line of the East Half of the Northwest Quarter of Section 3; thence North 00 degrees 15 minutes 37 seconds East, along said west line, 426.10 feet; to the point of intersection with the South line of the North 404.20 feet of the East Half of the Northwest Quarter of Section 3; thence North 89 degrees 59 minutes 10 seconds East, along said south line 143.40 feet; thence South 87 degrees 19 minutes 48 seconds East, 318.07 feet; thence North 00 degrees 17 minutes 19 seconds East, 419.10 feet to a point on the north line of the Northwest Quarter of Section 3; thence North 89 degrees 59 minutes 10 seconds East, along said north line, 794.70 feet to the South Quarter corner of Section 34, Township 109 North Range 26 West; thence South 89 degrees 58 minutes 29 seconds East, along said north line, 61.78 feet to the point of beginning. Said parcel contains 39.64 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 18th day of June, 2008.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-89, the Chief Administrative Law Judge finds and makes the following comment:

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.

