

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF MANKATO ) FINDINGS OF FACT  
AND MANKATO TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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On September 22, 2008, the City of Mankato submitted a resolution for orderly annexation to the Chief Administrative Law Judge for review and comment, and approval pursuant to Minnesota Statute §414.0325. Thereafter, on September 25, 2008, the undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, reviewed the city resolution for conformity with applicable law.

Based upon all of the files and records herein, the Assistant Chief Administrative Law Judge makes the following:

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Mankato and Mankato Township pursuant to Minnesota Statute §414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments in February 1995.
2. The joint resolution provides, among other things, that in certain circumstances the City may annex by resolution. A resolution adopted by the City of Mankato requesting annexation of part of the designated area was submitted.
3. The city resolution requests immediate annexation of certain property to the City of

Mankato described as follows:

That part of the Southeast Quarter of the Northeast Quarter of Section 16, Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Beginning at the northeast corner of Wind Song Townhomes, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 89 degrees 53 minutes 27 seconds West, (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1986), along the south line of the Southeast Quarter of the Northeast Quarter of said Section 16, a distance of 1167.64 feet to the point of intersection with the east line of Hosanna Avenue according to the plat of Kenwood Heights Addition No. 4, on file and of record with the Blue Earth County Recorder; thence North 00 degrees 31 minutes 32 seconds West, along said east line, 120.00 feet to the point of intersection with the south line of Main Street according to said Kenwood Heights Addition No. 4; thence North 89 degrees 53 minutes 02 seconds East, along said south line, 442.50 feet to a point on the east line of said Main Street; thence North 00 degrees 26 minutes 08 seconds West, along said east line, 60.00 feet to the southeast corner of Hosanna's Addition To Mankato, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence North 00 degrees 34 minutes 10 seconds West, along the east line of said Hosanna's Addition To Mankato, a distance of 525.63 feet to the most southwesterly corner of Lot 1, Block Three, Hilltop Power Center No. 2, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence South 89 degrees 54 minutes 47 seconds East, along the most southerly line of said Lot 1, the same being the south line of the North 620.00 feet of the Southeast Quarter of the Northeast Quarter of said Section 16, a distance of 740.46 feet to the point of intersection with the westerly right of way line of Trunk Highway No. 22, according to the plat of Highway 22 Subdivision, on file and of record with the Blue Earth County Recorder, said point being on a circular curve which center of radius bears South 88 degrees 10 minutes 54 seconds West; thence southerly, along said westerly right of way line, along a 22758.31 feet foot radius curve, central angle = 01 degrees 12 minutes 02 seconds, an arc distance 476.88 feet; thence South 89 degrees 22 minutes 56 seconds West, along said right of way line, radially to said curve, 20.00 feet to a point on a circular curve which center of radius bears South 89 degrees 22 minutes 56 seconds West; thence southerly, along said westerly right of way line, along a 22738.31 feet foot radius curve, central angle = 00 degrees 34 minutes 12 seconds, an arc distance 226.20 feet to the point of beginning.

Said parcel contains 13.16 acres, subject to an easement for Default purposes over and across the Default boundary. ALSO subject to any other easements of record.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325 including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution for orderly annexation.

5. Minnesota Statutes §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.

6. On September 25, 2008, the Assistant Chief Administrative Law Judge reviewed and accepted the city resolution for orderly annexation.

#### CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

2. An order should be issued by the Assistant Chief Administrative Law Judge annexing the area described herein.

#### ORDER

1. The property described in Findings of Fact 3 is annexed to the City of Mankato, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §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 25<sup>th</sup> day of September, 2008.

For the Assistant 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-357-91, 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.

*CWS*