

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING

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

WHEREAS, a joint resolution for orderly annexation was adopted by the City of
Mankato and the Town of Lime; 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, on July 8, 2004, the Director has reviewed and accepted the resolution for
orderly annexation;

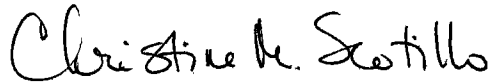
IT IS HEREBY ORDERED: That the following described property is hereby annexed in
accordance with the terms of the joint resolution to the City of Mankato, Minnesota, the same as
if it had originally been made a part thereof:

That part of the Northwest Quarter of Section 32, Township 109 North, Range 26 West,
Blue Earth County, Minnesota, described as: Commencing at the Southeast Corner of the
Northwest Quarter of Section 32; thence South 89 degrees 39 minutes 17 seconds West

(assumed bearing) on the south line of the Northwest Quarter of Section 32, a distance of 285.67 feet to the point of beginning; thence continuing South 89 degrees 39 minutes 17 seconds West on said South line, a distance of 592.00 feet; thence North 00 degrees 20 minutes 43 seconds West, 257.54 feet, thence North 89 degrees 39 minutes 17 seconds East, 592.00 feet; thence South 00 degrees 20 minutes 43 seconds East, 257.54 feet to the point of beginning. Contains 3.5 acres being subject to and together with any and all easements of record.

Dated this 8th day of July, 2004.

For the Director
658 Cedar Street - Room 300
St. Paul, Minnesota 55155

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-517-11 Mankato, the Director 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.

Item 10 of the agreement provides for tax reimbursement to Lime Township over a period of more than 6 years. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director.

Additionally, item 16 of the agreement states that the agreement shall be in effect until July 1, 2018 unless otherwise terminated earlier by mutual written joint resolution of the city and township. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. Once jurisdiction is conferred by submission of this agreement to this office, 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 Director upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

The parties are encouraged to consider these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation. *emo*