

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-517-16
Mankato/Lime Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The city resolution for orderly annexation submitted by the City of Mankato was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Mankato and Lime Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit.

2. A resolution adopted and submitted by the City of Mankato, requests annexation of part of the designated area described as follows:

All lands, streets, and other dedications contained in Schaefer's Subdivision; Schaefer's Subdivision No. 2; Registered Land Survey #45; Greenwood Heights Subdivision; and Greenwood Heights Subdivision No. 2, according to the plats thereof on file and of record in the office of the register of deeds in and for said County and State.

The following described parcels:

A tract of land lying in the SE 1/4 of the SW 1/4 of Sec. 33-109-26, described as follows to wit: Commencing at the Southwest corner of the SE 1/4 SW 1/4 of said Section 33, thence running East on the South line of said Section 33, a distance of 480 feet, thence North at right angles to the right of way of the Chicago, Northwestern Railway, thence West along the South line of said Railroad right of way to the North South Center line of the SW 1/4

of said Section 33, thence South along the said Quarter line to the place of the beginning.

Commencing at a point on the South line of Section 33-109-26, 480.00 feet East of the SW corner of the SE 1/4 of the SW 1/4, thence East along the South line of said Section 33, 786.20 feet, thence North 323.85 feet; thence North 4 degrees 49' East along 180.65 feet, thence North 44 degrees 06 minutes West 525.70 feet, thence North 36 degrees 45 minutes West, 391.20 feet to the Southerly Right of Way of the Chicago Northwestern Railway Company; thence Southerly 55 degrees 42 minutes West along said Right of Way 144.03 feet; thence South 59 degrees 13 minutes West along said Right of Way 98.85 feet, thence South 1,056.25 feet to the point of beginning. Said tract containing 16.407 acres all in Blue Earth County, Minnesota.

All that part of the South Half of the South Half of Section 33, Township 109 North, Range 26 West, Blue Earth County, Minnesota described as:

Commencing at the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 33; thence East along the South line of Section 33, a distance of 1266.20 feet to the point of beginning; thence North 323.85 feet; thence North 04 degrees 49 minutes East, 83.45 feet; the East 158.00 feet; thence South 407 feet, more or less, to the South line of Section 33; thence West along said South line, 165.00 feet to the point of beginning.

3. Minnesota Statutes § 414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes § 414.0325, subd. 1(h), 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.

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 Chief Administrative Law Judge or authorized designee annexing the area described herein.

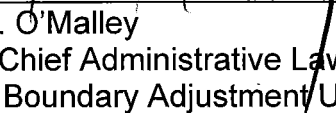
ORDER

1. The property described in Findings of Fact 2 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, Lime Township will be reimbursed by the City of Mankato in accordance with the terms of the Joint Resolution signed by the City of Mankato on November 24, 1997 and Lime Township on November 12, 1997.

3. The effective date of the annexation is July 15, 2013.

Dated: July 2, 2013



Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit

MEMORANDUM

In ordering the annexation contained in Docket No. OA-517-16, the Chief Administrative Law Judge finds and makes the following comment:

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 contrary to the act of conferring jurisdiction to the Chief Administrative Law Judge. 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.

T.J.O.