

OA-517-9 Mankato
City Signed Resolution 4-28-03

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE ACTING 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 of land pursuant to said subdivisions; and

WHEREAS, on May 9, 2003, the Director has reviewed and accepted the resolution for orderly annexation;

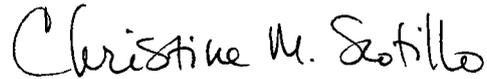
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Mankato, Minnesota the same as if it had originally been made a part thereof:

That certain tract or parcel of land lying within the East Half of Section 32, Township 109, Range 26 circumscribed as follows, to wit: Commencing at a point 208 feet East and 52 feet south of the intersection of the center line of the Township Road known as the "Bluff Road" with the East and West center line of Section 32-109-26, thence running East a distance of 115 feet, thence running North a distance of 60 feet, to the Westerly

right-of-way line of the old abandoned main line track of the Chicago and Northwestern Railroad, thence running North 35 degrees West along the said old right-of-way line a distance of 594 feet to the center line of said Township "Bluff Road", thence sunning South along said Center line of said "Bluff Road" a distance of 595 feet, thence running South 67 degrees East a distance of 179 feet, thence running North 23 degrees 30 feet East a distance of 115 feet to the place of beginning. Containing 2.59 acres.

Dated this 9th day of May, 2003.

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

OA-517-9 Mankato

MEMORANDUM

In ordering the annexation contained in Docket No. OA-517-9 Mankato, the Acting 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.

Cms

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. *aws*