

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION )	
AGREEMENT BETWEEN THE CITY OF MANKATO )	<u>FINDINGS OF FACT</u>
AND MANKATO TOWNSHIP PURSUANT TO )	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414 )	<u>AND ORDER</u>

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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 Mankato Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.

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

The Northeast Quarter of Section 5, Township 108 North, Range 26 West, excepting 4 and one-half acres in the Southwest corner thereof which lies and is located Southwest of the highway running along the South side of the above described land. Also all that portion of the Southeast Quarter of the Northwest Quarter of Section 5, Township 108 North, Range 26 West, which lies East of the center line of the North and South highway and North of the road running East and West through said Southeast Quarter of the Northwest Quarter, said tract being 40 rods in length. Excepting: Part of the Northeast Quarter, Section 5, Township 108 North, Range 26 West; described as follows: Beginning at the Northeast corner of Section 5, Township 108 North, Range 26 West, thence running South along the East line of said Section 5, a distance of 795 feet; thence running North 68 degrees West, a distance of 679.5 feet; thence running North

and parallel with the East line of said Section 5, a distance of 540.5 feet to the North line of said Section 5; thence running East along said North line of said Section 5 to the place 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.

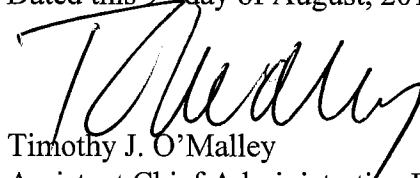
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

#### 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, 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 9<sup>th</sup> day of August, 2011.



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

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-101, 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.