

BEFORE THE DIRECTOR OF THE OFFICE OF  
STRATEGIC AND LONG RANGE PLANNING  
OF THE STATE OF MINNESOTA

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

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Mankato and the Town of Mankato; 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, Subd. 1; and

WHEREAS, M.S. 414.0325, M.S. 414.11, and M.S. 414.12 states that in certain circumstances the Director of the Office 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 15, 2002, the Director of the Office of Strategic and Long Range Planning 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

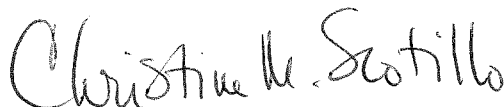
if it had originally been made a part thereof:

That part of the Northeast Quarter of Section 21 Township 108 North Range 26 West, Blue Earth County, Minnesota lying westerly of Highway 22 Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder, all more particularly described as:

Beginning at the North Quarter Corner of Section 21; thence South 00 degrees 56 minutes 52 seconds East, (Minnesota County Coordinate System of 1983, Blue Earth County Zone) along the north - south center line of Section 21, a distance of 2641.07 feet to the Center of Section 21; thence South 89 degrees 51 minutes 47 seconds East, along the east - west center line of Section 21, a distance of 158.00 feet to the southwesterly corner of Outlot D, Highway 22 Subdivision; thence North 00 degrees 08 minutes 16 seconds East, along the westerly line of said Outlot D, a distance of 120.00 feet; thence North 25 degrees 08 minutes 12 seconds East, along the westerly line of said Outlot D, a distance of 195.00 feet; thence North 63 degrees 48 minutes 20 seconds East, along the northwesterly line of said Outlot D, a distance of 186.57 feet; thence South 74 degrees 25 minutes 28 seconds East, along the northerly line of said Outlot D, a distance of 310.00 feet; thence North 15 degrees 34 minutes 32 seconds East, along the westerly line of said Outlot D, a distance of 195.00 feet to a point on the southerly 90.00 foot wide right of way line of Minnesota Trunk Highway No. 83; thence North 74 degrees 25 minutes 28 seconds West, along said southerly highway right of way line, 100.00 feet; thence North 15 degrees 34 minutes 32 seconds East, along the westerly line of Highway 22 Subdivision, 90.00 feet to a point on the center line of Minnesota Trunk Highway No. 83; thence South 74 degrees 25 minutes 28 seconds East, along said highway center line, 319.86 feet; thence North 15 degrees 34 minutes 33 seconds East, along the westerly line of said Highway 22 Subdivision, 75.00 feet to a point on the northerly right of way line of Minnesota Trunk Highway No. 83; thence South 74 degrees 25 minutes 28 seconds East, along said northerly highway right of way line, 80.73 feet; thence North 29 degrees 02 minutes 11 seconds East, along the westerly line of Highway 22 Subdivision, 1422.80 feet; thence South 60 degrees 57 minutes 49 seconds East, along said westerly line, 15.00 feet; thence North 29 degrees 02 minutes 11 seconds East, along said westerly line, 838.00 feet to the point of curvature of a circular curve to the left; thence northeasterly along the westerly line of said Highway 22 Subdivision, along a 1982.48 foot radius curve, central angle = 03 degrees 15 minutes 02 seconds, an arc distance of 112.47 feet to the point of intersection with the north line of the Northeast Quarter of Section 21; thence North 89 degrees 44 minutes 48 seconds West, along said north line, 2299.28 feet to the point of beginning. Containing 86.35 acres.

Dated this 15<sup>th</sup> day of July, 2002.

For the Director of the Office of Strategic &  
Long Range Planning  
658 Cedar Street, Room 300  
St. Paul, MN 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-45, the Director of Strategic and Long Range Planning finds and 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.

Minnesota Statutes Section 414.036 specifically allows for municipal reimbursement in an order issued pursuant to Minnesota Statutes Section 414.0325. Such reimbursement to the township of property taxes must be 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. Article VIII of the agreement provides for a division of tax revenue from an annexed area, based upon an eight year schedule. By making this order, no determination is made as to the effectiveness of such a schedule.

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 Director. 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 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 this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

*Cus*