

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 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; 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 August 14, 2003, Acting 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:

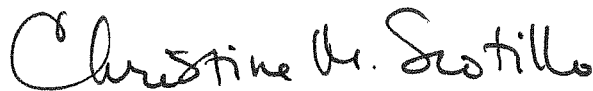
Parcel 529C and Parcel 529D, according to Minnesota Department of Transportation Right of Way Plat No. 07-59, on file and of record with the Blue Earth County Recorder located in the West Half of the Northwest Quarter of Section 21 Township 108 North Range 26 West, all more particularly described as:

Commencing at the northwest corner of Section 21; thence North 89 degrees 59 minutes 17 seconds East (Minnesota County Coordinate System of 1983 - Blue earth County

Zone) along the north line of the Northwest Quarter of Section 21, a distance of 1318.48 feet to the northeast corner of the West Half of the Northwest Quarter of Section 21; thence South 00 degrees 52 minutes 21 seconds East, along the east line of the West Half of the Northwest Quarter of Section 21, a distance of 330.36 feet to the northeast corner of Parcel 529D, of said Minnesota Department of Transportation Right of Way Plat No. 07-59, said point being the point of beginning; thence continuing South 00 degrees 52 minutes 21 seconds East, along said east line, the same being the easterly line of Parcel 529D and Parcel 529C of said Right of Way Plat, a distance of 1044.81 feet to the point of intersection with the northeasterly right of way line of Trunk Highway No. 83; thence North 53 degrees 17 minutes 47 seconds West, along said northeasterly right of way line, 118.73 feet to Minnesota Department of Transportation Monument No.B9; thence North 31 degrees 58 minutes 31 seconds West, along the northeasterly right of way line of County State Aid Highway No. 82, according to said Right of Way Plat No. 7-59, a distance of 19.21 feet to Minnesota Department of Transportation Monument No.B8, said point being the point of curvature of a circular curve to the left; thence northwesterly along said northeasterly right of way line, along a 2366.83 foot radius curve, central angle = 14 degrees 50 minutes 09 seconds, an arc distance of 612.86 feet to the southwesterly corner of said Parcel 529D; thence North 00 degrees 52 minutes 21 seconds West, along a line parallel with the east line of the West Half of the Northwest Quarter of Section 21, a distance of 485.08 feet to the northwest corner of said Parcel 529D; thence North 89 degrees 59 minutes 17 seconds East, along the northerly line of said Parcel 529D, a distance of 484.70 feet to the point of beginning. Containing 8.52 acres.

Dated this 14th day of August, 2003.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-50, the Acting Director 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.

A handwritten signature in black ink, appearing to be 'CW' or similar, located at the end of the second paragraph.