

OA-357-68 Mankato
City Resolution 05-1114-268
Town Waiver Dated 11-22-05

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF MANKATO)	<u>A M E N D E D</u>
AND THE TOWN OF MANKATO PURSUANT TO)	<u>ORDER</u>
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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on December 8, 2005, the Chief Administrative Law Judge 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 10 and that part of the Northwest Quarter of Section 11, all in Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Commencing at the northeast corner of said Section 10; thence South 00 degrees 24

minutes 24 seconds East, (Minnesota County Coordinate System of 1983, Blue Earth County Zone), along the east line of the Northeast Quarter of said Section 10 a distance of 50.00 feet to a point on the southerly right of way line of Parcel V of Blue Earth County Highway Right Of Way Plat No. 13, on file and of record with the Blue Earth County Recorder; said point being the point of beginning; thence continuing South 00 degrees 24 minutes 24 seconds East, along said east line of the Northeast Quarter of Section 10 a distance of 35.00 feet to a point on the southerly 85.00 foot wide right of way line of said Parcel V; thence South 89 degrees 15 minutes 15 seconds West, along said southerly right of way line, 1582.32 feet; thence South 00 degrees 17 minutes 16 seconds East, 2414.72 feet to a point on the northerly right of way line of Highway No. 14 according to Minnesota Department Of Transportation Right Of Way Plat No. 07-42, on file and of record with the Blue Earth County Recorder; thence North 89 degrees 21 minutes 56 seconds East, along said right of way line, and along the northerly right of way line of Highway No. 14 according to Minnesota Department Of Transportation Right Of Way Plat No. 07-43, on file and of record with the Blue Earth County Recorder, a distance of 2940.87 feet; thence North 00 degrees 25 minutes 36 seconds West, 1495.04 feet to a point distant 20.00 feet southwesterly of, as measured at right angle to, the existing Dome Gas Pipeline; thence North 39 degrees 04 minutes 49 seconds West, along a line parallel with and distant 20.00 feet southwesterly of said Pipeline, a distance of 561.59 feet; thence North 71 degrees 19 minutes 00 seconds West, 187.59 feet to the point of intersection with the southerly extension of the westerly line of Parcel W according to said Blue Earth County Highway Right Of Way Plat No. 13; thence North 00 degrees 24 minutes 56 seconds West, along said extension, 152.16 feet to a point distant 25.00 feet southwesterly of, as measured at right angles to, the existing Dome Gas Pipeline; thence North 39 degrees 04 minutes 49 seconds West, along a line parallel with and distant 25.00 feet southwesterly of said Pipeline, a distance of 253.58 feet; thence North 22 degrees 51 minutes 44 seconds West, along a line parallel with and distant 25.00 feet southwesterly of said Pipeline, a distance of 107.71 feet to a point on the southerly right of way line of said Parcel V; thence South 89 degrees 51 minutes 25 seconds West, along said southerly line, 625.21 feet to the point of beginning.

Said parcel contains 155.34 acres, subject to any and all easements of record.

THE AREA ABOVE IS MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT A

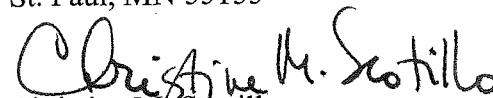
Amended order dated this 2nd day of August, 2006. Dated this 8th day of December, 2005.

For the Chief Administrative Law Judge
658 Cedar Street – Room 300
St. Paul, MN 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

For the Chief Administrative Law Judge
658 Cedar Street – Room 300
St. Paul, MN 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Exhibit "A"

That part of the West Half of the Northeast Quarter of Section 10, Township 108 North Range 26 West, Blue Earth County, Minnesota, described as: Commencing at the Northeast corner of said Section 10; thence South 00 degrees 24 minutes 24 seconds East, (Minnesota County Coordinate System 1983, Blue Earth County Zone), along the east line of the Northeast Quarter of said Section 10 a distance 50.00 feet to a point on the southerly right of way line of Parcel V of Blue Earth County Highway Right Of Way Plat No. 15, on file and of record with the Blue Earth County Recorder; thence continuing South 00 degrees 24 minutes 24 seconds East, along said east line of the Northeast Quarter of Section 10 a distance of 35.00 feet to a point on the southerly 85.00 foot wide right of way line of said Parcel V; thence South 89 degrees 15 minutes 15 seconds West, along said southerly right of way line, 1,315.78 feet to the point of intersection with the east line of the West Half of the Northeast Quarter of said Section 10 said point being the point of beginning; thence continuing South 89 degrees 15 minutes 15 seconds West along said southerly right of way line, 266.54 feet; thence South 00 degrees 17 minutes 16 seconds East, 2,414.72 feet to a point on the northerly right of way line of Highway No. 14 according to Minnesota Department of Transportation Right of Way Plat No. 07-42, on file and of record with the Blue Earth County Recorder; thence North 89 degrees 21 minutes 56 seconds East, along said right of way line 266.53 feet to the point of intersection with the east line of the West Half of the Northeast Quarter of said Section 10; thence North 00 degrees 17 minutes 16 seconds West, along said east line 2,415.24 feet to the point of beginning.

That part of the East Half of the Northeast Quarter of Section 10 and that part of the Northwest Quarter of Section 11, all in Township 108 North Range 26 West, Blue Earth County, Minnesota, described as: Commencing at the Northeast corner of said Section 10; thence South 00 degrees 24 minutes 24 seconds East, (Minnesota County Coordinate System of 1983, Blue Earth County Zone), along the east line of the Northeast Quarter of said Section 10 a distance of 50.00 feet to a point on the southerly right of way line of Parcel V of Blue Earth County Highway Right Of Way Plat No. 13, on file and of record with the Blue Earth County Recorder, said point being the point of beginning; thence continuing South 00 degrees 24 minutes 24 seconds East along said east line of the Northeast Quarter of Section 10 a distance of 35.00 feet to a point on the southerly 85.00 foot wide right of way line of said Parcel V; thence South 89 degrees 15 minutes 15 seconds West, along said southerly right of way line, 1,315.78 feet to the point of intersection with the west line of the East Half of the Northeast Quarter of said Section 10; thence South 00 degrees 17 minutes 16 seconds East, along said west line, 2,415.24 feet to a point on the northerly right of way line of Highway No. 14 according to Minnesota Department of Transportation Right of Way Plat No. 07-42, on file and of record with the Blue Earth County Recorder; thence North 89 degrees 21 minutes 56 seconds East, along said right of way line, and along the northerly right of way line of Highway No. 14 according to Minnesota Department of Transportation Right of Way Plat No. 07-43, on file and of record with the Blue Earth County Recorder, a distance of 2,674.34 feet to the east line of the West 524.46 feet of the East 110 acres of the Northwest Quarter of said Section 11, also being the east line of a parcel described in Document No. 364CR754; thence North 00 degrees 25 minutes 36 seconds West, on said east line 1,495.04 feet; thence North 39 degrees 04 minutes 49 seconds West, 561.59 feet to the northerly line of said parcel recorded in Document No. 364CR754; thence North 71 degrees 19 minutes 00 seconds West, along said northerly line 183.81 feet to the point of intersection with the west line of the East 110 acres of said Northwest Quarter; thence North 00 degrees 25 minutes 36 seconds West, along said west line, 148.97 feet; thence North 39 degrees 04 minutes 49 seconds West, 259.25 feet; thence North 22 degrees 51 minutes 44 seconds West, 107.71 feet to a point on the southerly right of way line of said Parcel V; thence South 89 degrees 51 minutes 25 seconds West, along said southerly line, 625.21 feet to the point of beginning.

EXCEPTING therefrom the East Half of the Northeast Quarter of the Northeast Quarter of Section 10, Township 108 North, Range 26 West.

The East Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter except County Right-of-Way, Section 10, Township 108 North, Range 26 West.

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-68, the Chief Administrative Law Judge 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 Chief Administrative Law Judge. 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 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.

CWS