

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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, Reorganization Order No. 192, effective July 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on July 20, 2006, 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

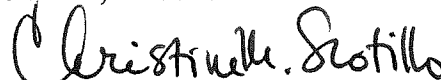
if it had originally been made a part thereof:

That part of the West Half of the Northeast Quarter of Section 10 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 - Blue Earth County Zone, NAD 83 - 1986), along the east line of the Northeast Quarter of said Section 10 a distance of 85.00 feet to a point on the southerly 85.00 foot wide 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; thence South 89 degrees 15 minutes 15 seconds West, along said southerly right of way line, 1315.78 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 southeasterly corner of Parcel U2, according to said right of way plat; thence continuing South 89 degrees 15 minutes 15 seconds West, along said southerly line of said Parcel U2, according to said right of way plat, 266.54 feet to the point of beginning; 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 South 89 degrees 21 minutes 56 seconds West, along said right of way line, 533.05 feet to the point of curvature of a circular curve to the right; thence westerly along said northerly highway right of way line, along a 7455.44 foot radius curve, central angle = 03degrees 52 minutes 47 seconds, an arc distance of 504.84 feet to the point of intersection with the easterly line of Eastwood Industrial Park No. 2, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence North 00 degrees 07 minutes 25 seconds West, along said easterly line, 1743.60 feet; thence North 89 degrees 30 minutes 20 seconds East, 892.60 feet; thence North 00 degrees 17 minutes 16 seconds West, 655.98 feet to a point on the south line of Parcel U2, according to said "Blue Earth County Highway Right Of Way Plat No. 13"; thence North 89 degrees 15 minutes 15 seconds East, along the south line of said Parcel U2, a distance of 140.00 feet to the point of beginning. Containing 43.85 acres.

Dated this 20th day of July, 2006.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

M E M O R A N D U M

In ordering the annexation contained in Docket No. OA-357-72, 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.

A handwritten signature in black ink, appearing to be 'Cms' or similar, located at the bottom right of the page.