

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 September 19, 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:

Lot 1, Block One, Regan Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder, AND that part of the South 60 acres of the West Half of the Southeast Quarter of Section 21 Township 108 North Range 26 West, Blue Earth County Minnesota, all more particularly described as:

Commencing at the northwest corner of the South Half of the Northwest Quarter of the Southeast Quarter of Section 21, the same being the northwest corner of Regan Subdivision; thence South 00 degrees 55 minutes 59 seconds East (Minnesota County Coordinate System - Blue Earth County Zone - NAD 83 - 1986), along the north - south center line

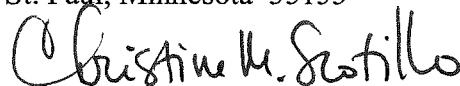
of Section 21, a distance of 519.16 feet to the southwest corner of said Regan Subdivision, said point being the point of beginning; thence South 89 degrees 54 minutes 39 seconds East, along the south line of Regan Subdivision, 233.91 feet to the southeast corner of Regan Subdivision; thence North 00 degrees 55 minutes 59 seconds West, along the east line of Regan Subdivision, 259.58 feet to the southeast corner of Lot 1, Block One, Regan Subdivision; thence North 89 degrees 54 minutes 39 seconds West, along the south line of said Lot 1, a distance of 200.00 feet to the southwest corner of said Lot 1; thence North 00 degrees 55 minutes 59 seconds West, along the west line of said Lot 1, the same being the east line of Foley Road, 259.58 feet to the northwest corner of said Lot 1; thence South 89 degrees 54 minutes 38 seconds East, along the north line of said Lot 1, a distance of 200.00 feet to the northeast corner of said Lot 1; thence continuing South 89 degrees 54 minutes 39 seconds East, along the north line of the South Half of the Northwest Quarter of the Southeast Quarter of Section 21, a distance of 256.76 feet to the point of intersection with the westerly line of Highway 22 Subdivision, according to the plat thereof on file and of record with the Blue earth County Recorder; said point being on a circular curve which center of radius bears South 70 degrees 10 minutes 55 seconds East; thence southerly along the westerly line of said Highway 22 Subdivision, along a 3444.05 foot radius curve, central angle = 01 degrees 41 minutes 27 seconds, an arc distance of 101.64 feet; thence South 71 degrees 52 minutes 22 seconds East, along said westerly line, radially to said curve, 25.00 feet to a point on a circular curve which center of radius bears South 71 degrees 52 minutes 22 seconds East; thence southerly along the westerly line of Highway 22

Subdivision, along a 3419.05 foot radius curve, central angle = 09 degrees 10 minutes 23 seconds, an arc distance of 547.49 feet to the point of tangency of said curve; thence South 08 degrees 57 minutes 15 seconds West, along said westerly line along the tangent to said curve, 690.69 feet ; thence South 89 degrees 58 minutes 52 seconds West, along the westerly line of Highway 22 Subdivision, 175.51 feet to a point on the center line of Victory Drive, said point being on a circular curve which center of radius bears South 84 degrees 15 minutes 05 seconds West; thence northerly along the center line of Victory Drive, along a 3819.72 foot radius curve, central angle = 05 degrees 28 minutes 33 seconds, an arc distance of 365.05 feet to the point of intersection with the north - south center line of Section 21; thence North 00 degrees 55 minutes 59 seconds West, along said north - south center line, 438.65 feet to the point of beginning.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Mankato will be reimbursed by the City of Mankato in accordance with the terms of the Joint Resolution signed by the City of Mankato and the Town of Mankato on February 3, 1995.

Dated this 19th day of September, 2006.

For the Chief Administrative Law Judge
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-357-73, 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.

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