

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)
MINNESOTA STATUTES 414)

ORDER

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 October 18, 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 South 60 acres of the West Half of the Southeast Quarter of Section 21 Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Commencing at the South Quarter Corner of Section 21; thence South 89 degrees 53 minutes 13 seconds East (assumed bearing) along the South line of the Southeast Quarter

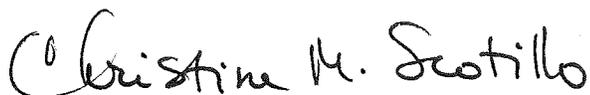
of Section 21 a distance of 555.69 feet to a point on the Easterly right-of-way line of Highway 22 Subdivision, according to the plat thereof on file and of record with the Blue Earth County Recorder; said point being the point of beginning; thence North 00 degrees 06 minutes 47 East, along said easterly line 33.00 feet; thence North 89 degrees 53 minutes 13 seconds West, along said easterly line, 218.82 feet; thence North 09 degrees 08 minutes 23 seconds East, along the easterly line of Highway 22 Subdivision, 1289.70 feet to the point of curvature of a circular curve to the right; thence northerly along said easterly line, along a 3199.05 foot radius curve, Central Angle= 10 degrees 02 minutes 53 seconds, an arc distance of 561.02 feet; thence South 70 degrees 48 minutes 44 seconds East, along said easterly line, radially to said curve, 35.00 feet to a point on a circular curve which center of radius bears South 70 degrees 48 minutes 44 seconds East; thence northerly along the easterly line of Highway 22 Subdivision, along a 3164.05 foot radius curve, Central Angle = 02 degrees 38 minutes 42 seconds, an arc distance of 146.06 feet to the point of intersection of said easterly line with the North line of the South Half of the Northwest Quarter of the Southeast Quarter of Section 21; thence South 89 degrees 43 minutes 31 seconds East, along said North line, 530.21 feet to the Northeast Corner of the South Half of the Northwest Quarter of the Southeast Quarter of Section 21; thence South 00 degrees 48 minutes 40 seconds East, along the East line of the West Half of the Southeast Quarter of Section 21. a distance of 1974.49 feet to the Southeast Corner of the Southwest Quarter of the Southeast Quarter of Section 21; thence North 89 degrees 53 minutes 13 seconds West, along the South line of the Southeast Quarter of Section 21. A distance of 765.59 feet to the point of beginning.

Said tract contains 36.37 acres, subject to an easement for Township Road purposes over and across to the Southerly 33.00 feet.

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 18th day of October, 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-357-74, 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.

CMS