

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	<u>A M E N D E D</u>
AGREEMENT BETWEEN THE CITY OF MANKATO)	
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 March 15, 2007, 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:

~~West Half of the Northeast Quarter of Section 15, Township 108 North Range 26 West, Blue Earth County, Minnesota, described as follows:—~~

~~Commencing at the North Quarter corner of said Section 15; thence South 00 degrees 15 minutes 38 seconds East, (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1986), along the North - South center line of said Section 15, a distance of 990.86 feet to a point~~

~~hereinafter referred to as "Point A"; thence North 89 degrees 10 minutes 46 seconds East, 437.98 feet to the point of beginning; thence continuing North 89 degrees 10 minutes 46 seconds East, 888.77 feet to a point on the east line of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 32 minutes 48 seconds East, along said east line, 1650.07 feet to the southeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 89 degrees 07 minutes 24 seconds West, along the south line of the West Half of the Northeast Quarter of said Section 15, a distance of 1335.00 feet to the Center of said Section 15; thence North 00 degrees 15 minutes 38 seconds West, along the North - South center line of said Section 15, a distance of 1402.78 feet to a point distant 248.66 feet south of the above described "Point A" as measured along said North - South center line; thence North 89 degrees 10 minutes 46 seconds East, 437.98 feet; thence North 00 degrees 15 minutes 38 seconds West, 248.66 feet to the point of beginning. Containing 47.93 acres, and~~

AMENDED DESCRIPTION READS AS FOLLOWS:

That part of the West Half of the Northeast Quarter of Section 15, Township 108 North Range 26 West, Blue Earth County, Minnesota, described as follows:

Commencing at the North Quarter corner of said Section 15; thence South 00 degrees 15 minutes 38 seconds East, (Minnesota County Coordinate System - Blue Earth County Zone - NAD83 - 1986), along the North - South center line of said Section 15, a distance of 990.86 feet to a point hereinafter referred to as "Point A"; thence North 89 degrees 10 minutes 46 seconds East, 437.98 feet to the point of beginning; thence continuing North 89 degrees 10 minutes 46 seconds East, 888.77 feet to a point on the east line of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 32 minutes 48 seconds East, along said east line, 1650.07 feet to the southeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 89 degrees 07 minutes 24 seconds West, along the south line of the West Half of the Northeast Quarter of said Section 15, a distance of 1335.00 feet to the Center of said Section 15; thence North 00 degrees 15 minutes 38 seconds West, along the North - South center line of said Section 15, a distance of 1387.90 feet to a point distant 263.54 feet south of the above described "Point A" as measured along said North - South center line; thence North 89 degrees 07 minutes 24 seconds East, 437.98 feet; thence North 00 degrees 15 minutes 38 seconds West, 263.11 feet to the point of beginning. Containing 47.79 acres.

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 15th day of March, 2007.

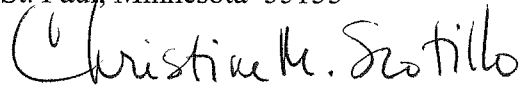
For the Chief Administrative Law Judge
658 Cedar Street – Room 300
St. Paul, Minnesota 55155

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial 'C'.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Amended order dated this 5th day of June, 2007.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial 'C'.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-78, 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.

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