

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 March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on October 16, 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:


That part of the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 9, Township 108 North Range 26 West, Blue Earth County, Minnesota, described as:

Beginning at the southwest corner of Lot 6, Block 1, Westwood Commercial Centre, according to the plat thereof on file and of record with the Blue Earth County Recorder; thence North 00 degrees 00 minutes 54 seconds West, (Minnesota County Coordinate System of 1983, Blue Earth County Zone), along the west line of said Westwood Commercial Center a distance of 938.52 feet; thence South 89 degrees 47 minutes 46 seconds West, 118.14 feet to the point of curvature of a circular curve to the left; thence westerly and southwesterly, along a 528.00 foot radius curve, central angle = 23 degrees 21 minutes 11 seconds, an arc distance of 215.21 feet to a point on the west line of the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 9; thence South 00 degrees 00 minutes 19 seconds East, along said west line, 894.20 feet to the southwest corner of the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 9; thence North 89 degrees 58 minutes 57 seconds East, along the south line of the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 9 a distance of 327.44 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 16th day of October, 2007.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-83, 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