

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION ) AMENDED  
AGREEMENT BETWEEN THE CITY OF MANKATO ) FINDINGS OF FACT  
AND MANKATO TOWNSHIP PURSUANT TO ) CONCLUSIONS OF LAW  
MINNESOTA STATUTES 414 ) AND ORDER  
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The city resolution for orderly annexation submitted by the City of Mankato was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Mankato and Mankato Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Mankato, requests annexation of part of the designated area described as follows:

That part of the Northwest Quarter of the Northwest Quarter of Section 3, Township 108 North, Range ~~23~~ 26 West, Blue Earth County, Minnesota, described as: Commencing at the Northwest Corner Lot 1, Block One of MILLER ESTATE ADDITION according to the recorded plat thereof, thence South 04 degrees 38 minutes 59 seconds East, (bearing based on MILLER ESTATE ADDITION) on the west line of said Lot 1, a distance of 35.08 feet to a south line of said Lot 1; thence North 89 degrees 10 minutes 39 seconds East, on said south line, 291.00 feet to the point of beginning; thence continuing North 89 degrees 10 minutes 39 seconds East, 147.83 feet to a west line of said Lot 1; thence South 00 degrees 55 minutes 53 seconds East, on said west line, 265.23

feet, to the Southwest Corner of said Lot 1; thence South 54 degrees 22 minutes 08 seconds West, 48.65 feet; thence North 00 degrees 55 minutes 53 seconds West 253.01 feet; thence North 70 degrees 28 minutes 58 seconds West, 115.08 to the point of beginning: Contains 0.31 acres and is subject to and together with any and all easements of record.

3. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

#### CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

2. An order should be issued by the Assistant Chief Administrative Law Judge annexing the area described herein.

#### ORDER

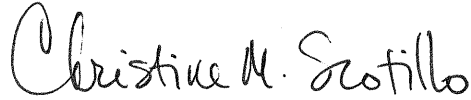
1. The property described in Findings of Fact 2 is annexed to the City of Mankato, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Mankato Township will be reimbursed by the City of Mankato in accordance with the terms of the Joint Resolution signed by the City of

Mankato and Mankato Township on February 3, 1995.

Dated this 12<sup>th</sup> day of February, 2009.

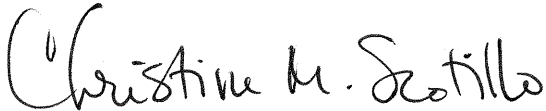
For the Assistant Chief Administrative Law Judge  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

Amended this 12<sup>th</sup> day of March, 2009.

For the Assistant Chief Administrative Law Judge  
P. O. Box 64620  
St. Paul, Minnesota 55164-0620

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-94, the Chief Administrative Law Judge finds and makes the following comment:

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 dark ink, appearing to be 'JWS', is located at the end of the text block.