

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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IN THE MATTER OF THE ORDERLY ANNEXATION	)	
AGREEMENT BETWEEN THE CITY OF MANKATO	)	<u>FINDINGS OF FACT</u>
AND MANKATO TOWNSHIP PURSUANT TO	)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414	)	<u>AND ORDER</u>

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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 Section 21, Township 108 North, Range 26 West, Blue Earth County, Minnesota described as: Commencing at the Southwest corner of the Northwest quarter of Section 21; thence North 0 degrees, 00 minutes, 00 seconds East, assumed bearing, along the West line of Section 21 a distance of 1382.00 feet; thence North 90 degrees, 00 minutes, 00 seconds East, 766.00 feet; thence North 38 degrees, 22 minutes, 00 seconds East, 208.7 feet to the point of beginning; thence South 51 degrees, 38 minutes, 00 seconds East, 104.30 feet; thence South 38 degrees, 22 minutes, 00 seconds West, 208.7 feet; thence North 51 degrees, 38 minutes, 00 seconds West, 19.3 feet; thence South 38 degrees, 22 minutes, 00 seconds West, 66.00 feet; thence North 51 degrees, 38 minutes, 00 seconds West,

85.00 feet; thence North 38 degrees, 22 minutes, 00 seconds East, 274.7 feet to the point of beginning. And Outlots E & F, Cottages at Town Hall Acres; and

Excepting from above an easement for road purposes for Trunk Highway Number 22, said easement is described as: Beginning at the previously describe "point of beginning; thence South 51 degrees, 38 minutes, 00 seconds East, 104.3 feet; thence South 38 degrees, 22 minutes, 00 seconds West, 69.24 feet to a non-tangential curve right of way line of Trunk Highway Number 22; thence northwesterly along said westerly right of way line, radius 1834.86 feet chord bearing North 40 degrees, 52 minutes, 43 seconds West, chord distance 106.16 feet; thence North 38 degrees, 22minutes, 00 seconds East, 49.43 feet to the point of beginning.

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 15<sup>th</sup> day of September, 2009.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-96, 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.

*CMS*