

OA-517-13 Mankato  
City Signed Resolution 10-11-04  
Town Signed Resolution 10-12-04

DEPARTMENT OF ADMINISTRATION  
STATE OF MINNESOTA  
BEFORE THE DIRECTOR OF  
STRATEGIC AND LONG RANGE PLANNING

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IN THE MATTER OF THE ORDERLY ANNEXATION )  
AGREEMENT BETWEEN THE CITY OF MANKATO )  
AND THE TOWN OF LIME PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of  
Mankato and the Town of Lime; and

WHEREAS, resolutions were received from the City of Mankato and the Town of Lime  
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, on November 10, 2004, the Director has reviewed and accepted the  
resolutions for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in  
accordance with the terms of the joint resolutions to the City of Mankato, Minnesota, the same as  
if it had originally been made a part thereof:

PARCEL 1

Part of the East Half of the Southwest Quarter of Section 31, Township 109 North, Range 26 West,  
Blue Earth County, Minnesota, described as: Commencing at the South Quarter corner of Section

31; thence North 00 degrees 09 minutes 13 seconds West (assumed bearing) along the East line of the Southwest Quarter of Section 31, a distance of 1114.90 feet to the point of beginning; thence continuing North 00 degrees 09 minutes 13 seconds West along said East line, 436.05 feet; thence South 89 degrees 51 minutes 23 seconds West, 304.39 feet; thence South 44 degrees 51 minutes 23 seconds West, 199.53 feet, thence South 89 degrees 51 minutes 23 seconds West, 560.31 feet; thence North 45 degrees 08 minutes 37 seconds West, 199.53 feet; thence South 89 degrees 51 minutes 23 seconds West, 173.06 feet to the West line of the East Half of the Southwest Quarter; thence South 00 degrees 08 minutes 37 seconds East along said West line, 770.10 feet to a point 205 feet North of the northerly right of way line of the Chicago, Milwaukee, St. Paul & Pacific Railway (now abandoned); thence South 63 degrees 56 minutes 29 seconds East, 358.46 feet to a point on said northerly right of way line, said point being 325 feet easterly of the West line of the East Half of the Southwest Quarter, as measured along said right of way line; thence North 81 degrees 35 minutes 25 seconds East along said right of way line, 224.25 feet to the point of curvature of a 1382.69 foot radius curve to the left, having a central angle of 03 degrees 58 minutes 47 seconds; thence along said curve and said right of way line, 96.04 feet; thence continuing along said right of way line, North 00 degrees 09 minutes 13 seconds West, 51.21 feet to a point on a 1332.69 foot radius non-tangential curve to the left having a central angle of 34 degrees 19 minutes 32 seconds and a 786.52 foot chord that bears North 59 degrees 58 minutes 52 seconds East; thence on said curve, 798.41 feet to the point of beginning. Contains 21.18 acres of land more or less and is subject to and together with any and all easements of record.

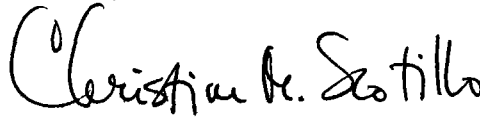
#### PARCEL 2

All that part of the now abandoned Chicago, Milwaukee, St. Paul & Pacific Railway right-of-way lying in the East half of the Southwest Quarter of Section 31, Township 109 North, Range 26 West, Blue Earth County, Minnesota described as: Beginning at the Northeast corner of Lot 1, Block One, Lundin Subdivision; thence North 00 degrees 09 minutes 13 seconds West (assumed bearing) on the northerly extension of the East line of said Lot 1, also being the North South centerline of said Section 31, a distance of 274.08 feet to a point on the northerly right of way line of said abandoned railway being a line 100 feet northerly of and parallel to the centerline of said abandoned railway; thence westerly along a curve to the right having a radius of 1332.69 feet, an arc length of 798.41 feet, a central angle of 34 degrees 19 minutes 32 seconds and a 786.52 foot chord that bears South 59 degrees 58 minutes 52 seconds West; thence South 00 degrees 09 minutes 13 seconds East, 51.21 feet to a point on the northerly right of way line of said abandoned railway being a line 50 feet northerly of and parallel to the centerline of said abandoned railway; thence westerly along a curve to the right having a radius of 1382.69 feet, an arc length of 96.04 feet, a central angle of 03 degrees 58 minutes 47 seconds and a 96.02 foot chord that bears South 79 degrees 36 minutes 01 seconds West; thence South 81 degrees 35 minutes 25 seconds West along said northerly right of way line 224.25 feet; thence South 08 degrees 24 minutes 35 seconds East, 75.00 feet to a point on a line being 25 feet southerly of and parallel to the centerline of said abandoned railway; thence North 81 degrees 35 minutes 25 seconds East along said parallel line, 224.25 feet to the point of curvature of a curve to the left; thence easterly along said curve having a radius of 1457.69 feet, an arc length of 85.01 feet and a central angle of 03 degrees 20 minutes 29 seconds; thence South 00 degrees 09 minutes 13 seconds East, 76.48 feet to a point on the southerly right of way line of said abandoned railway, being a line 100 feet southerly of and parallel to the centerline of said abandoned railway; thence

along said right of way line and the North line of Lot 1, Block One, Lundin Subdivision being a curve to the left having a radius of 1532.69 feet, an arc length of 762.05 feet, a central angle of 28 degrees 29 minutes 14 seconds and a 754.22 foot chord that bears North 64 degrees 34 minutes 48 seconds East, to the point of beginning. Contains 4.12 acres more or less and is subject to and together with any and all easements of record.

Dated this 10<sup>th</sup> day of November, 2004.

For the Director  
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, looped initial "C".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-517-13 Mankato, the Director 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.

Item 10 of the agreement provides for tax reimbursement to Lime Township over a period of more than 6 years. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director.

Additionally, item 16 of the agreement states that the agreement shall be in effect until July 1, 2018 unless otherwise terminated earlier by mutual written joint resolution of the city and township. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. Once jurisdiction is conferred by submission of this agreement to this office, 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 Director upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

The parties are encouraged to consider these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation. 