

OA-517-14 Mankato
City Resolution Dated 3-27-06
Town Waiver Dated 3-22-06

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF MANKATO)
AND THE TOWN OF LIME PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Mankato and the Town of Lime; 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 June 19, 2006, the Chief Administrative Law Judge reviewed and accepted the resolution for orderly annexation;

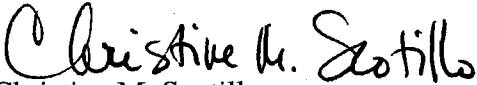
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Mankato, Minnesota, the same as

if it had originally been made a part thereof:

Commencing at a point on the North line of the Southeast Quarter, Section 31, Township 109 North, Range 26 West, 653.55 feet West of the East Quarter corner of said Section 31; thence South 0 degrees 03 minutes West, 583.00 feet; thence North 89 degrees 57 minutes West, 1,034.35 feet to the centerline of County Highway No. 5; thence North 14 degrees 48 minutes East, along the centerline of said Highway, 226.97 feet; thence North 12 degrees 06 minutes East, along the centerline of said Highway, 371.82 feet to the intersection of the centerline of said Highway and the North line of said Southeast Quarter, Section 31; thence South 89 degrees 57 minutes East, along said North line, 900 feet to the point of beginning.

Dated this 19th day of June, 2006.

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


Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-517-14 Mankato, the Chief Administrative Law Judge 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.

CWS