

OA-357-82 Mankato
City Resolution No. 07-0326-51



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)
MINNESOTA STATUTES 414)

ORDER

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 September 13, 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:

Commencing at the southeast corner of the Southwest Quarter of said Section 10; thence North 00 degrees 10 minutes 11 seconds West on the east line of the Southwest Quarter, a distance of 108.30 feet to the northeast corner of Parcel 222, MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT No. 07-3, according to the recorded plat thereof, also being the point of beginning; thence South 89 degrees 11 minutes 00 seconds West on the north line of Parcel 222, a distance of 688.51 feet; thence westerly 279.88 feet on the north line of Parcel 222 and on a 68644.94 foot radius curve to the right, having a central angle of 00 degrees 14 minutes 01 seconds; thence South 89 degrees 25 minutes 01 seconds West on the north line of Parcel 222, a distance of 362.78 feet to the west line of the Southeast Quarter of the Southwest Quarter; thence North 00 degrees 05 minutes 12 seconds West on said west line, a distance of 1213.61 feet to the north line of Southeast Quarter of the Southwest Quarter; thence North 89 degrees 16 minutes 35 seconds East on said north line, a distance of 929.38 feet to the west line of the East 400.00 feet of the Southeast Quarter of the Southwest Quarter; thence South 00 degrees 10 minutes 11 seconds East on said east line, a distance of 675.03 feet to the south line of the North 675.00 feet of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 16 minutes 35 seconds East on said south line, a distance of 400.02 feet to the east line of the Southwest Quarter; thence South 00 degrees 10 minutes 11 seconds East on the east line of the Southwest Quarter, a distance of 538.44 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 13th day of September, 2007.

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

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustment

OA-357-82 Mankato

MEMORANDUM

In ordering the annexation contained in Docket No. OA-357-82, 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.

Cms