IN THE MATTER OF THE JOINT RESOLUTION OF THE CITY OF MANKATO AND THE TOWN OF MANKATO DESIGNATING CERTAIN AREAS AS IN NEED OF ORDERLY ANNEXATION PURSUANT TO MINNESOTA STATUTES § 414.0325

JOINT RESOLUTION FOR ORDERLY ANNEXATION

WHEREAS, the City of Mankato (hereinafter the "City") and Town of Mankato (hereinafter the "Township") deem it necessary and appropriate that they work together to develop and implement a process for the orderly and controlled growth of the City and Township; and

WHEREAS, the City and Township agree that municipal governments most efficiently provide governmental services in areas which are developed for residential, commercial, industrial, and governmental purposes; and

WHEREAS, the City and Township agree that given the potential public health threat from individual sewage treatment systems in certain areas, there is a need for municipal sanitary sewer service; and

WHEREAS, the City and Township agree that the extension of municipal sanitary sewer service to areas needing such service would benefit the public health, safety, and welfare of the entire community; and

WHEREAS, the City and Township agree that orderly urban development using municipal services in a responsible, controlled, and environmentally sound manner is in the best interests of the entire community; and

WHEREAS, the City and Township agree that orderly annexation and orderly development of the areas designated herein is one way to promote the public health, safety, and welfare of the entire community by providing for the logical development of the community and the extension of municipal services as urban development occurs; and

WHEREAS, for certain developed areas designated herein, the City and Township desire to accomplish the servicing of existing development in a mutually acceptable and beneficial manner without the need for a hearing before the Office of Administrative Hearings, Municipal Boundary Adjustments Unit, as urban development occurs; and

WHEREAS, for certain areas designated herein, the City and Township desire to address the issue of orderly annexation for vacant, unimproved, and unsubdivided properties should a development proposal be submitted and the orderly annexation of existing development should the property be redeveloped or uses changed as stipulated herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mankato and the Town Board of Supervisors of the Town of Mankato as follows:

Section 1. Designation of Orderly Annexation Areas. The City and Township hereby designate the following areas as in need of orderly annexation pursuant to Minnesota Statutes, Section 414.0325:

a. "Orderly Annexation Area I." "Orderly Annexation Area I," hereinafter referred to as "Area I," is legally described in Exhibit 1 attached hereto and incorporated herein by reference. For ease of reference, Area I is shown on the map attached hereto as Exhibit 1 and is generally the existing Subdivisions within the Township as delineated on Exhibit 1.

b. "Orderly Annexation Area II." "Orderly Annexation Area II," hereinafter referred to as "Area II," is legally described as all the lands within the Township not contained in "Area I".

Section 2. Definitions. For purposes of this Joint Resolution, the terms defined in this paragraph have the meanings given them:

a. "Abutting" shall have the meaning contained in 1997 Minnesota Statute 414.011, Subdivision 6; areas whose boundaries at least touch one another at a single point, including areas whose boundaries would touch but for an intervening roadway, railroad, waterway or parcel of publicly owned land.

b. "Agricultural development" shall include the permitted and conditional uses as contained in the Agriculture Zoning District of the Mankato Township Land Use Ordinance.

c. "Agricultural land" is defined as a "Farm" as defined in the Mankato Township Land Use Ordinance.

d. "Any adjacent, necessary land" means any unincorporated land lying between the City and the area proposed for annexation or used or proposed for urban, non-farm development that, in the determination of the City and Township, is necessary to maintain the symmetry of its corporate boundaries along recognizable physical features; or any unincorporated land adjacent to the City lying between the City and the area proposed for annexation or used or proposed for urban, non-farm development that, in the determination of the City and Township, is necessary to effectively provide municipal services to said unincorporated area.

e. "Dwelling" is defined as a building or portion thereof, designed exclusively for residential occupancy; the term does not include motels, tents, tent trailers, travel trailers or recreational vehicles. Also referred to as a "residential use" for the purposes of this agreement.

f. "Farming" means "Agriculture" as defined in the Mankato Township Land Use Ordinance.

g. "Improvements" means anything added or modified on a property to give that property increased value or to affect the use of property.

h. "Individual Sewage Treatment System" means a sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which uses subsurface soils treatment and disposal. Individual sewage treatment system includes holding tanks and privies.

i. "Lot or Parcel of Record" means an existing lot or parcel within an existing subdivision, in which property has been platted and subdivided into lots and blocks, or an approved metes and bounds description, and said subdivision or metes and bounds description have been recorded in the office of the Blue Earth County Recorder prior to February 3, 1995. A lot or parcel of record proposed for development under the provisions of Section 3 and 4 shall meet the minimum standards for development under the Mankato Township Land Use Ordinance.

j. "MPCA" means the Minnesota Pollution Control Agency.

k. "Municipal Utility Services" means water and sanitary sewer service as provided by the City of Mankato.

l. "Notice of Potential or Imminent Public Threat" means a notice given and signed by a licensed inspector under Minnesota Rules, Chapter 7080 or other similar state statute or rule, that an individual sewage treatment system presents a potential or imminent threat to the public health or safety because said systems are noncompliant, have failed, or are failing as defined by Minnesota Rules, Chapter 7080.

m. "Other establishment" means any public or private structure other than a dwelling that generates sewage.

n. "Professional Licensed Installer" means a person who designs, installs, alters, repairs, maintains, pumps or inspects individual sewage treatment systems pursuant to the minimum standards and licensing requirements as set forth in Minnesota Rules, Chapter 7080 or other similar state statutes or rules.

o. "Redevelopment." For the purposes of changing the use of property, increasing the intensity of use, or increasing residential density, the term "redevelopment" shall mean the improvement of property by:
   1. The rehabilitation or demolition of existing structures; and/or
   2. The construction or location of new structures, improvements or facilities; and/or
   3. The location or relocation of streets and utilities; and/or
   4. Rezoning or subdivision.

   This definition shall not apply to the exceptions as listed in Sections 3(b) and 4(b).

p. "Sewage" means the liquid and water-carried waste products from whatever source derived. The preferred term is "waste water".

q. "State" means the State of Minnesota.

r. "Subdivision" means a described tract of land which is to be divided into two (2) or more lots or parcels, any of which resultant parcels is less than twenty (20) acres in area, for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, where it is appropriate to the context, related either to the process of subdividing or to the land subdivided.

s. "Urban, non-farm development" means any development, existing or proposed, which is not defined as agricultural development.

Section 3. In Addition to the Other Terms of This Joint Resolution, the Following Agreements Apply to Orderly Annexation Area I:

a. Acreage of Orderly Annexation Area I. The City and Township agree that Orderly Annexation Area I is shown in Exhibit 1 and contains approximately 437.74 acres and represents existing Subdivisions in Mankato Township subject to the provisions of this Section.

b. No Annexation Required. The City and Township agree that no annexation shall be required for the following development activities in Orderly Annexation Area I provided that all activities conform to the provisions of the Mankato Township Land Use Ordinance:

i. Agricultural development as defined in Section 2(b); or

ii. In Highway Business, Light Industrial, and Heavy Industrial Zoning Districts as defined by the Mankato Township Land Use Ordinance, the repair, improvement, or limited expansion of permitted non-residential structures currently used for urban, non-farm development in existence on the effective date of this Joint Resolution. For purposes of this paragraph, the repair, improvement, or limited expansion of structures currently used for urban, non-farm development in existence on the effective date of this Joint Resolution shall not exceed a cumulative fifty percent (50%) increase in square footage of each existing structure proposed for repair, improvement, or limited expansion over a five (5) year period; or

iii. In residential zoning districts, the construction of a new permitted residential use or expansion of an existing permitted residential use and accessory buildings may be permitted on a lot or parcel of record as defined in Section 2(i); or

iv. In agricultural and conservation zoning districts, the construction of a new single-family dwelling and accessory buildings may be permitted per the density regulations of the Mankato Township Land Use Ordinance; or

v. Urban, non-farm development which is first approved in writing by both the City and Township. In determining whether urban, non-farm development will be approved by both the City and Township, the City and Township will examine whether or not the proposed development conforms to the purpose and intent of this resolution, including, but not limited to, the finding that urban, non-farm development is best served by municipal utility services and annexed to the City of Mankato. This exception is not intended to allow subdivisions, zoning approvals, and/or redevelopment activities (refer to definitions for "Redevelopment") that result in additional non-farm development nor allow uses that are not allowed under the Mankato Township Zoning Ordinance. This exception is intended to provide relief for unique and limited circumstances.

c. Annexation Required. The City and Township agree that all urban, non-farm development within Orderly Annexation Area I that is not listed as an Exception in Section 3(b) above shall be prohibited, unless the property proposed for such development and any adjacent, necessary land, is first annexed to the City pursuant to the terms and conditions of Section 5(b) of this Joint Resolution. The property owner shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

d. Subdivisions 100% Bordered by the Municipality. The City and Township agree that if a subdivision area depicted in Exhibit 1 is completely surrounded by and abutting land or rights-of-way within the municipal limits of the City, the City and Township may designate the Subdivision as in need of orderly annexation and the City and Township will provide notice to the property owners of the intent to annex the Subdivision after two (2) years of the date of the notice. Two (2) years after the date of said notice, the City may annex the Subdivision pursuant to the terms and conditions of Section 5(b) of this Joint Resolution.

e. Petition for Annexation – Subdivision Area. The City and Township agree that for any subdivision area as depicted in Exhibit 1, if more than 66 percent of the property owners within the subdivision area petition for municipal utility services the subdivision area petitioning for municipal sewer or water service may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The costs of providing municipal utility services shall be assessed per the assessment policy of the City of Mankato as amended from time to time.

Should municipal utility services not be available within 500 feet of the subdivision area, the City may choose to defer annexation to a defined date or decline to annex the property until municipal utility services are available within 500 feet of the subdivision.

Section 4. In Addition to the Other Terms of This Joint Resolution, the Following Agreements Apply to Orderly Annexation Area II:

a. No Urban, Non-Farm Development. The City and Township agree that all urban, non-farm development or redevelopment within Orderly Annexation Area II is prohibited unless the property proposed for such development or redevelopment and any adjacent, necessary land, is first annexed to the City pursuant to the terms and conditions of this Joint Resolution.

b. Exceptions. The City and Township agree that the following development may occur within Orderly Annexation Area II without having to be first annexed prior to development thereof:

i. Agricultural development as defined in Section 2(b); or

ii. In Highway Business, Light Industrial, and Heavy Industrial Zoning Districts as defined by the Mankato Township Land Use Ordinance, the repair, improvement, or limited expansion of non residential structures currently used for urban, non-farm development in existence on the effective date of this Joint Resolution. For purposes of this paragraph, the repair, improvement, or limited expansion of structures currently used for urban, non-farm development in existence on the effective date of this Joint Resolution shall not exceed a cumulative fifty percent (50%) increase in square footage of each existing structure proposed for repair, improvement, or limited expansion over a five (5) year period; or

iii. In residential zoning districts, the construction of a new single-family dwelling and accessory buildings or expansion of an existing permitted residential use and accessory buildings may be permitted on a lot or parcel of record as defined in Section 2(i); or

iv. In agricultural and conservation zoning districts, the construction of a new single-family dwelling and accessory buildings may be permitted per the density regulations of the Mankato Township Land Use Ordinance; or

v. Urban, non-farm development which is first approved in writing by both the City and Township. In determining whether urban, non-farm development will be approved by both the City and Township, the City and Township will examine whether or not the proposed development conforms to the purpose and intent of this resolution, including, but not limited to, the finding that urban, non-farm development is best served by municipal utility services and annexed to the City of Mankato. This exception is not intended to allow subdivisions, zoning approvals, and/or redevelopment activities (refer to definitions for "Redevelopment") that result in additional non-farm development nor allow uses that are not allowed under the Mankato Township Zoning Ordinance. This exception is intended to provide relief for unique and limited circumstances.

c. Annexation Required. The City and Township agree that all urban, non-farm development within Orderly Annexation Area II that is not listed as an Exception in Section 4(b) above shall be prohibited, unless the property proposed for such development and any adjacent, necessary land, is first annexed to the City pursuant to the terms and conditions of Section 5(b) of this Joint Resolution. The property owner shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

c. Properties 100% Bordered by the Municipality. The City and Township agree that a lot or parcel that is completely surrounded by and abutting land or rights-of-way that are located within the municipal limits of the City may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution.

The property owner shall receive written notice of said designation for orderly annexation and said notice shall state that the lot or parcel shall be annexed within two (2) years of the date of the notice.

d. Notwithstanding the above, should an owner of a lot or parcel that is completely surrounded by and abutting land or rights-of-way within the municipal limits of the City and is five (5) acres or less in size receives a notice of noncompliance under the Blue Earth County Subsurface Sewage Treatment Ordinance as amended from time to time, said property may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution.

e. Petition for Sewer or Water Service. The City and Township agree that if any property located in Orderly Annexation Area II is being used for urban, non-farm development, and the property owner located therein petitions the City for extension of municipal utility services, then the property petitioning for municipal sewer or water service may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The property owner shall be responsible for all costs associated with the municipal utility service extensions unless other arrangements are agreed to by the City.

g. Annexation by Property-Owner Petition. The City and Township agree that if the City receives a property-owner petition for annexation by any property-owner with land within Orderly Annexation Area II and said land is platted or subdivided, is proposed to be platted or subdivided, or is proposed for urban, non-farm development, the land may be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The property owner shall be responsible for all costs associated with the municipal utility service extension unless other arrangements are agreed to by the City.

h. Annexation by City of Eagle Lake. Under the terms and provisions of this agreement, property located in Sections 12, 13 and 24 of Mankato Township (Township 108 North, Range 26 West) may be annexed into the City of Eagle Lake.

Section 5. In Addition to the Other Terms of This Joint Resolution, the Following Agreements Apply to Orderly Annexation Areas I and II as indicated.

a. Sewer and Water Extension Required by State Agency. The City and Township agree that when the City is required to provide municipal water or sanitary sewer service to a designated area by order of an agency of the State the designated area shall be designated by the City and Township as in need of orderly annexation and annexed in accordance with Section 5(d) of this Joint Resolution.

The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The property owner(s) provided with municipal sewer or water service under any of the above circumstances shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

b. No Hearing Required. The City and Township agree that upon receipt of resolutions from the City and Township providing for annexation of a designated area under Section 3(c) and 3(d), 4(c), 4(d) and 4(e), 5(a), and 7(d) and a copy of this Joint Resolution, the Office of Administrative Hearings, Municipal Boundary Adjustments Unit or designee/successor, pursuant to Minnesota Statutes, Section 414, may review and comment, but shall, within thirty (30) days of receipt of said resolution, order the annexation of the area designated therein in accordance with the terms and conditions of this Joint Resolution.

The City and Township agree that no alteration of the boundaries as described in the filed resolution is appropriate, that no consideration by the Office of Administrative Hearings, Municipal Boundary Adjustments Unit is necessary, and that all terms and conditions for annexation of the area designated in the filed resolution are provided for in this Joint Resolution.

c. Planning Authority. The City and Township agree that as of the date of execution of this Joint Resolution, all planning, zoning, and subdivision review activities within the Township area shall be carried out by Mankato Township. Land annexed under this Joint Resolution shall be subject to the Mankato City Code and Charter and the City shall be responsible for providing governmental services.

d. Official Controls. Mankato Township agrees not to subdivide or rezone any property presently zoned Agriculture or Conservation to any other zoning district nor shall they amend any provision of or repeal the Official Control in effect on the date of the execution of this Agreement unless agreed to by the City. The adopted official controls of Mankato Township shall give full effect to the covenants and conditions provided for in this Joint Resolution.

e. Enforcement. The City and Township agree that upon adoption of official controls, enforcement and implementation of the official controls shall be by Mankato Township, except for Shoreland and Wetland Regulations, which are administered and enforced by Blue Earth County.

f. Termination. The Planning Authority established by this Joint Resolution shall continue in effect for the term of this Joint Resolution unless otherwise terminated earlier by mutual written joint resolution of the governing bodies of the City and Township.

Section 6. Building Permits Issuance. The City and Township, agree that Mankato Township shall be responsible, as of the date of execution of this Joint Resolution, for the issuance of all building permits within the Township in accordance with this Joint Resolution. Land annexed under this Joint Resolution shall be subject to the Mankato City Code and Charter.

Section 7. Zoning and Building Permit Application Procedure. The City and Township agree that:

a. Whenever any person(s) or business entity makes application for a building permit for the construction of a new commercial or industrial building or for a zoning request for the establishment of a commercial or industrial use within the Township, such application shall be submitted to the City and Township for review.

b. Should the City during its review of an application under Section (7)(a) above, determine that the application qualifies as urban, non-farm development for which an exception is not listed under the terms of this Joint Resolution, the City shall provide notice to the Township, and the property owner, within thirty (30) days of receipt, that the property and any adjacent necessary land are subject to annexation and extension of services by the City in accordance with the terms of this Joint Resolution. The City shall in the notice state whether the City intends to annex the property and any adjacent necessary land. The City shall state in the notice that the property owner, in the event of annexation, will be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

c. The City and Township, thereafter, within sixty (60) days of such notice, shall each consider and either approve or deny the annexation. If either the City or Township determines that such annexation is not appropriate or is premature, the Township shall deny the application. A valid reason the City or Township may determine that such annexation is not appropriate, or is premature, is the lack of municipal utility services within 500 feet of the property and/or the inability to provide municipal governmental services, such as Public Safety protection and Public Works services.

d. If the City and Township both approve the annexation per Section 7(c) above, the City and Township agree that the City may submit a resolution for annexation of the area proposed for urban, non-farm development in accordance with Section5(b) of this Joint Resolution. The City and Township may also designate any adjacent, necessary land as also in need of orderly annexation and annexed in accordance with Section 5(b) of this Joint Resolution. The property owner shall be responsible for all costs associated with the service extension unless other arrangements are agreed to by the City.

e. After annexation of an area as provided for in this section, the City shall be responsible for providing governmental services and municipal utility services to the area annexed.

Section 8. Tax Reimbursement. When a lot or parcel is annexed, the City annexing the lot or parcel will reimburse the Township for the loss of taxes generated from the property annexed. If the annexation becomes effective on or before August 1 of the levy year, the City may levy on the annexed area beginning with the same levy year.

If the annexation becomes effective after August 1, of the levy year, the Township may continue to levy on the annexed property for that levy year and the City may not levy on the annexed area until the following year. For the year following the last tax year that Mankato Township last collects a levy, the City will reimburse the Township ninety percent (90%) of the amount of taxes that were collected by the Township the previous year. For each year thereafter, the City will reimburse a declining amount adjusted by ten percent (10%) per year of the original taxes up until and including the year that the reimbursement equals ten percent (10%) of the original amount.

Thereafter, the City will no longer reimburse the Township. If an annexation occurs before and within 10 years of the termination of this agreement, payments will continue in conformance with the above beyond the termination date.

Section 9. The City and Township to Adopt and Enforce Regulations. The City and Township agree to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the stipulations contained in this Joint Resolution.

Section 10. Assessments and Installation of Municipal Services. For annexed property, the assessment policy of the City shall be incorporated by reference into this agreement.

The installation of municipal services shall conform to City standards. Where feasible and cost effective, the installation of municipal services shall minimize the disruption of existing streets within the subdivision areas contained in Orderly Annexation Area I, provided adequate easements and access are provided by the property owners and any resulting additional costs are assessed to the benefitting properties. If the initial installation of municipal services causes the excavation and/or other physical disruption of a street within a subdivision area contained in Orderly Annexation Area I, the street shall be restored to its original condition and configuration unless an additional street improvement is petitioned for by at least 66% of the owners of the subdivision. Future street reconstruction projects after the initial installation of municipal services shall conform to the municipal standards for street reconstruction of the City of Mankato.

Section 11. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

Section 12. Modification / Amendment. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City, and the Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with the Office of Administrative Hearings, Municipal Boundary Adjustments Unit, or their successor.

Section 13. Term. This Joint Resolution shall be in full force and effect until July 1, 2035, unless otherwise terminated earlier by mutual written joint resolution of the City and Township or should the remaining unincorporated areas of the Township merge with the City.

Section 14. Severability. In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.

Section 15. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

Section 16. Attachments. All Attachments referred to in this Joint Resolution are hereby made a part hereof and incorporated herein by reference as fully and as completely as if set forth herein verbatim.

Section 17. Entire Agreement. The terms, covenants, conditions, and provisions of this Joint Resolution, including the present and all future attachments, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

Section 18. Disputes and Remedies. The City and Township agree as follows:

a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the respective City and Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

b. Arbitration. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.

c. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

Section 19. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, as follows:

If to the City:
Mr. Patrick Hentges, City Manager (or successor)
Intergovernmental Center
10 Civic Center Plaza
PO Box 3368
Mankato, MN 56002-3368

If to the Township:
Town Clerk (or successor)
Mankato Township
19727 Ridge Drive
Mankato, MN 56001

Approved by the Town of Mankato this 1st day of November, 2013.

TOWN OF MANKATO

By: _____
Daniel Rotchadl, Chair

By: _____
Daniel Fogal, Town Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF BLUE EARTH)

On this 1st day of November, 2013, before me, a Notary Public within and for said County and State, personally appeared Daniel Rotchadl to me known to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same as authorized by the Mankato Town Board of Supervisors.

KARI A. LOZINSKI
Notary Public-Minnesota
My Commission Expires Jan 31, 2017

_____
Notary Public

STATE OF MINNESOTA)
)ss.
COUNTY OF BLUE EARTH)

On this 1st day of November, 2013, before me, a Notary Public within and for said County and State, personally appeared Daniel Fogal to me known to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same as authorized by the Mankato Town Board of Supervisors.

KARI A. LOZINSKI
Notary Public-Minnesota
My Commission Expires Jan 31, 2017

_____
Notary Public

Approved by the City of Mankato this 1st day of November, 2013.

CITY OF MANKATO

By: _____
Eric T. Anderson Mayor

Attest: Renae Kopischke
Renae, Kopischke, Executive Secretary

STATE OF MINNESOTA)
) ss.
COUNTY OF BLUE EARTH)

On this 1st day of November, 2013, before me, a Notary Public within and for said County and State, personally appeared Eric T. Anderson to me known to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same as authorized by the City Council of Mankato.

Kari A. Lozinski
Notary Public

KARI A. LOZINSKI
Notary Public-Minnesota
My Commission Expires Jan 31, 2017

STATE OF MINNESOTA)
) ss.
COUNTY OF BLUE EARTH)

On this 1st day of November, 2013, before me, a Notary Public within and for said County and State, personally appeared Renae Kopischke to me known to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same as authorized by the City Council of Mankato.

Kari A. Lozinski
Notary Public

KARI A. LOZINSKI
Notary Public-Minnesota
My Commission Expires Jan 31, 2017

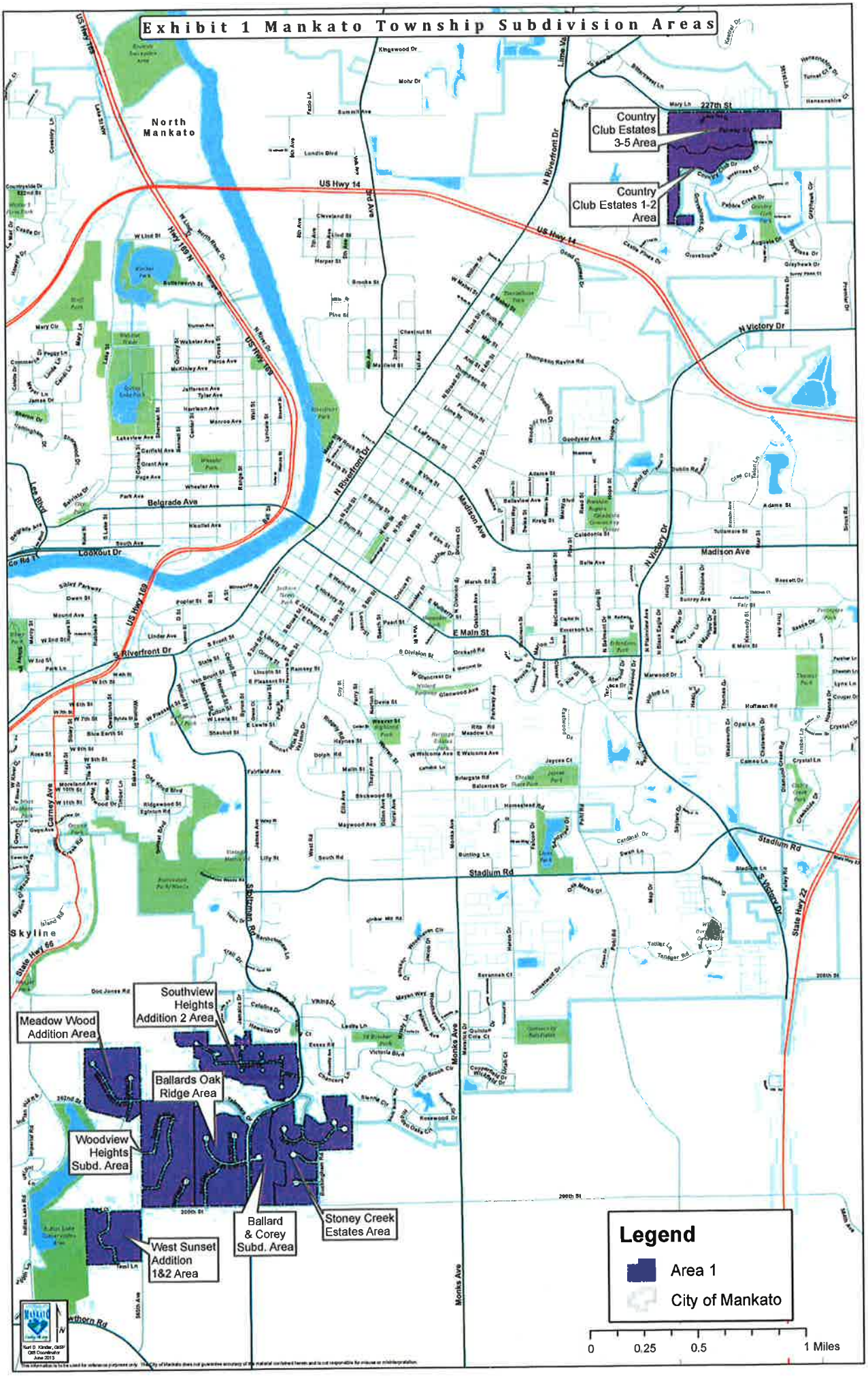
Exhibit 1 Mankato Township Subdivision Areas
North Mankato
Country Club Estates 3-5 Area
Country Club Estates 1-2 Area
Southview Heights Addition 2 Area
Meadow Wood Addition Area
Ballards Oak Ridge Area
Woodview Heights Subd. Area
West Sunset Addition 1&2 Area
Ballard & Corey Subd. Area
Stoney Creek Estates Area
Legend
Area 1
City of Mankato
0
0.25
0.5
1 Miles

AFFIDAVIT OF PUBLICATION

State of Minnesota, ss.
County of Blue Earth

James P. Santori, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as The Free Press and The Land, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statute 331.02, 331.06, and other applicable laws, as amended.

(B) The printed Notice

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 *successive weeks; it was first published on* Saturday, *the* 5 *day of* October, *20*13, *and was thereafter printed and published on every* Saturday *to and including* Saturday, *the* 5 *day of* October, *20*13*; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:*

abcdefghijklmnopqrstuvwxyz

By _____
Publisher

Subscribed and sworn to before me on this 13 *day of* February, *20*14.

_____
Notary Public

TRACY MARIE HERRMANN
Notary Public-Minnesota
My Commission Expires Jan 31, 2017

October 5, 2013
JOINT NOTICE OF INTENT FOR THE SIGNING OF THE JOINT RESOLUTION ADOPTING THE CITY OF MANKATO/MANKATO TOWNSHIP ORDERLY ANNEXATION AGREEMENT

The City of Mankato and Mankato Township adopted by joint resolution the City of Mankato/Mankato Township orderly annexation agreement establishing criteria for annexation and limitations to nonfarm development. The signing of the the City of Mankato/Mankato Township orderly annexation agreement will occur on or after October 17, 2013.

The properties intended to be included in the agreement are as follows:

1. All properties located within Mankato Township with the exception of Sections 12, 13, and 24.
2. The Mankato City Council adopted the Joint Resolution for annexation of said properties at their regular meeting of June 24, 2013.
3. The Mankato Township Board has previously considered and resolved to adopt the Joint Resolution at their regular meeting held on May 16, 2013.

Dated: October 5, 2013