

CITY OF MANKATO
RESOLUTION AUTHORIZING A SANITARY SEWER AND WATER SERVICE
AGREEMENT WITH BLUE EARTH COUNTY

WHEREAS, the City owns and operates a water treatment plant and a water resource recovery facility; and

WHEREAS, the City and Mankato Township entered into an orderly annexation agreement on November 1, 2023 that allows consumers located in the Township in Annexation Area II to connect to City water and sanitary sewer system without further annexation if developing an Agricultural Development compliant with Section 2(b) of that Annexation Agreement; and

WHEREAS, Blue Earth County purchased land in Mankato Township and intends to construct a public works building for Blue Earth County which represents the type of Agricultural Development allowed by Section 2(b) of the Annexation Agreement and, which is to be located on certain real property outside of jurisdictional limits of the City within Annexation Area II and legally described on Exhibit A attached hereto; and

WHEREAS, Mankato Township on March 7, 2024, considered and approved a conditional use permit submitted by Blue Earth County to the Township in January 2024, in which the Township approved the development and verified the development met the criteria of the type of Agricultural Development allowed under the Annexation Agreement without further annexation; and

WHEREAS, BLUE EARTH COUNTY desires to construct Utility Connections and use those Utility Connections to directly connect its facilities on the Property to the City's publicly owned and operated utilities that run along Stoltzman Road, as designated by Blue Earth County on the site map attached to its Conditional Use Permit and known as 568th Avenue; and

WHEREAS, City Code § 3.03 requires consumers to apply for municipal utility services upon forms supplied by the City and no connection shall be made until consent has been received from the City to make the same; and

WHEREAS, City Code § 3.03, subd. 15 allows for municipal utility services to consumers outside the City and states that "[n]o portion of the cost of extending municipal utility services to consumers outside of the corporate limits of the City shall be paid for by the City"; and

WHEREAS, City Code § 3.03, subd. 15 further states that "...only water and wastewater service shall be provided outside of the corporate limits of the City and only to jurisdictions where the jurisdictions' comprehensive plan guides for sewer. Water service shall not be supplied without wastewater service, nor shall wastewater service be supplied without water service; and

WHEREAS, the City is willing to permit Blue Earth County to connect to its City Utilities in accordance with the terms and conditions contained in this Agreement and subject to the provisions of Mankato City Code; and

WHEREAS, Blue Earth County agrees to construct, at its own cost and expense, the sanitary sewer infrastructure and the water infrastructure necessary to connect its facilities to City Utilities; and

WHEREAS, in addition to the Annexation Agreement and to the extent applicable, the City and Township have the joint authority, pursuant to Minnesota Statutes, section 471.59, to cooperatively exercise any power common to one another, including the powers granted to municipalities in Minnesota Statutes, section 444.075 regarding the acquisition, maintenance, and operation of sanitary sewer systems.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MANKATO, MINNESOTA, that the City Manager is authorized to execute the Sanitary Sewer and Water Service Agreement with Blue Earth County, including any housekeeping changes that may be needed for the agreement, subject to review by the City Manager and City Attorney,

This resolution shall become effective upon its adoption and without further publication

Passed this 15th day of October, 2024

Najwa Massad
Mayor

ATTEST: _____
Rena Kopischke
City Clerk

EXHIBIT A
Legal Description of the Property

The Property is located in Blue Earth County, Minnesota and legally described as follows:

The South Half of the Southwest Quarter (S1/2 SW1/4) of Section Thirty-one (31) in Township One Hundred Eight (108) North, of Range Twenty-six (26) West, containing 76.4 acres of land, more or less, according to the United States Government Survey thereof; excepting therefrom 8.96 acres for Highway Right-of-Way shown as Parcel BM on the plat designated as Blue Earth County Highway Right-of-Way Plat No. 11 recorded in Book G of Plats, pages 80-84 under Warranty Deed filed October 16, 1996, and recorded as Document 363210.

Together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions

1. Easement in favor of Northern Natural Gas Company dated July 5, 1939, and filed for record August 25, 1939, in Book 142 of Deeds, page 550.
2. Agreement between Northern Natural Gas Company and Blue Earth County dated January 20, 1996, and filed for record on January 24, 1996, as Document No. 357CR271.
3. Unrecorded Crop Land Lease Agreement in favor of Greg Scheurer to be assigned to Grantee at Closing.