

I-67 Hassan Township
A-6793 Rogers/Hassan Township
A-6794 Rogers/Hassan Township
A-6795 Rogers/Hassan Township
A-6796 Rogers/Hassan Township

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

IN THE MATTER OF THE PETITION FOR THE)
INCORPORATION OF THE TOWN OF HASSAN))
AND THE PETITIONS FOR ANNEXATION BY)
ORDINANCE TO THE CITY OF ROGERS)
PURSUANT TO MINNESOTA STATUTES 414)

NOTICE OF
HEARING CANCELLATION
AND
ORDER TO DISMISS

WHEREAS, a petition requesting the incorporation of the Town of Hassan (hereinafter "Hassan") was filed on October 17, 2002, with the Municipal Boundary Adjustment section (hereinafter "MBA") of the then, Office of Strategic and Long-Range Planning (hereinafter "Minnesota Planning") pursuant to Minnesota Statutes Sec. 414.02; and

WHEREAS, on December 2, 2002, Minnesota Planning received six (6) ordinances from the City of Rogers (hereinafter "Rogers") for the annexation of certain properties from Hassan which were opened as MBA Dockets A-6791 (Mitsch/Weber), A-6792 (Egan), A-6793 (Huneke), A-6794 (King), A-6795 (Kingham), and A-6796 (Moen/Leuer) and all of which included area covered by Hassan's I-67 petition for incorporation; and

WHEREAS, pursuant to statutory requirements, a hearing was convened on the I-67 Hassan petition on December 4, 2002, after due and appropriate legal notice, and was continued to an indefinite date pending completion of agency review and delegation for further evidentiary

hearing; and

WHEREAS, MBA received two motions for “Petition for Acceptance of Annexation, Exclusion From Incorporation” for properties covered in A-6791 (Mitsch/Weber) and for a parcel of land owned by Rogers for which an ordinance had not yet been passed, which were filed pursuant to Minnesota Statutes Sec. 414.033 Subd. 6; and

WHEREAS, on December 13, 2002, at the monthly boundary review meeting, the Acting Director took no action on either motion for “Petition For Acceptance...”, and tabled I-67 Hassan, and the six the ordinance annexations from Rogers for rereview in January 2003; and.

WHEREAS, in January 2003, MBA received two additional motions for “Acceptance of Annexation, Exclusion From Incorporation” for A-6792 and for an adjacent parcel for an ordinance that had not yet been passed, both of which were owned by the same landowner; and

WHEREAS, on January 30, 2003, the Acting Director delegated authority and responsibility under Minnesota Statutes Sec. 414.01 to 414.09 to conduct hearings and issue orders, including the final decision in these matters to the Office of Administrative Hearings (hereinafter “OAH”), pursuant to Minnesota Statutes Sec. 414.12 Subd. 2. Included in the delegation were MBA Dockets No’s.: I-67 Hassan, A-6791 Rogers/Hassan (Mitsch/Weber); A-6792 Rogers/Hassan (Egan); A-6793 Rogers/Hassan (Huneke); A-6794 Rogers/Hassan (King); A-6795 (Kinghorn); and A-6796 Rogers/Hassan (Moen/Leuer), as well as four motions for “Petition for Acceptance, Exclusion From Incorporation” for A-6791, A-6792, a city-owned parcel of approximately 1.23 acres, and another parcel of the Egan property; and

WHEREAS, in March of 2003, the parties were ordered into mediation as a result of a status conference before the OAH, and certain property owners who had previously filed motions to be excluded from the incorporation proceeding, were allowed to call for a ruling on those

motions after a 30 day waiting period. In addition, the city-owned parcel consisting of approximately 1.23 acres was granted exclusion from the incorporation proceeding and was approved by MBA on April 10, 2003 (A-6821 Rogers/Hassan); and

WHEREAS, in July 2003, the OAH granted motions from certain landowners for exclusion from MBA Docket No. I-67 Hassan and returned those files to MBA for further processing and approval; and

WHEREAS, on July 10, 2003, the Acting Director approved A-6791 Rogers/Hassan (Mitsch/Weber) and on October 13, 2003, approved A-6792 Rogers/Hassan (Egan); and

WHEREAS, since March of 2003, the parties had been meeting and discussing resolution of other contested issues arising from Hassan's incorporation proceeding, and in November 2003, the Township advised the OAH that the parties had successfully negotiated and signed an orderly annexation agreement. Hassan requested that the hearing pending before the OAH be cancelled and the remaining files be returned to MBA for closure and further processing; and.

WHEREAS, on November 26, 2003, the Executive Director of MBA at the Department of Administration received an Orderly Annexation Agreement between Rogers and Hassan representing settlement of the underlying dispute proposed by I-67 Hassan; and

WHEREAS, the Orderly Annexation Agreement designates the entire township for orderly annexation and requests the immediate annexation of Phase I consisting of approximately 317 acres; and

WHEREAS, Hassan requests that its petition for incorporation pursuant to Minnesota Statutes Sec. 414.02 be withdrawn and that MBA Docket I-67 Hassan be closed; and that the continued hearing be cancelled pursuant to the terms of the Orderly Annexation Agreement as executed between the parties; and

WHEREAS, on December 30, 2003, the Acting Director of Strategic and Long Range Planning granted Hassan's request to withdraw its petition; cancelled the continued hearing; and closed MBA Docket I-67 Hassan; and

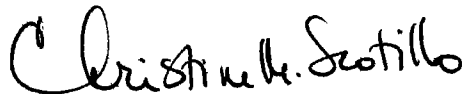
WHEREAS, the area proposed for annexation in A-6793 Rogers, A-6794 Rogers, and A-6796 Rogers is included in the Phase I area for immediate annexation to Rogers; and

WHEREAS, the area proposed for annexation in A-6795 Rogers is included in the Phase II area of the joint orderly annexation agreement and pursuant to the terms of the parties' agreement, is scheduled for annexation to Rogers between 2004 to 2010.

IT IS HEREBY ORDERED: That the petition for incorporation of the Town of Hassan is withdrawn, the continued hearing in this matter is cancelled, and MBA Docket I-67 Hassan is closed without prejudice.

Dated this 30th day of December, 2003.

For the Acting Director of Strategic &
Long Range Planning
658 Cedar Street - Room 300
St. Paul, Minnesota 55155

A handwritten signature in black ink, reading "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments