

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

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ROGERS)
AND THE TOWN OF HASSAN PURSUANT TO)
MINNESOTA STATUTES 414)

ORDER

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Rogers and the Town of Hassan; and

WHEREAS, a resolution was received from the City of Rogers indicating their desire that certain property be annexed to the City of Rogers 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, on June 10, 2004, the Director has reviewed and accepted the resolution for orderly annexation;

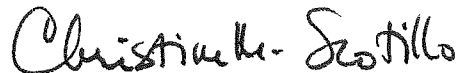
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Rogers, Minnesota, the same as if it had originally been made a part thereof:

That part of the Southeast Quarter of the Northeast Quarter of Section 27, Township 120, Range 23, lying Northeasterly of Hennepin County Highway No. 116, as delineated in State Aid Highway No. 116, Plat 21; together with all that part of said Hennepin County

Highway No. 116 lying between the East line of said Southeast Quarter of the Northeast Quarter and the Southerly extension of the West line of Block 1, Dutch Knolls 5th Addition.

Dated this 10th day of June, 2004.

For the Director
658 Cedar Street - Room 300
St. Paul, Minnesota 55155

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

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-2, the Director 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.

Section 13.01 states the agreement will terminate on August 15, 2030 in all respects prior to August 15, 2030. 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, 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 this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

CWS