

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

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 of land 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; and

WHEREAS, on June 16, 2005, the Chief Administrative Law Judge 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 Government Lot 2, Section 21, Township 120, Range 23, Hennepin County, Minnesota, described as follows: Commencing at the southwest corner of said Government Lot 2; thence South 89 degrees 48 minutes 24 seconds East, assumed bearing, along the south line of said Government Lot 2, a distance of 438.00 feet to the point of beginning; thence North 0 degrees 13 minutes 06 seconds East, parallel with the west line of said Government Lot 2, a distance of 874.50 feet; thence South 89 degrees 48 minutes 24 seconds East, a distance of 57.00 feet; thence North 0 degrees 13 minutes 06 seconds East, a distance of 891 feet, more or less, to the shoreline of Cowley Lake; thence northeasterly along said shoreline, a distance of 1043 feet, more or less, to the east line of said Government Lot 2; thence South 0

degrees 20 minutes 20 seconds West along said east line, a distance of 698 feet, more or less, to a point which is 1604.32 feet north of the southeast corner of said Government Lot 2, as measured along said east line; thence North 89 degrees 39 minutes 40 seconds West, a distance of 154.63 feet; thence South 22 degrees 32 minutes 57 seconds West, a distance of 930.19 feet; thence South 0 degrees 13 minutes 06 seconds West, a distance of 744.43 feet to the south line of said Government Lot 2; thence North 89 degrees 48 minutes 24 seconds West along said south line, a distance of 387.00 feet to the point of beginning.

and

That part of Government Lot 2, Section 21, Township 120, Range 23, Hennepin County, Minnesota, described as follows: Commencing at the southeast corner of said Government Lot 2; thence North 0 degrees 20 minutes 20 seconds East, assumed bearing, along the east line of said Government Lot 2, a distance of 1604.32 feet; thence North 89 degrees 39 minutes 40 seconds West, a distance of 154.63 feet; thence South 22 degrees 32 minutes 57 seconds West, a distance of 930.19 feet; thence South 0 degrees 13 minutes 06 seconds West, a distance of 744.43 feet to the south line of said Government Lot 2; thence South 89 degrees 48 minutes 24 seconds East along said south line, a distance of 504.68 feet to the point of beginning.

and

That part of the north 75.00 feet of the west 75.00 feet of the Northeast Quarter of the Southeast Quarter of Section 21, Township 120, Range 23, Hennepin County, Minnesota lying north of the centerline of 129th Avenue North.

and

The south 33.00 feet of the west 33.00 feet of the Southeast Quarter of the Northeast Quarter of Section 21, Township 120, Range 23, Hennepin County, Minnesota.

Dated this 16th day of June, 2005.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-5, 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.

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 Chief Administrative Law Judge. 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.

cmo