

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)
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 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 July 13, 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

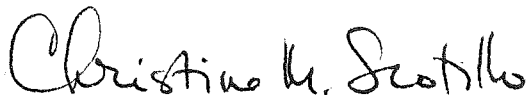
if it had originally been made a part thereof:

That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27 and of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, all in Township 120 North, Range 23, West of the 5th Principal Meridian, Hennepin County, Minnesota, described as follows: Beginning at the Northeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 27; thence South along the East line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 496.1 feet to its intersection with the center line of Co. Rd. No. 116; thence deflecting to the right 111 degrees 31 minutes along said center line a distance of 677.00 feet; thence deflecting to the right 71 degrees 00 minutes a distance of 580.4 feet; thence East parallel with the North line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 603.1 feet to the East line of said Section 22; thence South along said East line a distance of 331.5 feet to the point of beginning except that part described as follows:

That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27 and of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, all in Township 120, Range 23 described as follows: Commencing at the Northeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 27; thence South along the East line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 496.1 feet to its intersection with the center line of Co. Rd. 116; thence deflecting to the right 111 degrees 31 minutes along said center line a distance of 677.00 feet; thence deflecting to the right 71 degrees a distance of 580.4 feet; thence East parallel with the North line of said Section 27 a distance of 423.1 feet to the actual point of beginning of the tract to be excepted; thence continuing along the last described course a distance of 180.0 feet, more or less, to the East line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 22; thence South along said East line and of the East line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 27 to its intersection with the center line of Co. Rd. 116; thence deflecting to the right 111 degrees 31 minutes along said center line a distance of 194.5 feet; thence North a distance of 755.5 feet, more or less, to the point of beginning, all in Henn. Co., Minnesota, according to the recorded plat thereof.

Dated this 13th day of July, 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-992-11, 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 End dates or ending mechanisms are problematic in that they appear contrary to 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.

