

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 August 10, 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 Quarter of the Northwest Quarter of Sec. 27, Township 120, Range 23;

and

The Southeast Quarter of the Southwest Quarter of Section 22, Township 120, Range 23 described as follows: Commencing at the Northeast corner of the Northeast Quarter of the Northwest Quarter of said Section 27; thence South along the East line of said Quarter-Quarter distant 496.1 feet to its intersection with the centerline of County Road No. 116; thence deflecting to the right 111 degrees, 31 minutes along said centerline 677.0 feet; thence deflecting to the right 71 degrees, 00 minutes distant 580.4 feet; thence East parallel with the North line of said Section 27 distant 423.1 feet to the actual point of beginning; thence continuing along the last described course 180.0 feet more or less to the East line of the Southwest Quarter of the Southwest Quarter of said Section 22; thence South along said East line and the East line of the Northeast Quarter of the Northwest Quarter of said Section 27 to its intersection with the centerline of County Road No. 116; thence deflecting to the right 111 degrees 31 minutes along said centerline 194.5 feet; thence North 755.5 feet more or less to the point of beginning, Henn. Co., Minn., according to the recorded plat thereof.

PID #22-120-23 34 0003

Dated this 10th day of August, 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-992-13, 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.

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