

OA-992-14 Rogers  
City Resolution No. 2005-36

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS



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

ORDER

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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

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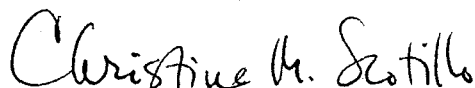
if it had originally been made a part thereof:

That part of the North  $\frac{3}{4}$  of the Northeast  $\frac{1}{4}$  of Section 16, Township 120, Range 23, Hennepin County, Minnesota described as follows: Commencing at the intersection of the West line of the West line of the Northeast  $\frac{1}{4}$  of Section 16 and the center line of Hennepin County State Aid Highway No. 144, Plat 52, according to the plat thereof on file or of record in the office of the County Recorder in and for said County; then Northeasterly along said center line 277.33 feet to a point of tangency in said center line; thence North 44 degrees 20 minutes 08 seconds East along said center line a distance of 584.29 feet to the actual point of beginning of the land to be herein described; thence South 45 degrees 39 minutes 52 seconds East 2260.90 feet to the South line of said North  $\frac{3}{4}$ ; thence North 89 degrees 27 minutes 17 seconds East along said South line 404.12 feet to the Southeast corner of said North  $\frac{3}{4}$ ; thence North 0 degrees 53 minutes 30 seconds West along the East line of said Northeast  $\frac{1}{4}$  a distance of 140.76 feet, more or less, to the Southwesterly right-of-way line of the Burlington Northern Railway Co; thence in a general Northwesterly direction along said Southwesterly line along said centerline to the actual point of beginning, subject to Co. Rd. No. 144, all in Section 16, Township 120, Range 23, Henn. Co., Minn., according to the recorded plat thereof.

PID #16-120-23 12 0012

Dated this 10<sup>th</sup> 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

OA-992-14 Rogers

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-14, 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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