

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 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:

PARCEL C:

That part of the Northwest Quarter of the Northeast Quarter of Section 27, Township 120, Range 23, Hennepin County, Minnesota described as follows: Beginning at the northwest corner of said Northwest Quarter of the Northeast Quarter; thence east along the north line of said Northwest Quarter of the Northeast Quarter, a distance of 666.00 feet; thence southerly on line with a point on the centerline of Hennepin County State Aid Highway No. 116 as shown on HENNEPIN COUNTY STATE AID HIGHWAY NO. 116, PLAT 21 according to the recorded plat thereof distant 569.67 feet southeasterly from the west line of said Northwest Quarter of the Northeast Quarter as measured along said centerline shown as a survey line on said HENNEPIN COUNTY STATE AID HIGHWAY NO. 116, PLAT 21, a distance of 310.95 feet; thence west parallel with the north line of said Northwest Quarter of the Northeast Quarter, a distance of 607.72 feet to said west line of the Northwest Quarter of the Northeast Quarter; thence north along said west line, a distance of 304.69 feet to the point of beginning.

PARCEL D:

That part of the Northwest Quarter of the Northeast Quarter of Section 27, Township 120, Range 23, Hennepin County, Minnesota described as follows: Commencing at the northwest corner of said Northwest Quarter of the Northeast Quarter; thence east along the north line of said Northwest Quarter of the Northeast Quarter, a distance of 666.00 feet; thence southerly on line with a point on the centerline of Hennepin County State Aid Highway No. 116 as shown on HENNEPIN COUNTY STATE AID HIGHWAY NO. 116, PLAT 21 according to the recorded plat thereof distant 569.67 feet southeasterly from the west line of said Northwest Quarter of the Northeast Quarter as measured along said centerline shown as a survey line on said HENNEPIN COUNTY STATE AID HIGHWAY NO. 116, PLAT 21, a distance of 310.95 feet to the point of beginning of the land to be described; thence continue southerly along the last described course, a distance of 415.39 feet to said centerline of Hennepin County State Aid Highway No. 116; thence northwesterly along said centerline, a distance of 569.67 feet to said west line of the Northwest Quarter of the Northeast Quarter; thence north along said west line, a distance of 190.90 feet to the intersection of a line drawn west parallel with the north line of said Northwest Quarter of the Northeast Quarter from the point of beginning; thence east along said parallel line, a distance of 607.72 feet to the point of beginning.

PID #27-120-23 12 0001

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

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-15, 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.

