

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                           )  
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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;

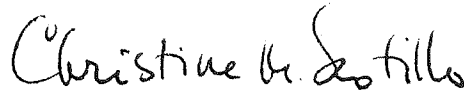
IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the joint resolution to the City of Rogers, Minnesota, the same as

if it had originally been made a part thereof:

That part of the West Half of the Northeast Quarter of the Northeast Quarter of Section 27, Township 120, Range 23, Hennepin County, Minnesota; described as follows: Commencing at the most southerly corner of Lot 1, Block 1, Territorial View, according to the plat thereof on file and of record in the office of the County Recorder, Hennepin County, Minnesota; thence North 0 degrees 49 minutes 43 seconds East, plat bearing, along the easterly line of said Lot 1, a distance of 90.86 feet to the point of beginning; thence North 26 degrees 16 minutes 44 seconds East a distance of 92.50 feet to the southerly line of said Lot 1; thence North 89 degrees 10 minutes 17 seconds West along said southerly line, a distance of 39.75 feet; thence South 0 degrees 49 minutes 43 seconds West along the easterly line of said Lot 1, a distance of 83.52 feet to the point of beginning.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-18, 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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