

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 September 15, 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

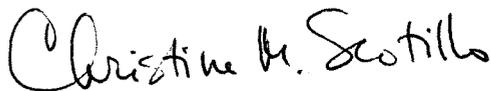
if it had originally been made a part thereof:

That part of the East Half of the Northeast Quarter of Section 16, Township 120 North, Range 23 West, Hennepin County, Minnesota, being a 100 foot wide strip of land lying southwesterly of the following described line:

Commencing at the southeast corner of said East Half of the Northeast Quarter; thence on an assumed bearing of North 00 degrees 27 minutes 56 seconds West, along the east line of said East Half of the Northeast Quarter, a distance of 784.45 feet to the intersection with the southerly right of way line of the Burlington Northern Santa Fe Railway Company right of way; thence northwesterly along said right of way line a distance of 152.84 feet along a nontangential curve concave northeasterly and having a central angle of 4 degrees 21 minutes 25 seconds, a radius of 2009.88 feet (rail road curve), a chord of 152.80 feet and a chord bearing of North 45 degrees 42 minutes 36 seconds West; thence North 43 degrees 31 minutes 54 seconds West, continuing along said right of way line and tangent to said curve, a distance of 477.36 feet to the point of beginning of the line to be described; thence North 43 degrees 31 minutes 54 seconds West, continuing along said right of way line, a distance of 545.00 feet and said line there terminating.

Dated this 15th day of September, 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-992-20 Rogers

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-20, 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.

CWS