

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ROGERS) ORDER
AND THE TOWN OF HASSAN PURSUANT TO)
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 May 17, 2007, 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 pat of Government Lot 1, Section 13, Township 120, Range 23, Hennepin County, Minnesota, lying North of the following described line: Commencing at the Southwest corner of the East Half of the Southeast Quarter of said Section 13, thence North along the West line of the said East Half a distance of 1757.0 feet the point of beginning of the line to be described; thence East parallel with the South line of said East Half to the Easterly line of Government Lot 1 and there terminating, Henn. Co., Minn., according to the recorded plat thereof. Subject to State Highway No. 101.

And

That part of Government Lot 1, Section 13, Township 120, Range 23, Hennepin County, Minnesota described as follows: Commencing at the Southwest corner of the East Half of the Southeast Quarter of said Section 13; thence North along the West line of said East Half a distance of 1408.5 feet to the actual point of beginning; thence continuing North along said West line 348.5 feet; thence East parallel with the South line of said East half a distance of 625.0 feet; thence South parallel with said West line 348.5 feet; thence West parallel with said South line 625.0 feet to the point of beginning, Henn. Co., Minn., according to the recorded plat thereof.

PID #13-120-23 41 0003

28.7 acres

Dated this 17th day of May, 2007.

For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, Minnesota 55155

Christine M. Scotillo

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-24, 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. *Cms*