

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 15, 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 part of the North ½ of the Northeast Quarter lying Easterly of Interstate Hwy. No. 94, Section 25, Twp. 120, Range 23, Hennepin County, Minn., according to the recorded plat thereof.

PID #25-120-23 11 0002
70.02 acres

and


That part of the South ½ of the Northeast Quarter lying Easterly of Interstate Hwy. No. 94, Section 25, Twp. 120, Range 23, Hennepin County, Minn., according to the recorded plat thereof.

PID #25-120-23 14 0002
43.61 acres

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Hassan will be reimbursed by the City of Rogers in accordance with the terms of the Joint Resolution signed by the City of Rogers and Hassan Township on October 22, 2003.

Dated this 15th day of August, 2007.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-992-30 Rogers

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-30, 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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