

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ROGERS) FINDINGS OF FACT
AND HASSAN TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) AND ORDER

The city resolution for orderly annexation submitted by the City of Rogers was reviewed for conformity with applicable law. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A joint resolution for orderly annexation was adopted by the City of Rogers and Hassan Township pursuant to Minnesota Statutes § 414.0325 and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments.
2. A resolution adopted and submitted by the City of Rogers, requests annexation of part of the designated area described as follows:

The Southwest Quarter of the Southwest Quarter of Section 36, Township 120, Range 23, except that part thereof which lies West of a line drawn parallel with and distant 40.0 feet Easterly of the West line of said Section 36.

AND,

The East Half of the Southeast Quarter; the Northwest Quarter of the Southeast Quarter; and the Southeast Quarter of the Northeast Quarter, all in Section 36, Township 120, Range 23, Except that part of said Southeast Quarter of the Northeast Quarter described as follows: Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence Northerly along the East line thereof a distance of 465.0 feet to the actual point of beginning of the tract to be described; thence continue Northerly along said East line a distance of 210.0 feet; thence Westerly deflecting to the left 90 degrees a distance of 265.0 feet; thence Southerly deflecting to

the left 90 degrees a distance of 210.0 feet; thence Easterly deflecting to the left 90 degrees a distance of 265.0 feet to the point of beginning, and also Except that part thereof acquired by the State of Minnesota in the Final Certificate dated April 12, 1974, recorded May 28, 1976 in the office of the Hennepin County Recorder as Doc. No. 4209521.

Together with

The Northeast Quarter of the Southwest Quarter; the South Half of the Southwest Quarter of the Northeast Quarter; and the Southeast Quarter of the Northwest Quarter, all in Section 36, Township 120, Range 23.

AND,

The West Half of the Southwest Quarter of the Southeast Quarter of Section 36, Township 120, Range 23.

Together with

The Southeast Quarter of the Southwest Quarter of Section 36, Township 120, Range 23.

AND,

Parcel 1:

The North half of the Southwest Quarter of the Northeast Quarter of Section 36, Township 120, Range 23;

Parcel 2:

That part of the Northwest Quarter of the Northeast Quarter of said Section 36 described as commencing at a point on the East line of said Northwest Quarter distant 163 feet Southerly from the Northeast corner of said Northwest Quarter; thence Westerly parallel with the North line of said Northwest Quarter 200 feet; thence Southerly, deflecting to the left 81 degrees 464.01 feet to the actual point of beginning; thence Westerly parallel with said North line 225 feet; thence Northerly, deflecting to the right 99 degrees 464.01 feet; thence Easterly parallel with said North line 225 feet; thence Northeasterly 57.98 feet along a tangential curve to the left, having a radius of 83.06 feet and a central angle of 40 degrees; thence Northeasterly tangent to said curve to the South line of the North 130 feet of said Northwest Quarter of the Northeast Quarter; thence Westerly along said South line to the West line of the East 715.96 feet of said Northwest Quarter; thence Northerly along said West line to the North line of said Northwest Quarter; thence Westerly along said North line to the Northwest corner of said Northwest Quarter; thence Southerly along the West line of said Northwest Quarter to the Southwest corner of said Northwest Quarter; thence Easterly along the South line of said Northwest Quarter to the Southeast corner of said Northwest Quarter; thence Northerly along the East line of said Northwest Quarter to its intersection with a line drawn Easterly parallel with said North line of the Northwest Quarter from the point of beginning; thence Westerly parallel with said North line to the point of beginning.

Together with a non-exclusive easement for egress and ingress over and across that part of the Northwest Quarter of the Northeast Quarter of Section 36, Township 120, Range 23, not

included within the above described property and lying Southwesterly of Interstate Highway No. 94, which lies within a strip of land 66 feet in width, the centerline of said strip is described as beginning at a point on the North line of said Section 36 distant 33 feet Westerly from the Northeast corner of said Northwest Quarter; thence Southwesterly 89.03 feet along a curve concave to the Northwest having a radius of 102.88 feet and a central angle of 49 degrees 35 minutes, the chord of said curve deflect 64 degrees 47 minutes 30 seconds, measured West to South, from the North line of said Section 36; thence Southwesterly tangent to said curve 101.89 feet; thence Southwesterly 57.98 feet along a tangential curve concave to the Northwest, having a radius of 83.06 feet and a central angle of 40 degrees; thence Westerly parallel with the North line of said Northwest Quarter 516 feet and there terminating. (See order doc. no. 3434858)

AND,

The East Half of the Southwest Quarter of the Southeast Quarter of Section 36, Township 120 North, Range 23 West of the Fifth Principal Meridian, Hennepin County, Minnesota.

AND,

Parcel 1:

The East Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 120 North, Range 23 West, Hennepin County, Minnesota.

The West Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 120 North, Range 23 West, Hennepin County, Minnesota, except that part thereof which lies West of a line drawn parallel with and distant 40.0 feet Easterly of the west line of said Section 36.

Parcel 2:

The South 324.80 feet of the West Half of the Southwest Quarter of the Northwest Quarter of Section 36, Township 120, Range 23, Hennepin County, Minnesota, except the West 40 feet thereof.

AND

The East Half of the Southwest Quarter of the Northwest Quarter of Section 36, Township 120, Range 23, Hennepin County, Minnesota.

Parcel 3:

The East Half of the Southwest Quarter, except a strip of land 2 rods wide extending from the center of the so called Territory Road North to the Northwest corner of the East Half of the Southwest Quarter of Section 25; also the West Half of the Northeast Quarter of the Northwest Quarter of Section 36; all in Township 120, Range 23, Hennepin County, Minnesota.

EXCEPT that part described as follows:

That part of the East half of the Southwest Quarter of Section 25, Township 120, Range 23, Hennepin County, Minnesota described as follows:

Beginning at a point on the West line of said East half of the Southwest Quarter distant 703.55

feet northerly along said West line from the Southwest Corner thereof thence North 89 degrees 50 minutes 48 seconds East, assumed bearing, perpendicular to said West line, 257.88 feet; thence North 27 degrees 16 minutes 07 seconds East 491.87 feet, to the centerline of Territorial Road as the same is laid out and constructed; thence North 64 degrees 44 minutes 00 seconds West, along said centerline, 536.33 feet to said West line; thence South 0 degrees 09 minutes 12 seconds East along said West line 666.82 feet to the point of beginning.

AND ALSO EXCEPT

That part of the East half of the Southwest Quarter of Section 25, Township 120, Range 23, Hennepin County, Minnesota described as follows:

Beginning at a point on the West line of said East Half of the Southwest Quarter distant 703.55 feet northerly along said West line from the Southwest corner thereof; thence North 89 degrees 50 minutes 48 seconds East, assumed bearing, perpendicular to said West line 257.88 feet; thence North 27 degrees 16 minutes 07 seconds East 494.42 feet to the centerline of Territorial Road as the same is laid out and constructed; thence South 64 degrees 41 minutes 02 seconds East along said centerline 358.21 feet; thence South 27 degrees 16 minutes 07 seconds West a distance of 724.20 feet; thence South 89 degrees 50 minutes 48 seconds West a distance of 475.45 feet to the West line of said East Half of the Southwest Quarter; thence North 00 degrees 09 minutes 12 seconds West along said West line a distance of 358.00 feet to the point of beginning.

Parcel 4:

The East Half of the Northeast Quarter of the Northwest Quarter of Section 36, Township 120, Range 23, Hennepin County, Minnesota.

AND,

Parcel A

The North half of the Southwest Quarter of the Southwest Quarter of Section 25, Township 120, Range 23, except the West 40 feet thereof, Hennepin County, Minnesota.

Parcel B

Tract 1

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 120, Range 23, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Southwest Quarter; thence West along the South line of said Northwest Quarter of the Southwest Quarter a distance of 330 feet; thence North, parallel with the East line of said Northwest Quarter of the Southwest Quarter, to the Southerly right-of-way line of Territorial Road; thence Southeasterly along said Southerly right-of-way line to the East line of said Northwest Quarter of the Southwest Quarter; thence South along said East line to the point of beginning.

Tract 2

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 120,

Range 23, described as follows: Beginning at a point on the South line of said Northwest Quarter of the Southwest Quarter distant 330 feet West from the Southeast corner of said Northwest Quarter of the Southwest Quarter; thence West along said South line a distance of 192.41 feet, thence Northeasterly deflecting 105 degrees 54 minutes 56 seconds to the right, to the Southerly right-of-way line of Territorial Road; thence Southeasterly along said Southerly right-of-way line to a line drawn North, parallel with the East line of said Northwest Quarter of the Southwest Quarter, from the point of beginning; thence South along said parallel line to the point of beginning.

AND,

That part of the East Half of the Northwest Quarter (E $\frac{1}{2}$ of the NW $\frac{1}{4}$), Section 25, Township 120, Range 23, Hennepin County, Minnesota, lying South of the Southwesterly line of the Burlington Northern Railroad, and

The West 2 rods of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of the SW $\frac{1}{4}$) of Section 25, Township 120, Range 23, all in Hennepin County, Minnesota

3. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

2. An order should be issued by the Assistant Chief Administrative Law Judge annexing the area described herein.

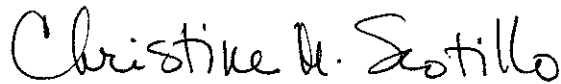
ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Rogers, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Hassan Township 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; and City Resolution No. 2009-10.

Dated this 16th day of April, 2009.

For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-36, the Chief Administrative Law Judge finds and makes the following comment:

Section 13.01 states in part, "This 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