

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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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  
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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:

That part of Government Lot 2, Section 13, Township 120, Range 23, Hennepin County, Minnesota described as follows: Beginning at the Southwest corner of the East ½ of the Southeast ¼ of said Section 13; thence North along the West line of said East ½ a distance of 363.0 feet; thence East parallel with the South line of said Government Lot 2 a distance of 600.0 feet; thence South parallel with said West line 363. Feet to the South line of said Government Lot 2; thence West along said South line 600.0 feet to the point of beginning.

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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.

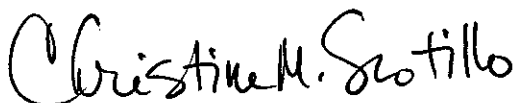
#### ORDER

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. 2010-18.

Dated this 28<sup>th</sup> day of June, 2010.

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-992-37, 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.

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