

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. By delegation, the Chief Administrative Law Judge's designee 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 orderly annexation area lies within the following described lines: Said line begins at the northeast corner of Section 13, Township 120, Range 23; thence south along the east line of Section 13 and along the east line of the Northeast Quarter, Section 24; thence west along the south line of said NE 1/4, Section 24 to the northwest corner of the Southeast Quarter, Section 24; thence south along the west line of said SE 1/4 to the southwest corner of said SE 1/4; thence east along the south line of said SE 1/4 to the northeast corner of the Northeast Quarter, Section 25; thence south along the east line of said NE 1/4 to the southeast corner of said NE 1/4; thence west along the south line of said NE 1/4 to the northeast corner of the Southwest Quarter, Section 25; thence south along the east line of said SW 1/4 to the centerline of Territorial Road (County Road 159); thence northwest along said centerline to the east line of the West Half of the Southwest Quarter (W 1/2 SW 1/4) Section 25; thence south along said east line to the southeast corner of the North Half

of the Southwest Quarter of the Southwest Quarter (N1/2 SW 1/4 SW 1/4), Section 25; thence west along the south line of said N 1/2 SW 1/4 SW 1/4 to the centerline of HCSAH No. 116, Plat 2 (west line, Section 25); thence north along said centerline to the centerline of Territorial Road (County Road No. 116); thence northwest along said centerline which travel through sections 26, 27, 22, and 21 to a line that lies 50 feet west of the centerline of Willandale Road (Township Road); thence north along said line that lies 50 feet west of said centerline of Willandale Road (Township Road) through sections 21 and 16 to the northerly right-of-way line of 141st Avenue (HCSAH No. 144, Plat 52); thence northeasterly along said northerly right-of-way line to the centerline of Burlington Northern Railroad; thence southeast along said centerline to the west line of the City of Rogers (west line, Section 15); thence north along the Rogers City limits line to the north city limits lines; thence east along said north city limits line to the west line of REMUS INDUSTRIAL PARK; thence south along said west line and the west line of REMUS INDUSTRIAL PARK SECOND ADDITION to the north right-of-way line of 137th Avenue North; thence east along said right-of-way line to the westerly right-of-way line of Main Street (State Highway No. 101); thence north along said westerly right-of-way line to the north line of City of Rogers; thence east along said north line to the southwest corner of the East Half of the Southeast Quarter (E 1/2 SE 1/4) Section 11; thence north along the west line of said E 1/2 SE 1/4 to the northwest corner thereof; thence east along the north line of said E 1/2 SE 1/4 to the northeast corner thereof; thence south along the east line of said E 1/2 SE 1/4 to the north line of Rogers city limits; thence east along north line to the point of beginning; excepting any parcels already within the city limits of the City of Rogers (approximately 600 acres).

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 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.
3. The effective date of this Order is August 15, 2010, as stated in Part C of City Resolution No. 2010-25 signed by the City of Rogers on July 13, 2010.

Dated this 20th day of July, 2010.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive style with a large initial "C" and a small "u" above the "i" in "Christine".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-38, 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