

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) ORDER
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 June 16, 2005, 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:

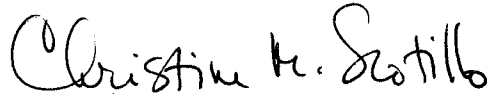
That part of Government Lot 4, Section 16, Township 120, Range 23, Hennepin County lying Easterly of the Southerly extension of the East line of Government Lot 3 extending Southerly to Cowley Lake, and also that part of the Southwest 1/4 of the Southwest 1/4 and that part of Government Lot 4, Section 16, Township 120, Range 23, Hennepin County, Minnesota described as follows:

Commencing at the Northeast corner of said Southwest 1/4 of the Southwest 1/4; thence west along the north Line of said Southwest 1/4 of the Southwest 1/4, a distance of 22.46 feet to the centerline of a

public road; thence southerly deflecting 81 degrees 43 minutes 01 seconds left along said centerline, a distance of 22.28 feet to the actual point of beginning; thence easterly deflecting 96 degrees 24 minutes 53 seconds left, a distance of 1347.07 feet to the southerly extension of the east line of Government Lot 3 of said Section 16; thence south along said southerly extension line, a distance of 66.04 feet; thence westerly deflecting 91 degrees 52 minutes 50 seconds right, a distance of 1356.66 feet to said centerline of a public road; thence northerly deflecting 96 degrees 24 minutes 53 seconds right, a distance of 66.42 feet to the point of beginning. Subject to the right of way of said public road.

Dated this 16th day of June, 2005.

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

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-992-8, 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 prior to August 15, 2030. End dates or ending mechanisms are problematic in that they appear to run afoul of 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.

A handwritten signature in cursive script, appearing to read "Cms", is located at the bottom right of the page.