

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 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:

Title Commitment No. 1425A
Scherber Parcel
P.I.D. No. 16-120-23-13-0003

That part of the North $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 120, Range 23, Hennepin County, Minnesota described as follows: Beginning at the intersection of the West line of the Northeast $\frac{1}{4}$ of Section 16 and the center line of Hennepin County State Aid Highway No. 144, Plat 52; thence Northeasterly along said center

line 141.87 feet; thence South 29 degrees 07 minutes 27 seconds East 1243.44 feet to the South line of said North $\frac{3}{4}$; thence South 89 degrees 27 minutes 17 seconds West along said South line 715.00 feet to the Southwest corner of said North $\frac{3}{4}$; thence North 0 degrees 25 minutes 30 seconds West along the West line of said North $\frac{3}{4}$ a distance of 1013.45 feet to the point of beginning. For the purposes of this description the North line of said NE $\frac{1}{4}$ is assumed to bear North 89 degrees 31 minutes 14 seconds East.

Title Commitment No. 1428A
Scherber Parcel
P.I.D. No. 16-120-23-24-0006

That part of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 120, Range 23, that lies southerly of the centerline County Road Number 144.

Title Commitment No. 1427A
Scherber Parcel
P.I.D. No. 16-120-23-14-0001

Parcel #1: The South $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 120, Range 23.
Parcel #2: The South $\frac{1}{4}$ of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ and the North 2 rods of Government Lots 2 and 3, all in Section 16, Township 120, Range 23.

Title Commitment No. 1076
Scherber Parcel
P.I.D. 16-120-23-41-0001

Parcel #1: The Northeast Quarter of the Southeast Quarter of Section 16, Township 120, Range 23, Hennepin County, Minnesota;

Part of Title Commitment No. 1426A
Scherber Parcel
P.I.D. No. 21-120-23-24-0005

That part of Government Lot 3, Section 21, Township 120, Range 23, described as follows: Beginning at a point on the East line of said Government Lot 3, distant 525 feet North of the Southeast corner of said Government Lot 3; thence South 89 degrees 44 minutes 7 seconds West. Parallel with the South line thereof a distance of 553.53 feet; thence South 0 degrees 21 minutes East to the centerline of County Road; thence Northwesterly along said centerline to the West line thereof; thence Northerly to the Northwest corner thereof; thence along the Northerly line thereof to the Northeast corner thereof; thence Southerly to the point of beginning; and

That part of Government Lot 2, Section 21, Township 120, Range 23, lying northerly of the South 53 rods

thereof and westerly of the following described line:

Commencing at the southwest corner of said Government Lot 2; thence South 89 degrees 48 minutes 24 seconds East, assumed bearing, along the south line of said Government Lot 2, a distance of 438.00 feet; thence North 0 degrees 13 minutes 06 seconds East, parallel with the west line of said Government Lot 2, a distance of 874.50 feet; thence South 89 degrees 48 minutes 24 seconds East, a distance of 57.00 feet to the point of beginning of the line to be described; thence North 0 degrees 13 minutes 06 seconds East, a distance of 891 feet, more or less, to the shoreline of Cowley Lake and said line there terminating.

**Scherber Parcels
Part of P.L.D. No. 16-120-23-42-0001**

That part of Government Lot 2, Section 16, Township 120, Range 23, Hennepin County, Minnesota, which lies southerly of the northerly 33.00 feet thereof;

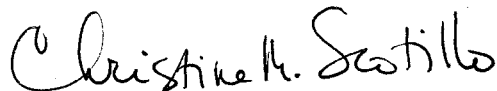
Together with:

The easterly 314.97 feet of Government Lot 3, said Section 16, which lies southerly of the northerly 33.00 feet thereof.

The northerly 33.00 feet of Government Lot 2 and the northerly 33.00 feet of Government Lot 3, Section 16, Township 120, Range 23, Hennepin County, Minnesota.

Dated this 16th day of June, 2005.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-992-9 Rogers

M E M O R A N D U M

In ordering the annexation contained in Docket No. OA-992-9, 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.

CWS