



**STATE OF MINNESOTA
MUNICIPAL BOARD**

Suite 165 Metro Square
276 St. Robert Street
St. Paul, Minnesota 55101

January 9, 1986

Carole A. Grimm
Rochester City Clerk
Room 100, City Hall
Rochester, Minnesota 55902

Docket Number A-4266

Ordinance Number 2486

City of Rochester

Dear Ms. Grimm:

The Minnesota Municipal Board has now processed and approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

According to law, this annexation ordinance must be filed with the Township Clerk, County Auditor, Secretary of State, and the Municipal Board. (Since the ordinance has already been filed with the Municipal Board, no additional copies are required.) We also recommend that you file the ordinance with the County Recorder.

The annexation is final upon the date the ordinance is approved by the Board, which is the date of this letter.

Sincerely,

MUNICIPAL BOARD

Patricia D. Lundy
Patricia D. Lundy
Assistant Director

PDL:sg

cc: Olmsted County Auditor
Rochester Township Clerk
Judy Kay Scherr, Deputy City Clerk
William E. Tointon, McGhie & Betts, Inc.
Secretary of State

30406
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 21 1986
Jean Anderson Howe
Secretary of State

Rochester

STATE OF MINNESOTA }
COUNTY OF OLUSTED }

I, JUDY KAY SCHERR, DEPUTY CITY CLERK OF THE CITY OF ROCHESTER,
MINNESOTA, DO HEREBY CERTIFY THAT I HAVE COMPARED THE ATTACHED
COPY OF AN ORDINANCE WITH THE ORIGINAL ORDINANCE ON FILE IN MY
OFFICE AND THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE
SAID ORDINANCE AND OF THE WHOLE THEREOF.

WITNESS MY HAND THIS 26th DAY OF DECEMBER, 1985.

Judy Kay Scherr
Deputy City Clerk
City of Rochester, Minnesota

(Seal of the City of
Rochester, Minnesota)

#36404

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 21 1986
Joan Anderson Skovron
Secretary of State

ORDINANCE NO. 2476

AN ORDINANCE ANNEXING TO THE CITY OF
ROCHESTER, MINNESOTA, CERTAIN
UNPLATTED LANDS IN ROCHESTER
TOWNSHIP, OLNSTED COUNTY, MINNESOTA.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. A petition has been filed with the Common Council of the City of Rochester, signed by the owners of land described herein, requesting the Common Council to annex said land to the City of Rochester. The land described in said petition for annexation is located in Rochester Township, Olmsted County, Minnesota, and is described together with adjacent public road right-of-way as follows:

That part of the Southeast Quarter of Section 9, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 9; thence South 01 degrees 14 minutes 09 seconds East, assumed bearing, along the east line of said Southeast Quarter 761.13 feet for the point of beginning; thence North 82 degrees 05 minutes 28 seconds West, 331.85 feet; thence South 86 degrees 56 minutes 02 seconds West, 90.70 feet; thence South 76 degrees 51 minutes 24 seconds West, 110.76 feet; thence South 69 degrees 04 minutes 19 seconds West, 225.99 feet; thence North 07 degrees 28 minutes 59 seconds West, 830.48 feet to the north line of said Southeast Quarter; thence North 89 degrees 49 minutes 01 seconds East, along said north line 150.00 feet to a point in the westerly right-of-way line of Old County Road No. 25 and which point is 50.00 feet, measured radially, from a spiral curve concave easterly, whose spiral length is 250.00 feet, radius of 818.60 feet delta angle of 71 degrees 00 minutes 00 seconds and whose tangent is at a deflection angle of 60 degrees 14 minutes 30 seconds to the right from the north line of said Southeast Quarter; thence southeasterly along said right-of-way line which is 50.00 feet southwesterly measured radially, from the above described curve, a distance of 901.60 feet to a point which intersects the east line of said Southeast Quarter; thence South 01 degrees 14 minutes 09 seconds East, along said east line 232.33 feet to the point of beginning.

Containing 7.3 acres more or less.

Together with:

That part of C.S.A.H. No. 8 right of way, located in the Northwest Quarter of the Southwest Quarter of Section 10, Township 106 North, Range 14 West, bounded as follows:

on the east by the southeasterly right of way line of said C.S.A.H. No. 8;

on the north by a line 100.00 feet southerly of, and parallel with, the centerline of the westbound lane of C.S.A.H. No. 25;

on the west by the west line of the Southwest Quarter of said Section 10;

and on the south by a line described as follows: Commencing at the northwest corner of the Southwest Quarter of said Section 10; thence South 01 degrees 14 minutes 09 seconds East, assumed bearing, along the west line of said Southwest Quarter a distance of 761.13 feet for a point of beginning; thence South 82 degrees 05 minutes 28 seconds East, 400 feet more or less to the southeasterly right of way line of said C.S.A.H. No. 8 and there terminating.

Said petition has also been filed with the Town Board of Rochester Township, with the County Board of the County of Olmsted, and with the Minnesota Municipal Commission, and the Town Board of Rochester Township has notified the City that it has no objections to the annexation of the above-described land.

Section 2. The quantity of land included in said petition is approximately 10.2 acres in size.

Section 3. The Common Council of the City of Rochester does hereby determine that the land described in Section 1 abuts upon the present territorial limits of the City of Rochester, is so conditioned as to be properly subjected to municipal government, and the annexation of said land will be in the best interest of the City of Rochester and the land described.

Section 4. Therefore, the land described in Section 1 above is hereby annexed, added to and made a part of the City of Rochester, Minnesota, as effectually as if it had originally been a part thereof.

Section 5. Present and future owners of the area annexed by this ordinance are hereby notified that in addition to the usual assessments, it is the intention of the Common Council to assess against benefited property all or a portion of the cost of any storm sewer, water tower, and trunk line sanitary sewer construction, heretofore or hereafter undertaken to serve the area annexed.

Section 6. This ordinance shall take effect and be in force from and after its official publication and from and after the filing of a certified copy hereof with the Minnesota Municipal Board, the Rochester Town Clerk, the County Auditor, and the Secretary of State.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 16 DAY OF December, 1985.


PRESIDENT OF SAID COMMON COUNCIL

ATTEST: 
CITY CLERK

Approved this 17 day of December, 1985.


MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

REQUEST FOR COUNCIL ACTION

MEETING 11/18/85
DATE: _____

AGENDA SECTION: REPORTS AND RECOMMENDATIONS	CONSOLIDATING DEPT: Consolidated Planning	
ITEM NO. 4-10	ITEM DESCRIPTION: Ann #39-12, Annexation by Ordinance of 7.3 acres of vacant land along south side of Salem Road west of Barber Valley Road	PREPARED BY: <i>JAE</i> Jeffrey Ellerbusch

November 14, 1985

City Planning and Zoning Commission Review:

On November 13, 1985, the CPAZC reviewed this petition and recommended this property be annexed. The Commission also recommended that the City seek the annexation by ordinance of the right-of-way for Salem Road SW from the west border of this property easterly all the way to and including the TH 14 - TH 52 interchange. Because these right-of-ways and interchanges are for the most part owned by the County and the State of Minnesota, it would be necessary for a separate petition to be filed for annexation by the County and State. Annexation of this additional right-of-way would help clean up the City boundaries.

Motion by Daube, seconded by Batchelder. All voted in favor.

Consolidated Planning Department Recommendation:

See attached staff report dated November 12, 1985. The Rochester Townboard voted to not object to this petition.

Council Action Needed:

Should the Council wish to proceed, it should instruct the City Attorney to prepare an ordinance that can be adopted.

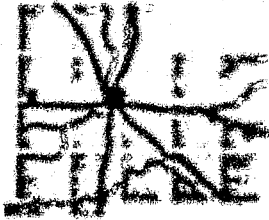
Attached:

1. Staff report dated November 7, 1985.
2. Copy of Map of Right-of-Way to be Annexed.

DISTRIBUTION:

1. City Clerk: Copy of Petition is enclosed, copy of Townboard action will be forthcoming.
2. City Attorney
3. Consolidated Planning
4. McGhie & Betts
5. Applicants: This item will be considered sometime after 7:30 p.m. in the Council Chambers in the City Hall on November 18, 1985. The Council review is not a public hearing so no testimony will be taken.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____



County of Olmsted

CONSOLIDATED PLANNING DEPARTMENT

1420 2nd Avenue SE
ROCHESTER, MN 55904-1996
Phone 507-285-8232

Tom O. Moore
Planning Director

erving the municipalities and communities of Olmsted County

DIVISIONS

Administrative 245-8232
Planning 245-8211
Housing 245-8224

TO: City Planning and Zoning Commission

FROM: Jeffrey A. Ellerbusch, Planner II *JAE*

DATE: November 7, 1985

RE: Petition to Annex by Ordinance lands along the South side of Salem Road SW, West of Bamber Valley Road SW.

Consolidated Planning Department Review:

Owner:

Lowell Penz
5435 31st Avenue SW
Rochester, MN 55902

Existing Zoning:

A-4 Agricultural Urban Expansion District
and the overlay zoning districts of Flood
Fringe B and Floodway.

Future Zoning:

Upon annexation, the property will be
zoned R-1 (Single Family Residential), Flood
Fringe, and Floodway and it is planned for
future "low density residential" use on the
Future Land Use Map.

Transportation:

Access to the property that will be developed
will be from driveways directly from Salem
Road SW (C.S.A.H. 25), which is classified
as an expressway in front of this property.
This annexation includes the right-of-way
for Bamber Valley Road lying south of Salem
Road to the present City limits.

Sewer and Water
Availability:

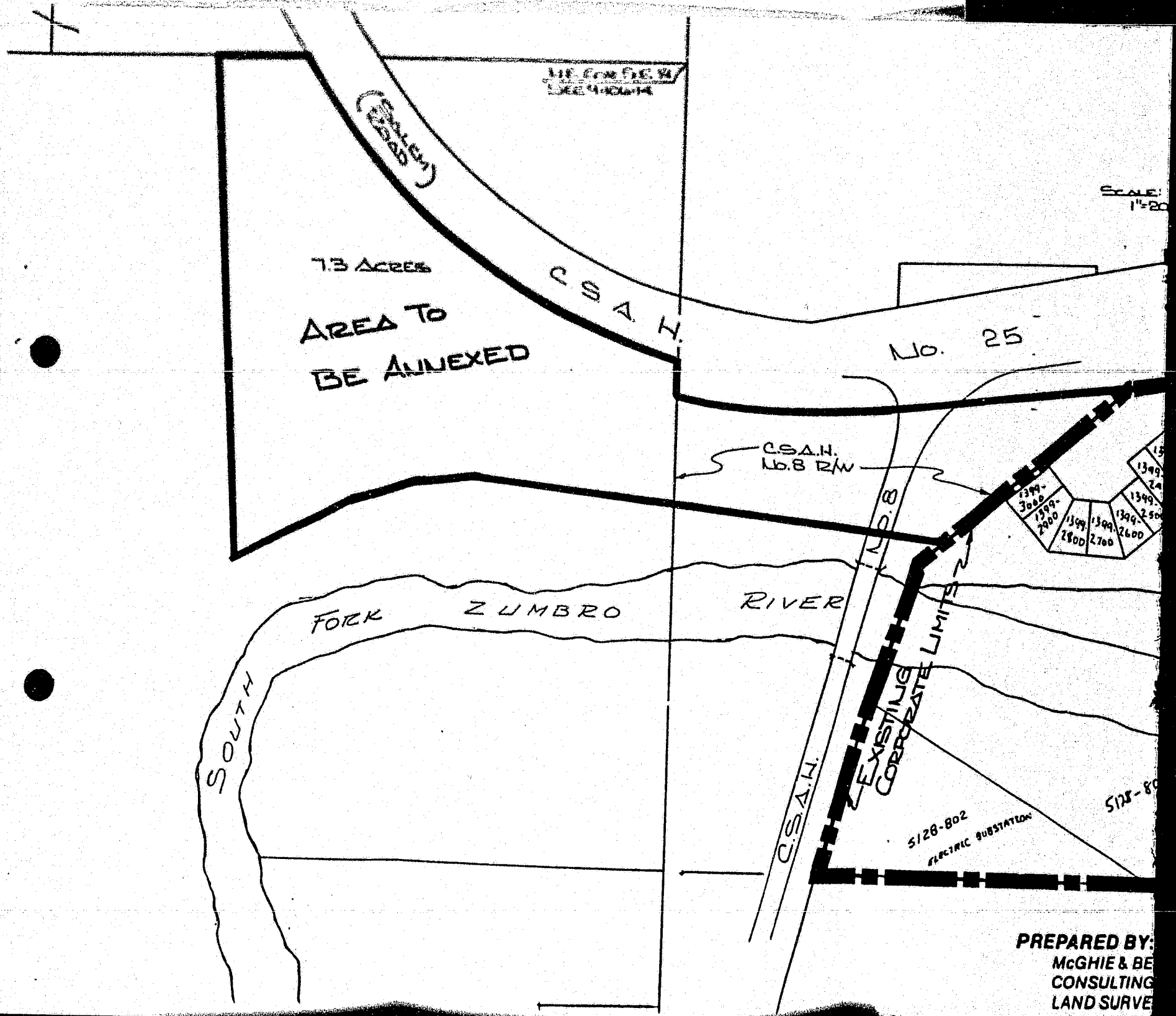
Water service can be provided by the extension
of mains in Green Meadow's West Subdivision.
Sanitary Sewer service will be available from
the trunkline sewer extension in Salem Road
which has already been ordered by the Council.

Townboard Action:

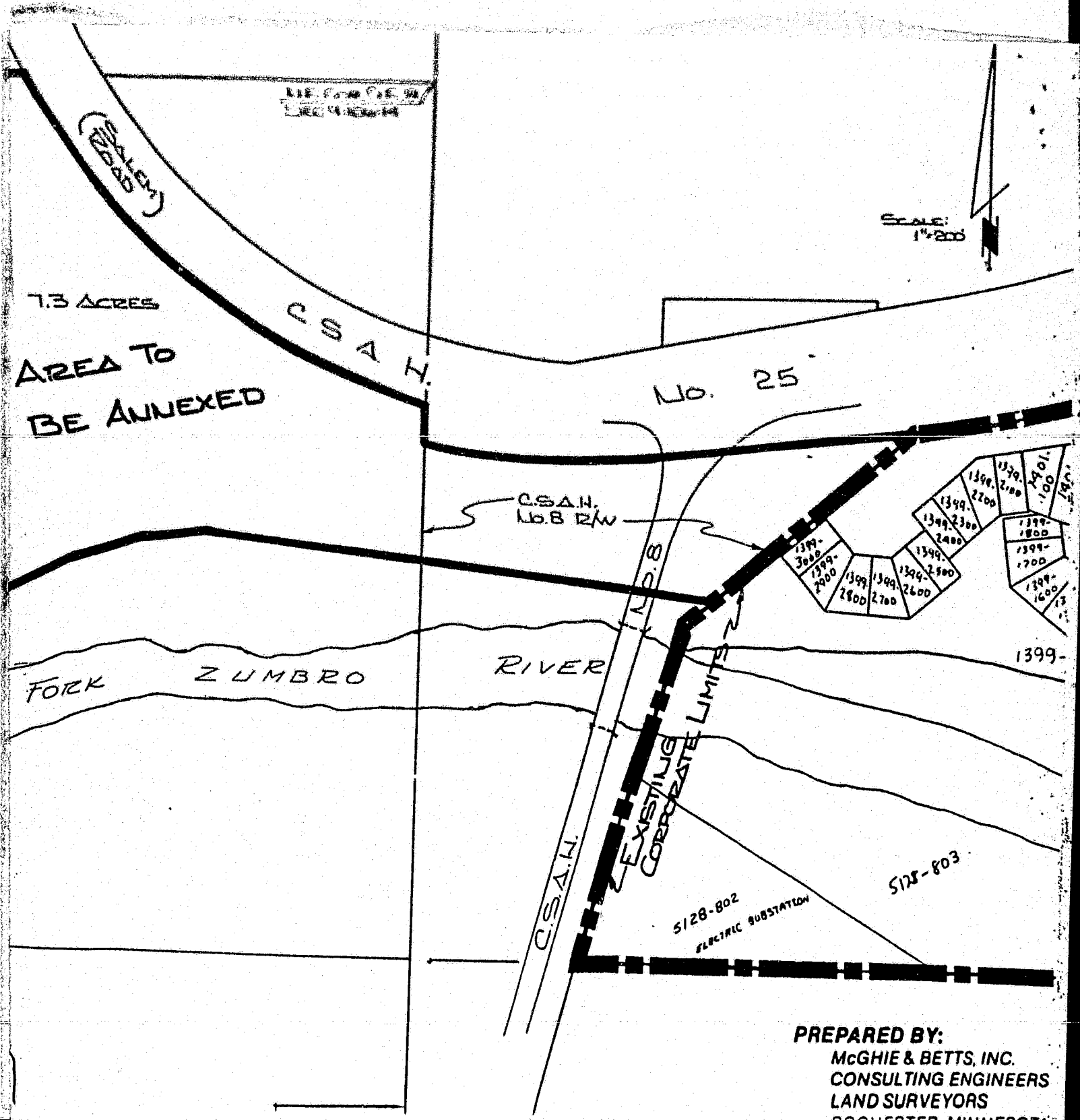
The Rochester Townboard will meet to consider
this annexation on November 12, 1985.

Report Attachments:

1. 200 scale map
2. County Zoning Map
3. Copy of Preliminary Plat of this property.

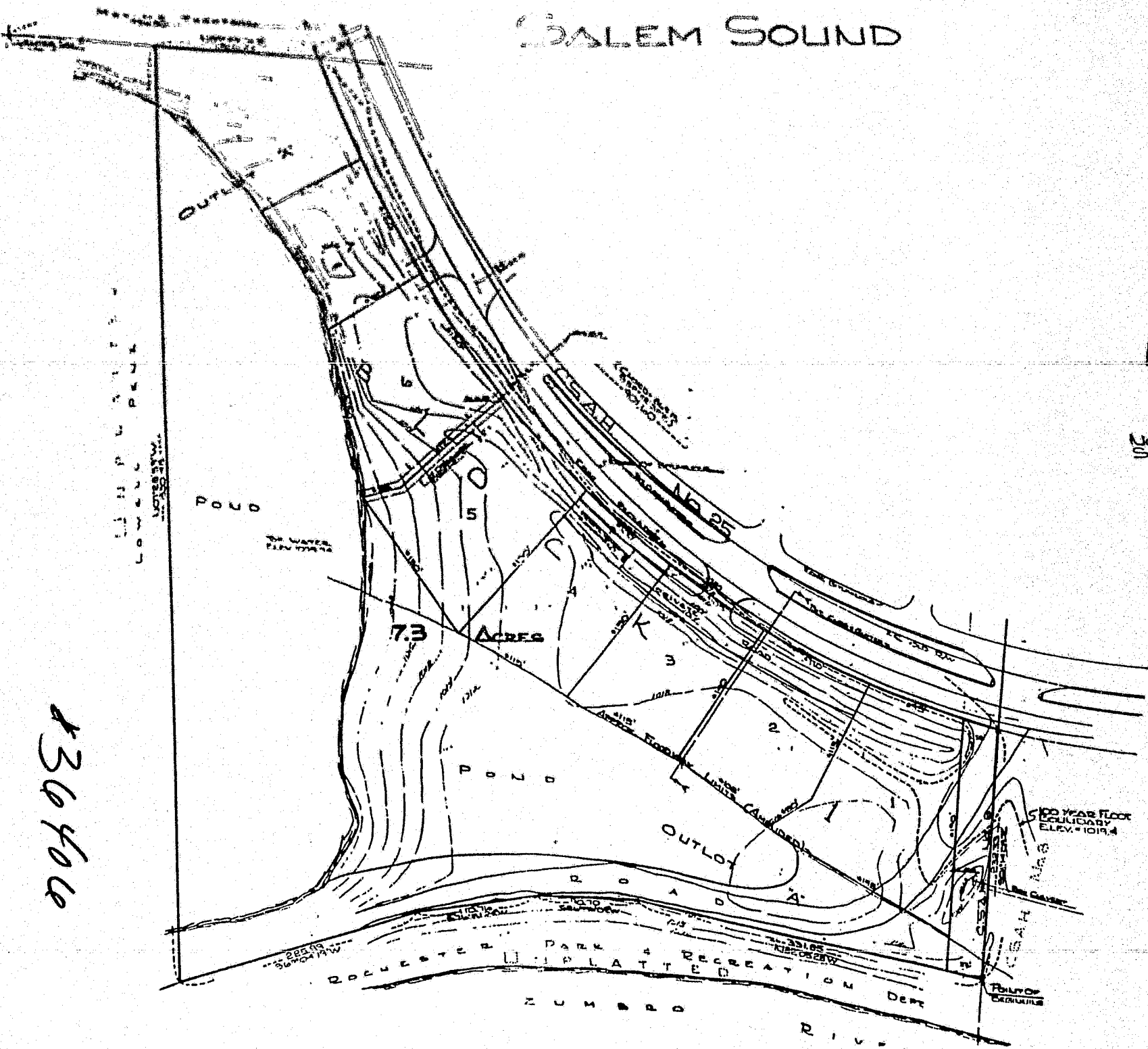


PREPARED BY:
MCGHIE & BE
CONSULTING
LAND SURVEY
REGISTERED



PREPARED BY:
 MCGHIE & BETTS, INC.
 CONSULTING ENGINEERS
 LAND SURVEYORS
 SOUTHWEST MINNESOTA

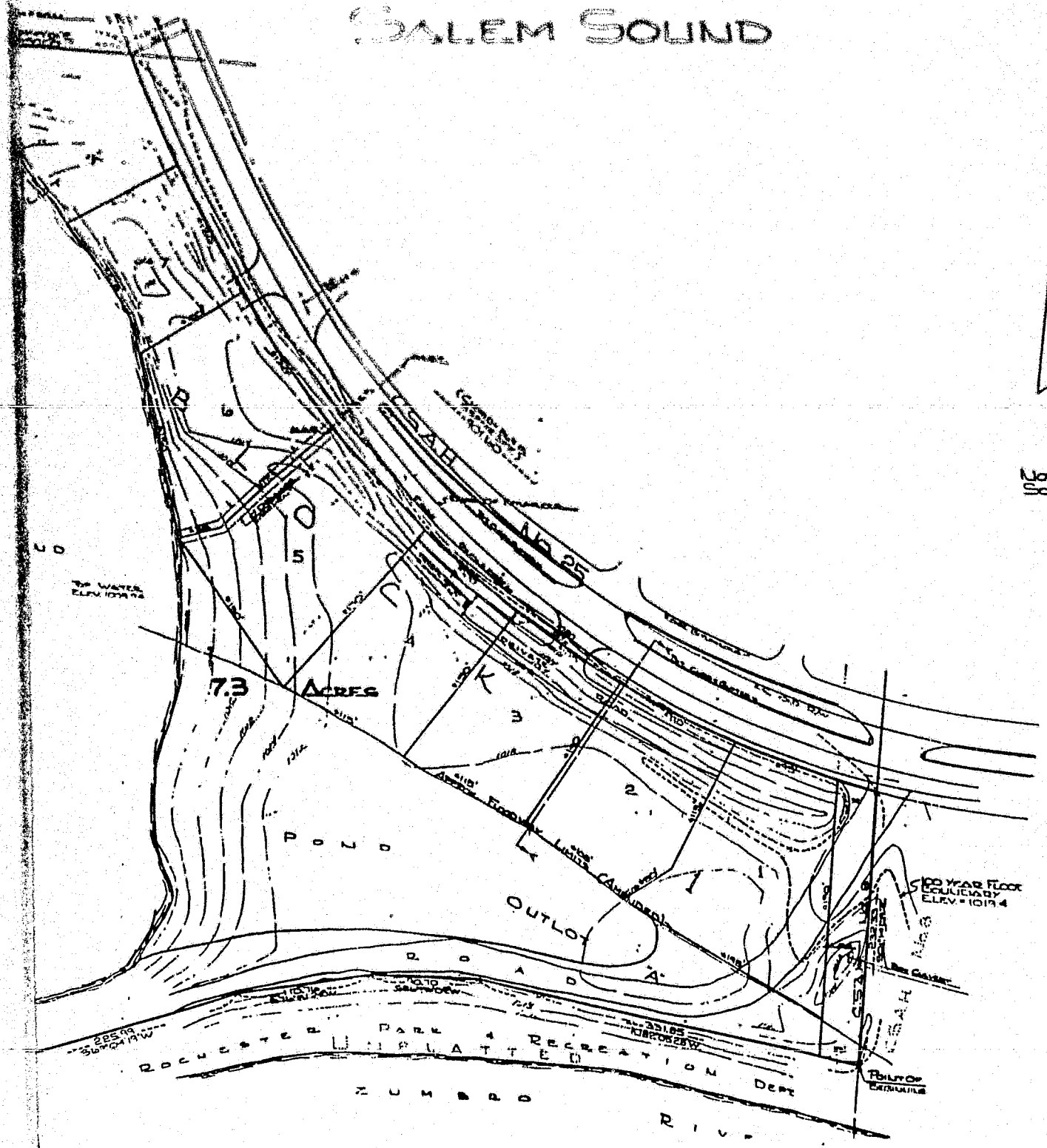
DALEM SOUND



830406

REQUESTER PARK & RECREATION DEPT
ZUMBERG RIVER

SALEM SOUND



#36404