



STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

March 1, 1988

Carole A. Grimm
Rochester City Clerk
Room 100, City Hall
Rochester, Minnesota 55902-3163

Docket Number A-4387

Ordinance Number 2560A (Amending 2560)

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

A handwritten signature in cursive script, appearing to read "Pat Ludy".

Patricia D. Ludy
Assistant Director

PDL:sg

cc: Olmsted County Auditor
Rochester Township Clerk
Judy Kay Scherr, Deputy City Clerk
Steven Kvenvold, City Administrator
David Sperling, Rochester Town Board Chair
Secretary of State

#37982
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 10 1988

A handwritten signature in cursive script, appearing to read "Joan Anderson Hanson".
Secretary of State

Rochester

STATE OF MINNESOTA)
)
COUNTY OF OLMSTED)

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 9TH DAY OF FEBRUARY, 1988.

Judy Kay Scherr
Deputy City Clerk
City of Rochester, Minnesota

(Seal of the City of
Rochester, Minnesota)

ORDINANCE NO. 2560A

AN ORDINANCE RELATING TO ANNEXATION;
ANNEXING APPROXIMATELY 40 ACRES IN
ROCHESTER TOWNSHIP; AMENDING
ORDINANCE NO. 2560

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 owner 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 as follows

That part of the Southeast Quarter, Northeast Quarter and Northwest 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 continue South 01 degrees 14 minutes 09 seconds East along said east line 552.73 feet to the southeast corner of the North Half of said Southeast Quarter; thence South 89 degrees 45 minutes 01 seconds West, along the south line of said North Half, 805.00 feet to a point in the centerline of the Zumbro River as it exists in November of the year 1971; thence South 05 degrees 14 minutes 41 seconds West, 165.00 feet; thence South 20 degrees 54 minutes 41 seconds West, 170.00 feet; thence South 37 degrees 24 minutes 41 seconds West, 125.00 feet; thence South 80 degrees 54 minutes 41 seconds West, 290.00 feet; thence North 59 degrees 50 minutes 19 seconds West, 362.40 feet to a point in the easterly boundary of lands deeded to Dr. H. W. Schmidt; thence North 15 degrees 46 minutes 19 seconds West, 144.47 feet; thence North 49 degrees 16 minutes 19 seconds West, 204.00 feet; thence North 65 degrees 46 minutes 19 seconds West, 484.13 feet; thence South 88 degrees 40 minutes 21 seconds West, 447.59 feet to a point in the west line of said Southeast Quarter; thence North 01 degrees 18 minutes 24 seconds West, along said west line, 1134.62 feet to the southeast corner of the Northwest Quarter of said Section 9; thence South 89 degrees 49 minutes 01 seconds West,

along the south line of said Northwest Quarter, 1486.32 feet to a point which is 1155.00 feet east of the southwest corner of said Northwest Quarter as measured along said south line; thence North 01 degrees 08 minutes 51 seconds West, along a straight line drawn between the last described point and a point on the north line of the Northwest Quarter of said Section 9, being 1155.00 feet east of the northwest corner thereof, as measured along said north line, a distance of 87.86 feet; thence North 85 degrees 04 minutes 29 seconds East, 317.68 feet; thence North 89 degrees 24 minutes 18 seconds East, 128.86 feet; thence South 67 degrees 21 minutes 18 seconds East, 113.74 feet; thence South 76 degrees 42 minutes 20 seconds East, 217.95 feet; thence North 89 degrees 49 minutes 43 seconds East, 211.68 feet; thence South 89 degrees 11 minutes 56 seconds East, 260.79 feet; thence North 89 degrees 17 minutes 21 seconds East, 336.43 feet; thence South 02 degrees 34 minutes 50 seconds East, 305.00 feet; thence South 85 degrees 18 minutes 21 seconds East, 426.63 feet; thence South 60 degrees 19 minutes 59 seconds East, 364.01 feet; thence South 32 degrees 24 minutes 24 seconds East, 281.63 feet; thence South 18 degrees 29 minutes 34 seconds East, 247.11 feet; thence South 03 degrees 02 minutes 47 seconds East, 204.02 feet; thence South 52 degrees 14 minutes 29 seconds East 448.01 feet thence South 83 degrees 00 minutes 28 seconds East, 74.10 feet; thence North 63 degrees 53 minutes 33 seconds East, 83.58 feet; thence North 41 degrees 35 minutes 47 seconds East, 95.63 feet; thence North 10 degrees 53 minutes 04 seconds East, 288.78 feet; thence North 22 degrees 32 minutes 33 seconds East, 199.50 feet; thence North 64 degrees 31 minutes 29 seconds East, 154.04 feet; thence North 69 degrees 04 minutes 19 seconds East, 255.99 feet; thence North 76 degrees 51 minutes 24 seconds East, 110.76 feet; thence North 86 degrees 56 minutes 02 seconds East, 90.70 feet; thence South 82 degrees 05 minutes 28 seconds East, 331.85 feet to the point of beginning. Being subject to all easements, covenants, and restrictions of record.

Containing 39.52 acres more or less.

Together with:

That part of C.S.A.H. No. 8 right-of-way, located in the Northeast Quarter of the Southeast Quarter of Section 9 and the Northwest Quarter of the Southwest Quarter of Section 10, all in 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 South by the south line of

the North Half of the Southwest Quarter of Said Section 10; On the West by the westerly right-of-way line of said C.S.A.H. No. 8; And on the North by a line parallel with and 150 feet southerly of the centerline of C.S.A.H. No. 25.

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 40 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.

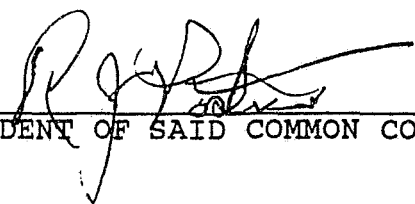
Section 4. Therefore, the land described in Section 1 above is hereby annexed, added to and made a part of the City of Rochester, Minnesota, as effectually as if it had originally been a part thereof.

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; or if appropriate, a connection charge and water service availability fee.

Section 6. This ordinance amends Ordinance No. 2560 by correcting an erroneous legal description.

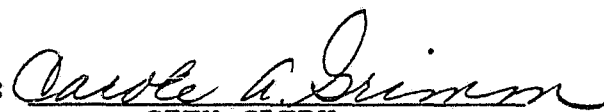
Section 7. This ordinance shall take effect and be in force from and after its Municipal Board approval.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 7 DAY OF December, 1987.



PRESIDENT OF SAID COMMON COUNCIL

ATTEST:



CITY CLERK

Approved this 8 day of December, 1987.



Debby MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

STATE OF MINNESOTA)
COUNTY OF OLMSTED)

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

WITNESS MY HAND THIS 9th DAY OF FEBRUARY, 1988.

Judy Kay Scherr
Deputy City Clerk
City of Rochester, Minnesota

(Seal of the City of
Rochester, Minnesota)

37-88

E-14

RESOLUTION

WHEREAS, the Town of Cascade and the City of Rochester have previously entered into a joint resolution designating an area for orderly annexation, said resolution having been approved by the City on May 20, 1976, and the Town on May 5, 1976; and,

WHEREAS, the owner of certain lands situated in the Town of Cascade, which are in said orderly annexation area, and described as:

That part of the Northeast Quarter of the Southeast Quarter of Section 23, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Southeast Quarter; thence southerly on a Minnesota State Plan Grid Azimuth from north of 178 degrees 33 minutes 46 seconds along the east line of said Southeast Quarter 619.27 feet; thence westerly 269 degrees 25 minutes 32 seconds azimuth along the southerly line of River Court and a westerly projection thereof 953.93 feet to the point of beginning; thence southerly 179 degrees 25 minutes 32 seconds azimuth 132.00 feet; thence southerly 187 degrees 54 minutes 52 seconds azimuth 154.32 feet; thence westerly 260 degrees 29 minutes 11 seconds azimuth 332.23 feet to the westerly line of said Northeast Quarter of the Southeast quarter; thence northerly 358 degrees 28 minutes 36 seconds azimuth along said westerly line 336.30 feet; thence easterly 89 degrees 25 minutes 32 seconds azimuth 356.55 feet to the point of beginning.

Said Tract contains 2.47 acres more or less

has petitioned to have said lands annexed to the City of Rochester; and,

WHEREAS, on January 4, 1988, the Town of Cascade, acting through the Chairman of its Board of Supervisors and Clerk, have executed a stipulation providing that in the case of these particular lands proposed for annexation, the joint resolution previously entered into between the Town and City may be amended to add the following language:

Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of this resolution, the Municipal Board may review and comment, but shall, within 30 days, order the annexation of the following-described property in accordance with the terms of the joint resolution; and,

WHEREAS, it has been proposed that the City also execute said Stipulation in the case of these previously described lands and permit this annexation to the City of Rochester; and,

WHEREAS, the Common Council has determined that it is appropriate to do so.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the City enter into a stipulation with the Town Board of Cascade to permit the orderly annexation agreement between the City and Town to be amended to permit the annexation of the previously described lands under the terms and conditions provided therein.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute said stipulation of amendment on behalf of the City.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 20 DAY OF January, 1988.

R. J. Pester
PRESIDENT OF SAID COMMON COUNCIL

ATTEST:

Dorice Johnson
CITY CLERK

Approved this 21 day of JANUARY, 1988.

Charles W. ...
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

#37982
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 10 1988

Joan Anderson
Secretary of State