

Judy Kay Scherr, CMC  
Rochester City Clerk  
Rochester City Hall  
201 - 4<sup>th</sup> Street, S.E.  
Room 266  
Rochester, MN 55904-3781

December 27, 2000

Docket Number: A-6399

City of Rochester  
M.S. 414.033, Subd. 2(2)  
Ordinance No. 3366 & 3371

Dear Ms. Scherr:

The Director of the Office of Strategic and Long Range Planning has approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure.

In approving this annexation, the Director relied on the City's representation of statutory compliance with Minnesota Statutes Section 414.033 Subd. 2(2), i.e., that the area proposed for annexation is completely surrounded by land within the municipal limits. The City's compliance with the above-referenced statutory section rests on its position that the subject area is completely surrounded by lands within the City that abut across a portion of a roadway (not currently in the City) consistent with the statutory definition of "abut, abuts, abutting", found in Minnesota Statutes Section 414.011 Subd. 6.

As a result of this annexation, part of Bamber Valley Road and the old agricultural site it leads to are now themselves completely surrounded by the City, creating yet another small island of unincorporated land within the City. The Director is aware that this site is receiving some city services and recommends that the City proceed with annexation of these areas pursuant to the terms of the utility connection agreement between the City and the landowner.

Prior to approving this annexation, some residents of the area proposed for annexation requested, through their attorney, that the Director deny the annexation. The request for denial was based on the alleged inadequacy of the record established below at the City Council's public hearing on the matter. In the alternative, these objecting residents requested the Director exercise the discretionary authority under Minnesota Statutes Section 414.033 Subd. 10 and require that additional information be submitted in the context of a contested case proceeding before an administrative law judge.

The Director notes that there is no statutory provision for objection to an annexation by ordinance at the state review level. The Director is satisfied that the ordinance presented by the City satisfies the statutory requirements on its face

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and therefore declines to invoke the provisions of Minnesota Statutes Section 414.033 Subd. 10.

Furthermore, the Director does not believe that he has the authority to transform an annexation by ordinance filed under Minnesota Statute Section 414.033 Subd. 2 into a Board (former Minnesota Municipal Board) ordered annexation proceeding pursuant to Minnesota Statute Section 414.031, thereby eliminating the ability of cities and property owners to accomplish summary annexations granted to them by the Legislature in Minnesota Statutes Section 414.033 Subd.2.

All documentation received by this office in conjunction with this proceeding shall remain in the docket file. It will be the City's sole responsibility to defend against any future challenge to this ordinance.

The law requires that a copy of the annexation ordinance must be delivered immediately by the governing body of the municipality to the appropriate county auditor or auditors, and filed with the township. We recommend that you also file the annexation ordinance with the County Recorder. ***This office will file a copy of the ordinance with the Secretary of State.*** If you have population in the affected area, please contact the State Demographer's Office at (651) 296-9036 for forms.

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

Sincerely,

Office of Strategic and Long Range Planning

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

CMS:sjh

cc: Olmsted County Auditor  
Rochester Township Clerk  
Gary Neumann, Assistant City Administrator  
Stevan Kvenvold, City Administrator  
Theresa Fogarty, Planner  
Terry Adkins, Rochester City Attorney  
Kenneth R. Moen, Attorney at Law  
State Demographer's Office  
Secretary of State

ORDINANCE NO. 3366

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 10, THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND THE SOUTH HALF OF SECTION 14, SECTION 15, THE EAST HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 106 NORTH, RANGE 14 WEST, OLMSTED COUNTY, MINNESOTA.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. The Common Council of the City of Rochester initiated the annexation of land completely surrounded by the City to the City of Rochester. The land is described as follows:

That part of the South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 10, the West Half of the Southwest Quarter of Section 11, the Northwest Quarter of the Northwest Quarter, and the South Half of Section 14, Section 15, the East Half of the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 16, the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 23, all in Township 106 North, Range 14 West, Olmsted County, Minnesota;

Which also includes Bamberwod First Subdivision, Elmcroft Subdivision, Elmcroft Subdivision No. 2, Elmcroft Third Addition, Falconers Subdivision, Forrest Hills Subdivision, Forrest Hills Second Subdivision, Forrest Hills Third Subdivision, Forrest

Hills Fourth Subdivision, and Forrest Hills Fifth Subdivision, Friedrichs First Subdivision, Institute Hills Subdivision, LaMar, LaMar Re-Subdivision, Lenwood Heights, Merrihills Subdivision except Lot 1, Block 5 of said Subdivision, Merrihills Second Subdivision, Neills Replat, Paradise Acres, Schwanke's First Subdivision, Schwanke's Second Subdivision, Southtown Subdivision, Southtown Second Subdivision, Southtown Heights Subdivision, Southtown Heights Replat, Woodland Hills, and State Highway Monumentation Plats 55-M1, 55-M2, and 55-M3, according to the plats thereof on file at the County Recorder's Office, Olmsted County, Minnesota, described as follows:

Beginning at the southwest corner of the Southwest Quarter of said Section 14; thence westerly on a Minnesota State Plane Grid Azimuth from north (NAD 27, MN. D.O.T. coordinate system) 269 degrees 02 minutes 49 seconds azimuth along the south line of Bamberwood Subdivision and along the south line of the Southeast Quarter of Section 15, a distance of 2633.89 feet to the southwest corner of said Southeast Quarter; thence westerly 268 degrees 51 minutes 04 seconds azimuth along the south line of Merrihills Second Subdivision and along the south line of the Southwest Quarter of said Section 15, a distance of 847.42 feet to the west line of said Merrihills Second Subdivision; thence northerly 358 degrees 26 minutes 38 seconds azimuth along said west line 1299.81 feet to the southeast corner of Lot 9, Block 2 of said Merrihills Second Subdivision; thence westerly 272 degrees 49 minutes 38 seconds azimuth along the south line of said Lot 9, a distance of 365.35 feet to the southwest line of said Lot 9 and the southwesterly line of said Merrihills Second Subdivision; thence northwesterly 343 degrees 22 minutes 38 seconds azimuth along said southwesterly line 147.00 feet; thence northwesterly 95.64 feet along said southwesterly line on a nontangential line concave northeasterly, having a radius of 50.00 feet, a central angle of 109 degrees 36 minutes 00 seconds, and a chord azimuth of 308 degrees 10 minutes 38 seconds; thence westerly 272 degrees 58 minutes 38 seconds azimuth along said southwesterly line 212.30 feet; thence northerly 348 degrees 20 minutes 38 seconds azimuth along said southwesterly line 295.47 feet; thence northerly 10 degrees 27 minutes 38 seconds azimuth along said southwesterly line 238.22 feet; thence 315 degrees 57 minutes 38 seconds azimuth along said southwesterly line 305.96 feet to the southeasterly right-of-way line of Hillside Lane SW; thence southwesterly 270.22 feet along said southeasterly right-of-way line on a nontangential curve concave northwesterly, having a radius of 901.12 feet, a central angle of 17 degrees 10 minutes 53 seconds and a chord azimuth of 230 degrees 34 minutes 49 seconds; thence southwesterly 239 degrees 39 minutes 36 seconds azimuth along said southeasterly right-of-way line 127.56 feet to the southwesterly right-of-way line of Institute Road SW; thence northwesterly 331 degrees 44 minutes 36 seconds azimuth along said southwesterly right-of-way line 148.20 feet; thence westerly 268 degrees 51 minutes 36 seconds azimuth 511.90 feet to the east line of Lot 3, Block 6 of Merrihills Subdivision; thence southerly 178 degrees 30 minutes 58 seconds azimuth along said east line 160.00 feet to the south line of said Lot 3; thence westerly 269 degrees 42 minutes 58 seconds along said south line 415.53 feet to the westerly right-of-way line of Crest Lane SW; thence northerly

305.26 feet along said westerly right-of-way line on a nontangential curve concave westerly, having a radius of 477.46 feet, a central angle of 36 degrees 37 minutes 56 seconds, and a chord azimuth of 356 degrees 01 minutes 54 seconds; thence westerly 269 degrees 42 minutes 58 seconds azimuth 306.00 feet; thence northwesterly 315 degrees 42 minutes 58 seconds azimuth 417.60 feet to the south line of Bianco Estates; thence easterly 89 degrees 42 minutes 58 seconds azimuth 478.30 feet to the northwesterly right-of-way line of said Crest Lane SW; thence northeasterly 415.05 feet along said northwesterly right-of-way line on a nontangential curve concave southeasterly, having a radius of 299.49 feet, a central angle of 79 degrees 24 minutes 16 seconds, and a chord azimuth of 39 degrees 27 minutes 56 seconds; thence easterly 79 degrees 10 minutes 09 seconds azimuth along said northwesterly right-of-way line 228.00 feet to the southwesterly right-of-way line of Institute Road SW; thence northerly 11 degrees 03 minutes 20 seconds azimuth along said southwesterly right-of-way line 20.01 feet; thence northwesterly 514.20 feet along said southwesterly right-of-way line on a nontangential curve concave south, having a radius of 683.80 feet, a central angle of 43 degrees 05 minutes 05 seconds, and a chord azimuth of 290 degrees 45 minutes 20 seconds; thence westerly 268 degrees 58 minutes 27 seconds azimuth along said southwesterly right-of-way line 38.22 feet to the northwesterly corner of Lot 1, Block 5 of said Merrihills Subdivision; thence northwesterly 336 degrees 52 minutes 25 seconds azimuth along the northwesterly extension of the southwesterly line of said Lot 1, a distance of 35.62 feet to the center line of said Institute Road SW; thence westerly 268 degrees 58 minutes 27 seconds azimuth along said center line 56.71 feet; thence northwesterly 662.82 feet along said center line on a tangential curve concave northeasterly, having a radius of 716.80 feet and a central angle of 52 degrees 58 minutes 53 seconds; thence northwesterly 322 degrees 04 minutes 27 seconds azimuth along said center line 137.50 feet to the center line of County State Aid Highway No. 8 (Bamber Valley Road SW); thence northeasterly 128.59 feet along said center line on a nontangential curve concave southeasterly, having a radius of 5729.58 feet, a central angle of 01 degrees 17 minutes 09 seconds, and a chord azimuth of 44 degrees 13 minutes 52 seconds; thence northeasterly 44 degrees 52 minutes 27 seconds azimuth along said center line 1010.57 feet; thence northeasterly 816.09 feet along said center line on a tangential curve concave northwesterly, having a radius of 1217.68 feet and a central angle of 38 degrees 24 minutes 00 seconds; thence northeasterly 06 degrees 28 minutes 27 seconds azimuth along said center line 157.40 feet to the north line of the Northeast Quarter of Section 16 and the center line of County Road No. 125 (Mayowood Road SW); thence easterly 89 degrees 30 minutes 38 seconds azimuth along said north line and along said center line 143.70 feet; thence easterly 79 degrees 46 minutes 35 seconds azimuth along said center line 304.52 feet; thence easterly 79 degrees 40 minutes 30 seconds azimuth along said center line 279.49 feet; thence easterly 80 degrees 01 minutes 00 seconds azimuth along said center line 657.21 feet; thence easterly 81 degrees 41 minutes 00 seconds azimuth along said center line 348.58 feet; thence easterly 88 degrees 54 minutes 00 seconds azimuth

along said center line 371.14 feet; thence easterly 95 degrees 45 minutes 00 seconds azimuth along said center line 459.35 feet to the center line of Woodcrest Lane SW; thence easterly 110 degrees 17 minutes 00 seconds azimuth along said center line 299.07 feet; thence easterly 109 degrees 44 minutes 49 seconds azimuth along said center line 375.35 feet to the northwest corner of Pine Ridge Estates First Subdivision, the center line of 18<sup>th</sup> Avenue SW (County Road No. 147), and Point "A"; thence southerly 191 degrees 32 minutes 46 seconds along said center line 336.39 feet; thence southerly 558.26 feet along said center line on a tangential curve concave westerly, having a radius of 3819.72 feet and a central angle of 08 degrees 22 minutes 26 seconds; thence southerly 199 degrees 55 minutes 12 seconds azimuth along said center line 408.20 feet; thence southerly 519.03 feet along said center line on a tangential curve concave easterly, having a radius of 1909.86 feet and a central angle of 15 degrees 34 minutes 15 seconds to the west line of the Northeast Quarter of Section 15; thence southerly 178 degrees 12 minutes 10 seconds azimuth along said west line 131.57 feet to the south line of Pine Ridge Estates Second Subdivision; thence easterly 88 degrees 51 minutes 02 seconds azimuth along said south line and along the south line of Lot 1, Block 2 of Pine Ridge Estates Fourth Subdivision 382.92 feet to the northwest corner of Lot 2 of said Block 2; thence southerly 178 degrees 51 minutes 03 seconds azimuth along the west line of said Block 2, a distance of 700.00 feet to the southwest corner of said Block 2; thence easterly 88 degrees 51 minutes 03 seconds azimuth along the south line of said Block 2 and the south line of the Northeast Quarter of said Section 15, a distance of 1297.31 feet to the east line of the west 350.00 feet of the East Half of said Northeast Quarter; thence northerly 358 degrees 07 minutes 17 seconds azimuth along said east line 996.09 feet to the north line of the south 996.00 feet of said East Half; thence westerly 268 degrees 51 minutes 01 seconds azimuth along said north line 350.03 feet to the west line of said East Half; thence northerly 358 degrees 07 minutes 17 seconds azimuth along said west line 1606.29 feet to the center line of Woodcrest Lane SW; thence westerly 266 degrees 37 minutes 40 seconds azimuth along said center line 735.37 feet; thence westerly 62.30 feet along said center line on a tangential curve concave northerly, having a radius of 287.94 feet and a central angle of 12 degrees 23 minutes 46 seconds to said Point "A"; thence northerly 316.15 feet along the center line of said 18<sup>th</sup> Avenue SW on a nontangential curve concave westerly, having a radius of 409.24 feet, a central angle of 44 degrees 15 minutes 48 seconds, and a chord azimuth of 349 degrees 25 minutes 40 seconds; thence northwesterly 327 degrees 17 minutes 46 seconds azimuth along said center line 47.62 feet to center line of said County Road No. 125; thence northeasterly 57 degrees 53 minutes 38 seconds azimuth along said center line 1009.66 feet to the east line of the Southwest Quarter of the Southeast Quarter of said Section 10; thence southerly 178 degrees 25 minutes 05 seconds azimuth along said east line 820.04 feet to the north line of the Northeast Quarter of the Northeast Quarter of said Section 15; thence easterly 88 degrees 20 minutes 53 seconds azimuth along said north line 1318.31 feet to the southeast corner of said Section 10 and the southwest corner of Falconers

Subdivision; thence northerly 358 degrees 24 minutes 51 seconds azimuth along the west line of said Falconers Subdivision and the west line of said Section 11 to the center line of said County Road No. 125; thence easterly along said center line to the northwest corner of the Minnesota Bible College Addition; thence southeasterly 155 degrees 27 minutes 08 seconds azimuth along the westerly line of said Minnesota Bible College Addition 250.85 feet; thence southerly 164 degrees 35 minutes 08 seconds azimuth along said west line 110.06 feet; thence southerly 179 degrees 10 minutes 08 seconds azimuth along said west line 67.00 feet; thence southerly 182 degrees 06 minutes 08 seconds azimuth along said west line 120.05 feet; thence southerly 192 degrees 56 minutes 08 seconds azimuth along said west line 160.03 feet; thence easterly 88 degrees 19 minutes 08 seconds azimuth along said west line 224.67 feet; thence southerly 178 degrees 29 minutes 08 seconds azimuth along said west line 1134.04 feet to the southwest corner of Minnesota Bible College Addition and the north line of the Northwest Quarter of the Northwest Quarter of said Section 14; thence easterly 89 degrees 22 minutes 08 seconds azimuth along said north line 821.30 feet to the northeast corner of Schulz First Subdivision and the east line of said Northwest Quarter of the Northwest Quarter; thence southerly 178 degrees 12 minutes 53 seconds azimuth along said east line and along the east lines of Forrest Hills Subdivision and Schulz First Subdivision 1317.46 feet to the south line of said Northwest Quarter of the Northwest Quarter and the north line of Meadow Hills Sixth Subdivision; thence westerly 269 degrees 23 minutes 38 seconds azimuth along said south line, said north line, and along the north line of Meadow Hills Fifth Subdivision 1307.47 feet to the west line of said Meadow Hills Fifth Subdivision and the west line of the Southwest Quarter of the Northwest Quarter of said Section 14; thence southerly 178 degrees 02 minutes 24 seconds azimuth along said west lines 468.03 feet to the easterly right-of-way line of Trunk Highway No. 52; thence southerly 161 degrees 25 minutes 29 seconds azimuth along said easterly right-of-way line 294.01 feet; thence continue southerly 622.02 feet along said easterly right-of-way line on a tangential curve concave easterly, having a radius of 3174.04 feet and a central angle of 11 degrees 13 minutes 42 seconds to the southwest corner of said Meadow Hills Fourth Subdivision and the north line of the Northwest Quarter of the Southwest Quarter of said Section 14; thence easterly 89 degrees 25 minutes 19 seconds azimuth along said north line and the south line of said Meadow Hills Fourth Subdivision and the south line of Meadow Hills Third Subdivision 618.33 feet to the west line of the east 366.00 feet of said Northwest Quarter of the Southwest Quarter; thence southerly 178 degrees 26 minutes 51 seconds azimuth 173.02 feet; thence easterly 89 degrees 25 minutes 19 seconds azimuth 150.02 feet; thence northerly 358 degrees 26 minutes 51 seconds 172.02 feet to the north line of said Northwest Quarter of the Southwest Quarter; thence easterly 89 degrees 25 minutes 19 seconds azimuth along said north line 604.65 feet to the northerly extension of the west line of Meadow Hills South Subdivision; thence southerly 175 degrees 13 minutes 47 seconds azimuth along said northerly extension of said west line 722.58 feet to the south line of said Meadow Hills South Subdivision; thence easterly 89 degrees 14

minutes 52 seconds azimuth along said south line 644.26 feet to the west right-of-way line of Oakridge Drive SW; thence northerly 358 degrees 25 minutes 03 seconds azimuth along said west right-of-way line 491.84 feet to the westerly extension of the north line of Lot 2 of Elmcroft Subdivision; thence easterly 88 degrees 25 minutes 00 seconds azimuth along said westerly extension of said north line 231.00 feet to the east line of Elmcroft Subdivision and the east line of the Northeast Quarter of the Southwest Quarter of said Section 14; thence southerly 178 degrees 25 minutes 00 seconds azimuth along said east lines 1089.50 to the northwest corner of Paradise Acres Subdivision and the northwest corner of the Southwest Quarter of the Southeast Quarter of said Section 14; thence easterly 89 degrees 29 minutes 03 seconds azimuth along the north line of said Paradise Acres Subdivision and its easterly extension thereof 1860.51 feet to the northwest corner of the 12 Seas Subdivision and the easterly right-of-way line of Trunk Highway No. 63; thence southerly 164 degrees 05 minutes 40 seconds azimuth along said easterly right-of-way line 109.14 feet; thence southerly 202.01 feet along said easterly right-of-way line on a nontangential curve concave westerly, having a radius of 23,148.31 feet, a central angle of 00 degrees 30 minutes 00 seconds, and a chord azimuth of 180 degrees 25 minutes 44 seconds; thence southerly 191 degrees 01 minutes 22 seconds azimuth along said easterly right-of-way line 409.43 feet; thence westerly 271 degrees 40 minutes 44 seconds azimuth along said easterly right-of-way line 40.00 feet; thence southerly 110.58 feet along said easterly right-of-way line on a nontangential curve concave westerly, having a radius of 23,038.31 feet, a central angle of 00 degrees 16 minutes 30 seconds, and a chord azimuth of 181 degrees 48 minutes 59 seconds; thence easterly 91 degrees 57 minutes 14 seconds azimuth along said easterly right-of-way line 40.00 feet; thence southerly 87.91 feet along said easterly right-of-way line on a nontangential curve concave westerly, having a radius of 23,078.31 feet, a central angle of 00 degrees 13 minutes 06 seconds, and a chord azimuth of 182 degrees 03 minutes 52 seconds; thence southerly 182 degrees 10 minutes 20 seconds azimuth along said easterly right-of-way line 34.01 feet; thence westerly 268 degrees 33 minutes 24 seconds azimuth 378.00 feet to the westerly right-of-way line of Trunk Highway No. 63; thence northerly 03 degrees 22 minutes 41 seconds azimuth along said westerly right-of-way line 89.08 feet to the center line of Oakridge Drive SW; thence westerly 269 degrees 33 minutes 01 seconds azimuth along said center line 510.99 feet to the northerly extension of the east line of Lots 6 and 7 of Friedrich's First Subdivision; thence southerly 178 degrees 31 minutes 01 seconds azimuth along said northerly extension of said east line 380.75 feet to the south line of said Lot 7; thence westerly 269 degrees 33 minutes 01 seconds azimuth along said south line and the south line of Lot 8 of said Friedrich's First Subdivision 251.96 feet to the east line of Schwanke's First Subdivision; thence southerly 178 degrees 31 minutes 01 seconds azimuth along said east line 75.01 feet to the south line of said Schwanke's First Subdivision and the south line of the Southeast Quarter of said Section 14; thence westerly 269 degrees 33 minutes 01 seconds azimuth along said south lines 331.25 feet; thence southeasterly 115 degrees 01 minutes 59 seconds



azimuth 511.34 feet to a line 220.00 feet south of the south line of said Southeast Quarter; thence easterly 89 degrees 33 minutes 01 seconds azimuth along a line 220 feet south and parallel with said south line 318.70 feet; thence northerly 358 degrees 55 minutes 09 seconds azimuth 50.02 feet; thence easterly 87 degrees 51 minutes 34 seconds azimuth 170.07 feet; thence northeasterly 63 degrees 16 minutes 34 seconds azimuth 56.88 to the east line of the West Half of the Northeast Quarter of said Section 23; thence southerly 178 degrees 52 minutes 53 seconds azimuth along said east line 2495.80 feet to the south line of said West Half; thence westerly 269 degrees 43 minutes 24 seconds azimuth along said south line 189.06 feet to the westerly right-of-way line of Trunk Highway No. 63; thence northerly 01 degrees 49 minutes 22 seconds azimuth along said westerly right-of-way line 74.71 feet; thence northeasterly 24 degrees 50 minutes 08 seconds azimuth along said westerly right-of-way line 206.95 feet; thence northerly 02 degrees 09 minutes 23 seconds azimuth along said westerly right-of-way line 625.00 feet; thence easterly 92 degrees 09 minutes 35 seconds azimuth along said westerly right-of-way line 18.17 feet; thence northerly 358 degrees 25 minutes 32 seconds azimuth along said westerly right-of-way line 432.44 feet to the south line of Southtown Subdivision and the south line of the Northwest Quarter of the Northeast Quarter of said Section 23; thence westerly 269 degrees 36 minutes 57 seconds azimuth along said south lines 1265.68 feet to the southeast corner of the Northeast Quarter of the Northwest Quarter of said Section 23; thence westerly 269 degrees 28 minutes 22 seconds azimuth along the south line of Southtown Second Subdivision, the south line of Southtown Heights Replat, and the south line of said Northeast Quarter of the Northwest Quarter 1299.84 feet to the southwest corner of said Southtown Heights Replat; thence northerly 358 degrees 34 minutes 39 seconds azimuth along the west line of said Southtown Heights Replat, the west line of Southtown Heights Subdivision, and the west line of said Northeast Quarter of the Northwest Quarter 1310.56 feet to the northwest corner of said Southtown Heights Subdivision and the south line of the Southwest Quarter of said Section 14; thence westerly 269 degrees 13 minutes 40 seconds azimuth along said south line 1310.34 feet to the point of beginning, together with public right-of-ways adjacent to described property.

Said tract contains 880.45 acres more or less.

ALSO, that part of the East Half of the Southeast Quarter of Section 10, Township 106 North, Range 14 West, Olmsted County, Minnesota, lying south of the center line of Mayowood Road SW (County Road No. 125), except the parcel described as follows:

Commencing at the southeast corner of said Section 10; thence northerly on a Minnesota State Plane Grid Azimuth from north (NAD 27, MN. D.O.T. coordinate system) 358 degrees 24 minutes 51 seconds along the east line of said Section 10, a distance of 910.00 feet; thence westerly 268 degrees 24 minutes 51 seconds azimuth 330.00 feet to the point of beginning; thence westerly 255 degrees 53 minutes 51 seconds azimuth 306.40 feet; thence northerly 01

degrees 52 minutes 51 seconds azimuth 201.00 feet; thence northwesterly 320 degrees 44 minutes 51 seconds azimuth 70.10 feet; thence northeasterly 29 degrees 20 minutes 51 seconds azimuth 2.95 feet; thence northwesterly 324 degrees 07 minutes 51 seconds azimuth 174.96 feet to the center line of County Road No. 125; thence northeasterly along said center line 227.62 feet; thence southeasterly 150 degrees 38 minutes 51 seconds azimuth 542.70 feet to the point of beginning.

Said tract contains approximately 37.25 acres more or less.

This proposed annexation area is to include all public right-of-ways and easements within the above described areas.

Section 2. The property described in Section 1 is located in Sections 10, 11, 14, 15, 16 and 23 of the Rochester Township.

Section 3. On October 2, 2000, the Common Council held a public hearing to consider this annexation after providing written notice of the hearing, by certified mail, to the property owners, the Rochester Township officers, and the adjacent property owners.

Section 4. At the October 2<sup>nd</sup> hearing, the Council made the following findings of fact as to whether the property described in section 1 is now or is about to become urban or suburban in character:

1. The land to be annexed is 100% surrounded by land within the municipal corporate limits of the City of Rochester, Minnesota.
2. The land to be annexed is urban or suburban in character by virtue of being almost entirely developed in an urban/suburban manner with residential homes on lots of various sizes.
3. The land to be annexed is currently receiving some services that the City provides and will receive additional City services upon annexation.
4. The annexation is necessary for public health, safety and welfare reasons.
5. Additional lands in the area are approved for urban development or are about to become urban in character.

Section 5. The City provided notification to those affected by this annexation pursuant to Minn. Stat. §414.033, subd. 2b, 11, 12 and 13.

Section 6. Following the public hearing, the Common Council of the City of Rochester determined that the land is completely surrounded by land within the municipal limits and, as such, the land is or will soon become urban or suburban in character.

Section 7. Therefore, pursuant to Minn. Stat. §414.033, subd. 2(2), the land described in Section 1 above is hereby annexed, added to and made a part of the City of Rochester, Minnesota, as if it had originally been a part thereof.

Section 8. This ordinance shall take effect and be in force as of December 1, 2000, following its official publication and from and after the filing of a certified copy hereof with the Minnesota State Planning Commission, the Rochester Town Clerk, the County Auditor, and the Secretary of State.

Section 9. Upon annexation on December 1, 2000, the property described in section 1 shall be assigned to the H zoning district.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2000.

John Kuzma  
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Jody Kay  
CITY CLERK

APPROVED THIS 21<sup>st</sup> DAY OF NOVEMBER, 2000.

Charles Canfield  
MAYOR OF SAID CITY

(Seal of the City of Rochester, Minnesota)

Ord2000\Annex.0012rst

ORDINANCE NO. 3371

AN ORDINANCE AMENDING THE PROVISIONS OF ORDINANCE NO. 3366 WHICH PROVIDED FOR THE ANNEXATION TO THE CITY OF ROCHESTER OF APPROXIMATELY 917.70 ACRES OF LAND INCLUDING A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 10, THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND THE SOUTH HALF OF SECTION 14, SECTION 15, THE EAST HALF OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 106 NORTH, RANGE 14 WEST, OLMSTED COUNTY, MINNESOTA.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. The Common Council of the City of Rochester initiated the annexation of the land described in Section 1 of Ordinance No. 3366 on the basis that:

1. The land to be annexed is 100% surrounded by land within the municipal corporate limits of the City of Rochester, Minnesota.
2. The land to be annexed is urban or suburban in character by virtue of being almost entirely developed in an urban/suburban manner with residential homes on lots of various sizes.
3. The land to be annexed is currently receiving some services that the City provides and will receive additional City services upon annexation.
4. The annexation is necessary for public health, safety and welfare reasons.
5. Additional lands in the area are approved for urban development or are about to become urban in character.

Section 2. As part of the annexation proceedings, the Common Council enacted Ordinance No. 3366 annexing the land to the City of Rochester. However, the last paragraph of Section 1 of the Ordinance, the legal description, was incomplete.

Section 3. The Common Council amends Ordinance No. 3366 so that the last paragraph of Section 1 reads as follows:

This proposed annexation area includes all public right-of-ways, easements, and roads within, abutting, and adjacent to the above described areas.

Section 4. The remainder of Ordinance No. 3366 remains in effect and is not affected by this Ordinance.

Section 5. 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 or its successor, 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 18th DAY OF DECEMBER, 2000.

John Hanzl  
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Judy Kuyper  
CITY CLERK

APPROVED THIS 19TH DAY OF DECEMBER, 2000.

Charles Confield  
MAYOR OF SAID CITY

(Seal of the City of  
Rochester, Minnesota)