

REC'D BY  
MMB

JUN 27 2007

ORDINANCE NO. 3820

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER APPROXIMATELY 6.26 ACRES OF LAND LOCATED IN A PART OF THE NORTHWEST QUARTER OF SECTION 18, AND APPROXIMATELY 20.24 ACRES OF LAND LOCATED IN A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 107 NORTH, RANGE 14 WEST, OLMSTED 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 City of Rochester requesting the Common Council to annex said land to the City of Rochester. The land described in the petition for annexation is described as follows:

Lot 1, Block 4, HAWTHORN HILL SECOND SUBDIVISION, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota.

Said tract contains 2.00 acres more or less;

AND

Lot 5, Block 1, HAWTHORN HILL TWELFTH SUBDIVISION, according to the plat thereof on file at the County Recorder's Office, Olmsted County, Minnesota.

Said tract contains 2.16 acres more or less;

AND

Lot 6, Block 1, HAWTHORN HILL TWELFTH SUBDIVISION, according to the plat thereof on file at the County Recorder's Office, Olmsted County, Minnesota.

Said tract contains 2.10 acres more or less;

AND

That part of the North Half of the Northeast Quarter of Section 13, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from grid north of 270 degrees 04 minutes 56 seconds along the north line of said Northeast Quarter 180.00 feet; thence southerly 180 degrees 16 minutes 23 seconds azimuth 750.02 deed feet; thence southwesterly 223 degrees 56 minutes 18 seconds azimuth 543.77 feet; thence westerly 270 degrees 18 minutes 30 seconds azimuth 94.00 feet to the point of beginning; thence continue westerly 270 degrees 18 minutes 30 seconds azimuth 1286.00 feet; thence southerly 180 degrees 31 minutes 09 seconds azimuth 179.91 feet to the south line of the North Half of said Northeast Quarter; thence westerly 270 degrees 18 minutes 26 seconds azimuth along said south line 170.02 feet; thence northerly 00 degrees 18 minutes 27 seconds azimuth 179.92 feet; thence northeasterly 44 degrees 39 minutes 24 seconds azimuth 233.18 feet; thence northerly 14 degrees 02 minutes 26 seconds azimuth 385.06 feet; thence easterly 68 degrees 54 minutes 36 seconds azimuth 305.84 feet; thence southeasterly 123 degrees 35 minutes 35 seconds azimuth 302.22 feet; thence northeasterly 61 degrees 32 minutes 59 seconds azimuth 258.84 feet; thence easterly 90 degrees 45 minutes 47 seconds azimuth 260.99 feet; thence southeasterly 119 degrees 02 minutes 38 seconds azimuth 142.47 feet; thence southerly 173 degrees 05 minutes 37 seconds azimuth 414.70 feet; thence southerly 180 degrees 18 minutes 41 seconds azimuth 129.08 feet to the point of beginning.

Said tract contains 17.52 acres, more or less;

AND

That part of the Southwest Quarter of the Northeast Quarter of Section 13, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from grid north of 270 degrees 04 minutes 56 seconds along the north line of said Northeast Quarter 180.00 feet; thence southerly 180 degrees 16 minutes 23 seconds azimuth 750.02 deed feet; thence southwesterly 223 degrees 56 minutes 18 seconds azimuth 543.77 feet; thence westerly 270 degrees 18 minutes 30 seconds azimuth 1380.00 feet; thence southerly 180 degrees 31 minutes 09 seconds azimuth 179.91 feet to the north line of said Southwest Quarter of the Northeast Quarter and point of beginning; thence continue southerly 180 degrees 31 minutes 09 seconds azimuth 670.96 feet; thence northeasterly 317 degrees 43 minutes 07 seconds azimuth 309.10

feet; thence northerly 216.16 feet on a tangential curve concave easterly, having a radius of 335.00 feet and a central angle of 36 degrees 58 minutes 10 seconds; thence easterly 84 degrees 41 minutes 17 seconds azimuth 129.01 feet, thence northerly 00 degrees 18 minutes 27 seconds azimuth 236.85 feet to the north line of said Southwest Quarter of the Northeast Quarter; thence easterly 90 degrees 18 minutes 26 seconds azimuth along said north line 170.02 feet to the point of beginning.

Said tract contains 2.72 acres more or less.

Section 2. A petition has been filed with the Common Council of the City of Rochester, signed by the City of Rochester requesting the Common Council to annex said land to the City of Rochester. The land described in the petition for annexation is described as follows:

PARCEL A

That part of the North Half of the Northeast Quarter of Section 13, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from grid north of 270 degrees 04 minutes 56 seconds along the north line of said Northeast Quarter 180.00 feet; thence southerly 180 degrees 16 minutes 23 seconds azimuth 750.02 deed feet; thence southwesterly 223 degrees 56 minutes 18 seconds azimuth 543.77 feet; thence westerly 270 degrees 18 minutes 30 seconds azimuth 94.00 feet to the point of beginning; thence continue westerly 270 degrees 18 minutes 30 seconds azimuth 1286.00 feet; thence southerly 180 degrees 31 minutes 09 seconds azimuth 179.91 feet to the south line of the North Half of said Northeast Quarter; thence westerly 270 degrees 18 minutes 26 seconds azimuth along said south line 170.02 feet; thence northerly 00 degrees 18 minutes 27 seconds azimuth 179.92 feet; thence northeasterly 44 degrees 39 minutes 24 seconds azimuth 233.18 feet; thence northerly 14 degrees 02 minutes 26 seconds azimuth 385.06 feet; thence easterly 68 degrees 54 minutes 36 seconds azimuth 305.84 feet; thence southeasterly 123 degrees 35 minutes 35 seconds azimuth 302.22 feet; thence northeasterly 61 degrees 32 minutes 59 seconds azimuth 258.84 feet; thence easterly 90 degrees 45 minutes 47 seconds azimuth 260.99 feet; thence southeasterly 119 degrees 02 minutes 38 seconds azimuth 142.47 feet; thence southerly 173 degrees 05 minutes 37 seconds azimuth 414.70 feet; thence southerly 180 degrees 18 minutes 41 seconds azimuth 129.08 feet to the point of beginning.

AND

PARCEL C

That part of the Southwest Quarter of the Northeast Quarter of Section 13,

Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northeast Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from grid north of 270 degrees 04 minutes 56 seconds along the north line of said Northeast Quarter 180.00 feet; thence southerly 180 degrees 16 minutes 23 seconds azimuth 750.02 deed feet; thence southwesterly 223 degrees 56 minutes 18 seconds azimuth 543.77 feet; thence westerly 270 degrees 18 minutes 30 seconds azimuth 1380.00 feet; thence southerly 180 degrees 31 minutes 09 seconds azimuth 179.91 feet to the north line of said Southwest Quarter of the Northeast Quarter and point of beginning; thence continue southerly 180 degrees 31 minutes 09 seconds azimuth 670.96 feet; thence northeasterly 317 degrees 43 minutes 07 seconds azimuth 309.10 feet; thence northerly 216.16 feet on a tangential curve concave easterly, having a radius of 335.00 feet and a central angle of 36 degrees 58 minutes 10 seconds; thence easterly 84 degrees 41 minutes 17 seconds azimuth 129.01 feet, thence northerly 00 degrees 18 minutes 27 seconds azimuth 236.85 feet to the north line of said Southwest Quarter of the Northeast Quarter; thence easterly 90 degrees 18 minutes 26 seconds azimuth along said north line 170.02 feet to the point of beginning.

Said tract contains 20.24 acres more or less.

Section 3. The total quantity of land included in the petition is approximately 26.50 acres in size.

Section 4. On May 7, 2007, the Common Council held a public hearing to consider this annexation petition after providing written notice of the hearing, by certified mail, to the property owners, the Cascade Township officers, and the adjacent property owners.

Section 5. The City provided notification to the petitioners pursuant to Minn. Stat. §414.033, subd. 2b, 11, 12 and 13 if applicable to this petitioned annexation.

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

Section 7. As provided in Minn. Stat. §414.033, subd. 12, the City shall pay the Townships the equivalent of three years' taxes in two years. In this case, the City shall annually pay \$82.60 to the Cascade Township for two years and \$597.39 to Haverhill Township for two years. There are no township special assessments assigned to or portion of township debt attributable to the land described in Section 1.

Section 8. 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 9. Present and future owners of the lands 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, pumping station, and trunk line sanitary sewer construction, heretofore or hereafter undertaken to serve the area annexed.

Section 10. 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 Department of Administration – Municipal Boundary Adjustments, the Cascade Town Clerk, the Haverhill Town Clerk, the County Auditor and the Secretary of State.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF

ROCHESTER, MINNESOTA, THIS 4th DAY OF JUNE, 2007.

*Dennis L. Hanson*  
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: *Judy Kay*  
CITY CLERK

APPROVED THIS 5th DAY OF JUNE, 2007.

*Arnell F. Breda*  
MAYOR OF SAID CITY

(Seal of the City of  
Rochester, Minnesota)

# REQUEST FOR COUNCIL ACTION

MEETING  
DATE: 05-07-07

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Annexation Petition R2007-003ANX by Hawthorn Hills Associates, LLC to annex approximately 6.26 acres of land located west of Hawthorn Hill Road NE and north of the Hawthorn Hills Golf Learning Center, a part of the NW Quarter of Section 18, Haverhill Township and approximately 20.24 acres of land located north of 48 <sup>th</sup> Street NE and north and west of the Hawthorn Hills Golf Learning Center, that part of the North Half of the NE Quarter and that part of the SW Quarter of the NE Quarter of Section 13, Cascade Township.		PREPARED BY: Theresa Fogarty, Senior Planner

April 30, 2007

REC'D BY  
M M B JUN 27 2007

### City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission reviewed this annexation request on April 25, 2007. The Commission found that the property is adjacent to the City limits and services are presently available within the Main Level Water System Area, which is currently available at the intersection of 41<sup>st</sup> Street NE and Highway 63. The City Planning and Zoning Commission recommended approval of this annexation request on April 25, 2007 as a Consent Agenda Item.

Mr. Haeussinger made a motion to approve the consent agenda. Ms. Moe seconded the motion. The motion carried 8-0.

### Planning Department Recommendation:

See attached staff report, dated July 18, 2006.

Minnesota Statutes now specify that the property taxes payable, special assessment and debt incurred by the Township in the year an annexation is effective shall be paid to the Township. The City shall make cash payment to the Township for a three year period of equal payments over a two year period of the Townships share in the year the property was annexed. The **Cascade Township** Taxes due on this annexation request are **\$82.60 annually for 2 years** and the **Haverhill Township** Taxes due on this annexation request are **\$597.39 annually for 2 years**. The Cascade and Haverhill Townships Special Assessments / Debt incurred due: **\$0**.

### Council Action Needed:

1. **Following the public hearing, if the Council wishes to proceed as petitioned, it should instruct the City Attorney to prepare an ordinance to be adopted and transmitted to the MN Department of Administration – Municipal Boundary Adjustments.**

### Attachments

1. Staff report, dated April 18, 2007.

### Distribution:

1. City Administrator
2. City Clerk: Filing Fee Attached
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, May 7, 2007, in the Council Chambers at the Rochester / Olmsted County Government Center.

COUNCIL ACTION: Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to:

PROPERTY DESCRIPTION:

LOTS 5 AND 6, BLOCK 1, HAWTHORN HILL TWELFTH SUBDIVISION,  
AND LOT 1, BLOCK 4, HAWTHORN HILL 2ND SUBDIVISION, OLMSTED  
COUNTY, MINNESOTA.

Parcels located in  
HAVERHILL  
Township

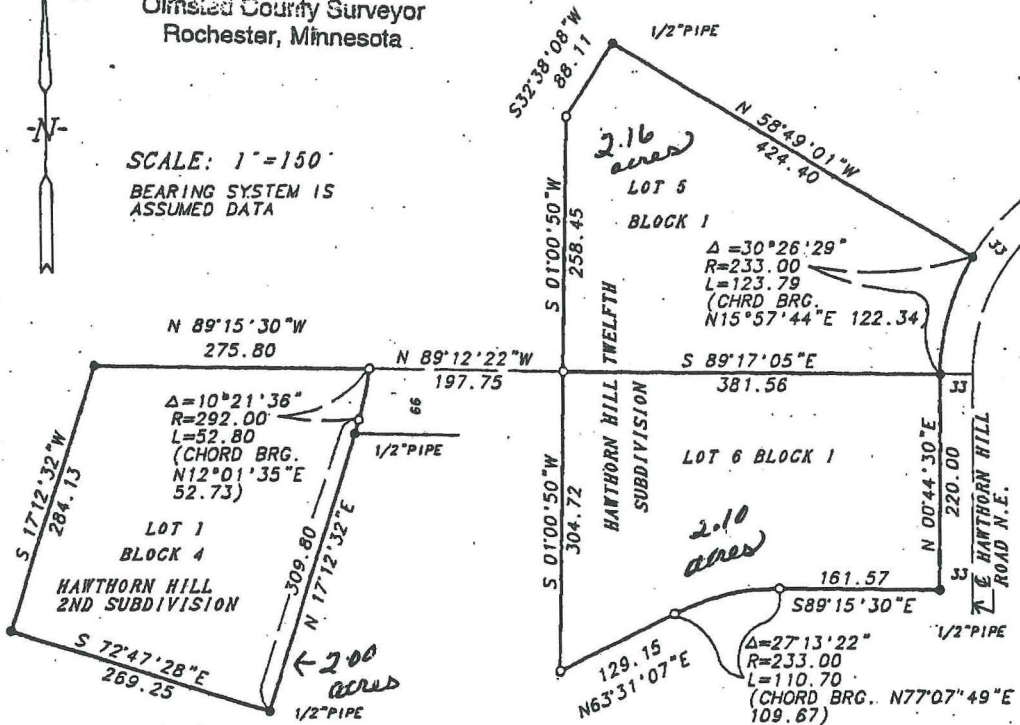
COUNTY SURVEYOR COPY

**RECEIVED**  
MAY 14 1997

Olmsted County Surveyor  
Rochester, Minnesota



SCALE: 1" = 150'  
BEARING SYSTEM IS  
ASSUMED DATA



● = FOUND T-BARS UNLESS INDICATED OTHERWISE

VICINITY MAP SCALE 1" = 3000'

● = FOUND MONUMENT ○ = SET 1/2" PIPE WITH RLS NO. 14888

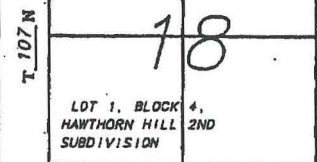
SURVEY FOR: DR. DONALD LAYTON (W.H.K.S)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY, PLAN,  
OR REPORT WAS PREPARED BY ME OR UNDER  
MY DIRECT SUPERVISION AND THAT I AM A  
DULY REGISTERED LAND SURVEYOR UNDER THE  
LAWS OF THE STATE OF MINNESOTA.

VINCENT A. FANGMAN REG. NO. 14888 DATE 4/10/1997  
PINE ISLAND, MN

7318-3950



R. 13 W. OLMSTED COUNTY

DRAWN BY: V. FANGMAN

DATE: 4-10-1997

JOB NO. 97-49

NOTED  
MAR 11 2007

RECEIVED

APR 14 2007

FANGMAN FILE NO. BK. 6 PG. 270

NW 1/4 18-107-13

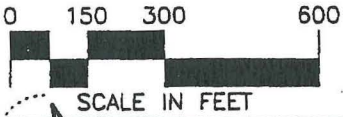
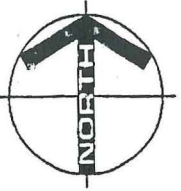
ROCHESTER - OLMSTED  
PLANNING DEPARTMENT

2

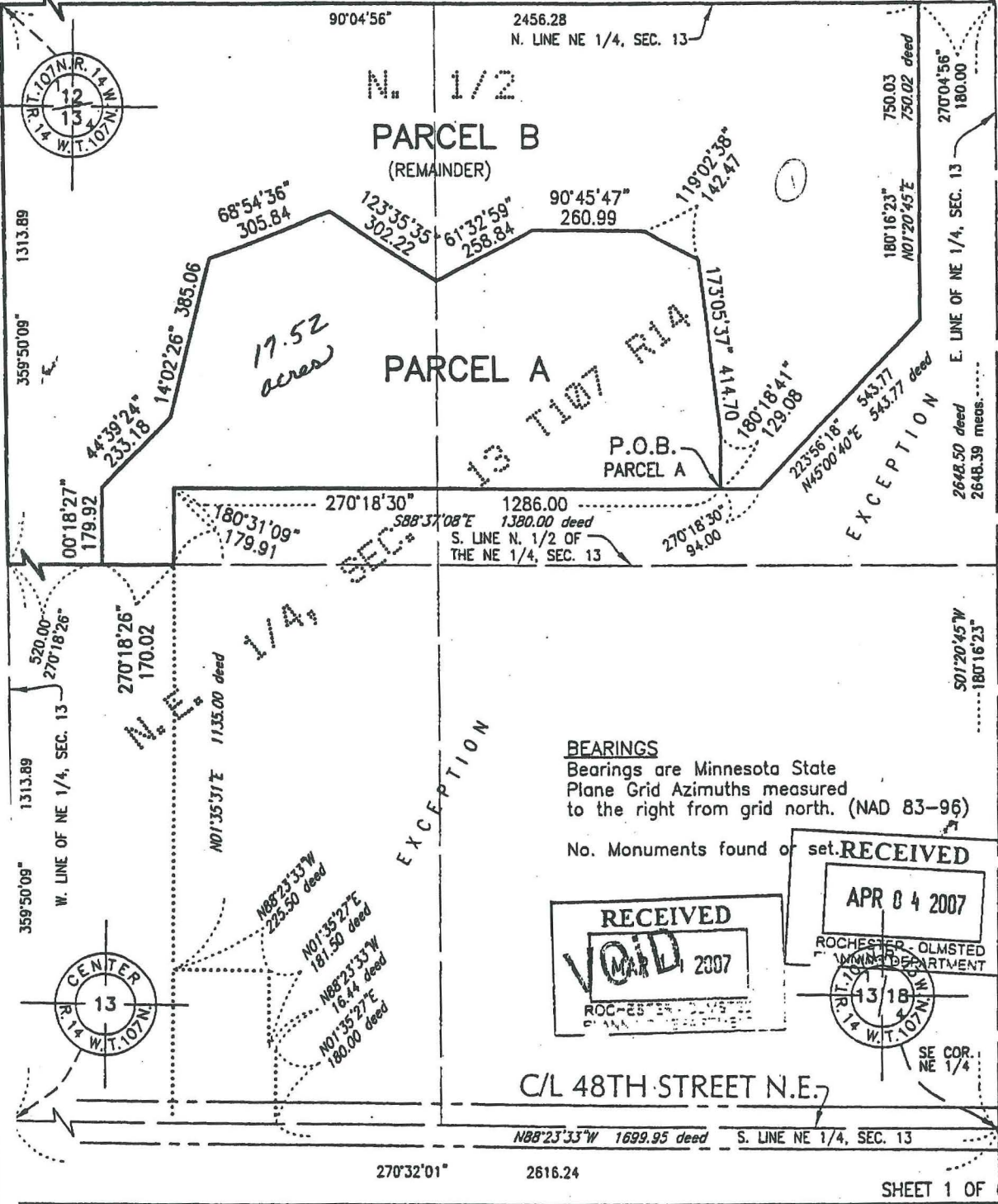
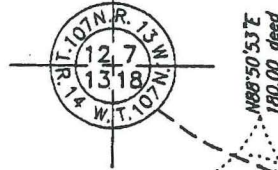




CERTIFICATE OF SURVEY  
 PART OF N. 1/2 OF N.E. 1/4  
 SEC. 13, T107N, R14W.  
 OLMSTED COUNTY, MINNESOTA



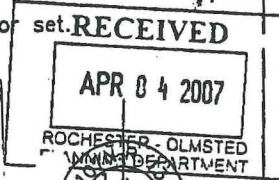
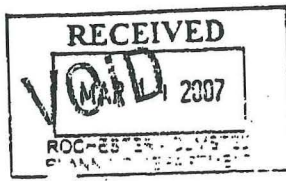
NE COR. NE 1/4  
 P.O.B. EXCEPTION



*PARCEL located in Cascade Township*

**BEARINGS**  
 Bearings are Minnesota State Plane Grid Azimuths measured to the right from grid north. (NAD 83-96)

No. Monuments found of set. RECEIVED

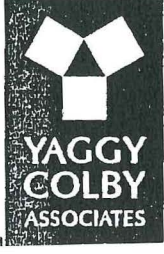


C/L 48TH STREET N.E.

CT NUMBER 8858  
 8858Cen03.dwg  
 OF SURVEY 02/05/07  
 TED BY MJH, CDM  
 YED BY I. Reicks  
 YED FOR

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
  
 DOUGLAS G. RUDE LICENSE EXPIRES 6/30/08  
 2-28-07 22422

ENGINEERS • ARCHITECTS  
 SURVEYORS • PLANNERS  
 LANDSCAPE ARCHITECTS  
 717 THIRD AVE. S.E.  
 ROCHESTER, MN  
 507-288-6464  
 FAX: 507-288-5058  
 E-MAIL: INFO@YAGGY.COM



Notification area of properties contiguous to proposed  
 Annexation #R2007-003ANX by Hawthorne Hills Associates, LLC  
 The parcels are located in the NE 1/4 Section 13 Cascade TWP  
 and also in part of the NW 1/4 Section 18 Haverhill TWP.

PINs: 74.13.12.047309  
 74.13.13.047311  
 Ward: 5 (Bob Nowicki)  
 Neighborhood Assoc: None  
 4/4/07

PINs: 73.18.21.048514  
 73.18.21.048515  
 Ward: 5  
 Neigh. Assoc: None  
 4/4/07

Pin: 73.18.11.033811

**Legend**

-  Annexation Area
-  Annexation Parcels
-  Notification Area

