

REC'D BY  
MMB

APR 30 2009

ORDINANCE NO. 3917

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER APPROXIMATELY 95.13 ACRES OF LAND LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, AND A PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 106 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:

That part of the Southwest Quarter of the Northeast Quarter and of the Northwest Quarter of the Southeast quarter of Section 8, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 8; thence South 01 degree 21 minutes 18 seconds East, assumed bearing, along the east line thereof, 639.11 feet; thence South 88 degrees 20 minutes 11 seconds West, 735.16 feet; thence North 01 degree 54 minutes 14 seconds West, 688.98 feet to the centerline of former State Aid Road No. 3 (presently known as C.S.A.H. No. 25); thence North 64 degrees 14 minutes 06 seconds East, along said centerline, 815.07 feet to the east line of the Southwest Quarter of the Northeast Quarter of said Section 8, thence South 01 degree 17 minutes 13 seconds East, along said east line, 382.71 feet to the point of beginning. Excepting therefrom, the east 57.75 feet thereof.

Tract "A":

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

Commencing at the southwest corner of said Northwest Quarter; thence South 89 degrees 33 minutes 47 seconds East (Note: all bearings are in relationship with the south line of said Northwest Quarter which is assumed to be South 89 degrees 33 minutes 47 seconds East), along the south line of said Northwest Quarter for a distance of 1155.00 feet; thence North 00 degrees 31 minutes 39 seconds West for a distance of 678.35 feet to the point of beginning of the parcel to be described; thence continue North 00 degrees 31 minutes 39 seconds West for a distance of 660.00 feet to a point in the centerline of Olmsted County Highway No. 25; thence southwesterly along said centerline for a distance of 446.36 feet along a nontangential curve, concave to the Southeast, central angle of 13 degrees 23 minutes 27 seconds, radius of 1909.86 feet and the chord of said curve bears South 76 degrees 50 minutes 53 seconds West; thence South 70 degrees 09 minutes 09 seconds West along said centerline for a distance of 530.64 feet; thence southwesterly along said centerline for a distance of 35.19 feet along a tangent curve, concave to the Southeast, central angle of 00 degrees 21 minutes 07 seconds, radius of 5729.58 feet; thence South 00 degrees 32 minutes 45 seconds West for a distance of 660.00 feet; thence North 73 degrees 17 minutes 47 seconds East for a distance of 1021.40 feet to the point of beginning. EXCEPTING the westerly 66.00 feet thereof, said 66 feet measured at right angles to the west line of the above-described parcel and the east line of said 66.00 foot exception to be lengthened and shortened to terminate on the North and South boundaries of the above-described parcel. Being subject to a 50 - foot easement for County Road No. 25 right of way over the Northerly boundary thereof.

Together with:

Tract "B":

The westerly 66.00 feet of the following described property:

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

Commencing at the southwest corner of said Northwest Quarter; thence South 89 degrees 33 minutes 47 seconds East (Note: all bearings are in relationship with the south line of said Northwest Quarter which is assumed to be South 89 degrees 33 minutes 47 seconds East), along the south line of said Northwest Quarter for a distance of 1155.00 feet; thence North 00 degrees 31 minutes 39 seconds West for a distance of 678.35 feet to the point of beginning of the parcel to be described; thence continue North 00 degrees 31 minutes 39 seconds West for a distance of 660.00 feet to a point in the centerline of Olmsted County Highway No. 25; thence southwesterly along said centerline for a distance of 446.36 feet along a non-tangential curve, concave to the Southeast, central angle of 13 degrees 23

minutes 27 seconds, radius of 1909.86 feet and the chord of said curve bears South 76 degrees 50 minutes 53 seconds West; thence South 70 degrees 09 minutes 09 seconds West along said centerline for a distance of 530.64 feet; thence southwesterly along said centerline for a distance of 35.19 feet along a tangent curve, concave to the Southeast, central angle of 00 degrees 21 minutes 07 seconds, radius of 5729.58 feet; thence South 00 degrees 32 minutes 45 seconds West for a distance of 660.00 feet; thence North 73 degrees 17 minutes 47 seconds East for a distance of 1021.40 feet to the point of beginning.

Together with:

Tract "C":

That part of the Southeast Quarter and of the Northeast Quarter of Section 8 and a part of the Southwest Quarter and of the Northwest Quarter of Section 9, all in Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Northwest Quarter of Section 9; thence South 89 degrees 33 minutes 47 seconds East, assumed bearing, along the south line of said Northwest Quarter, 166.93 feet; thence North 00 degrees 32 minutes 41 seconds East, 1037.26 feet to the centerline of Olmsted County Highway No. 25 for the point of beginning of the property to be described; thence South 00 degrees 32 minutes 41 seconds West, 1815.00 feet; thence South 27 degrees 42 minutes 37 seconds West, 318.52 feet to a point on the west line of said Southwest Quarter of Section 9 a distance of 1061.03 feet southerly of the northwest corner of said Southwest Quarter; thence continue South 27 degrees 42 minutes 37 seconds West, 191.48 feet; thence South 74 degrees 34 minutes 11 seconds West, 1268.56 feet to the west line of the East one-half of said Southeast Quarter of Section 8; thence North 00 degrees 42 minutes 31 seconds West, along said west line, 1542.19 feet to the southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 8; thence North 00 degrees 38 minutes 38 seconds West, along the west line of said Southeast Quarter of the Northeast Quarter, 398.02 feet to the centerline of County Road No. 25 as defined on OLMSTED COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 13; thence northeasterly, along said centerline, to the point of beginning, except the southerly 30 feet thereof and the westerly 40 feet. Being subject to a 50-foot easement for County Road No. 25 right-of-way.

Said tract contains 95.13 acres more or less.

Section 2. The total quantity of land included in the petition is approximately 95.13 acres in size.

Section 3. On March 23, 2009, 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 Rochester Township officers, and the adjacent property owners.

Section 4. 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 5. Following the public hearing, the Common Council of the City of Rochester determined that the land abuts the municipality and the area to be annexed is 120 acres or less, and the area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available, and the municipality has received a petition for annexation from all the property owners of the land and, as such, the land is or will soon become urban or suburban in character.

Section 6. 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 \$1,650.68 to the Rochester 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 7. Therefore, pursuant to Minn. Stat. §414.033, subd. 2(3), 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. 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 9. 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 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 20TH DAY OF APRIL, 2009.

ATTEST: *Teddy Kay Stewart*  
CITY CLERK

*Dennis L. Hansen*  
PRESIDENT OF SAID COMMON COUNCIL

REC'D BY  
MAB

APR 30 2009

APPROVED THIS 21<sup>ST</sup> DAY OF APRIL, 2009.

*Arnell F. Bueh*  
MAYOR OF SAID CITY

(Seal of the City of  
Rochester, Minnesota)

Ord05\Annex.2009-002

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RECEIVED

JAN 28 2009

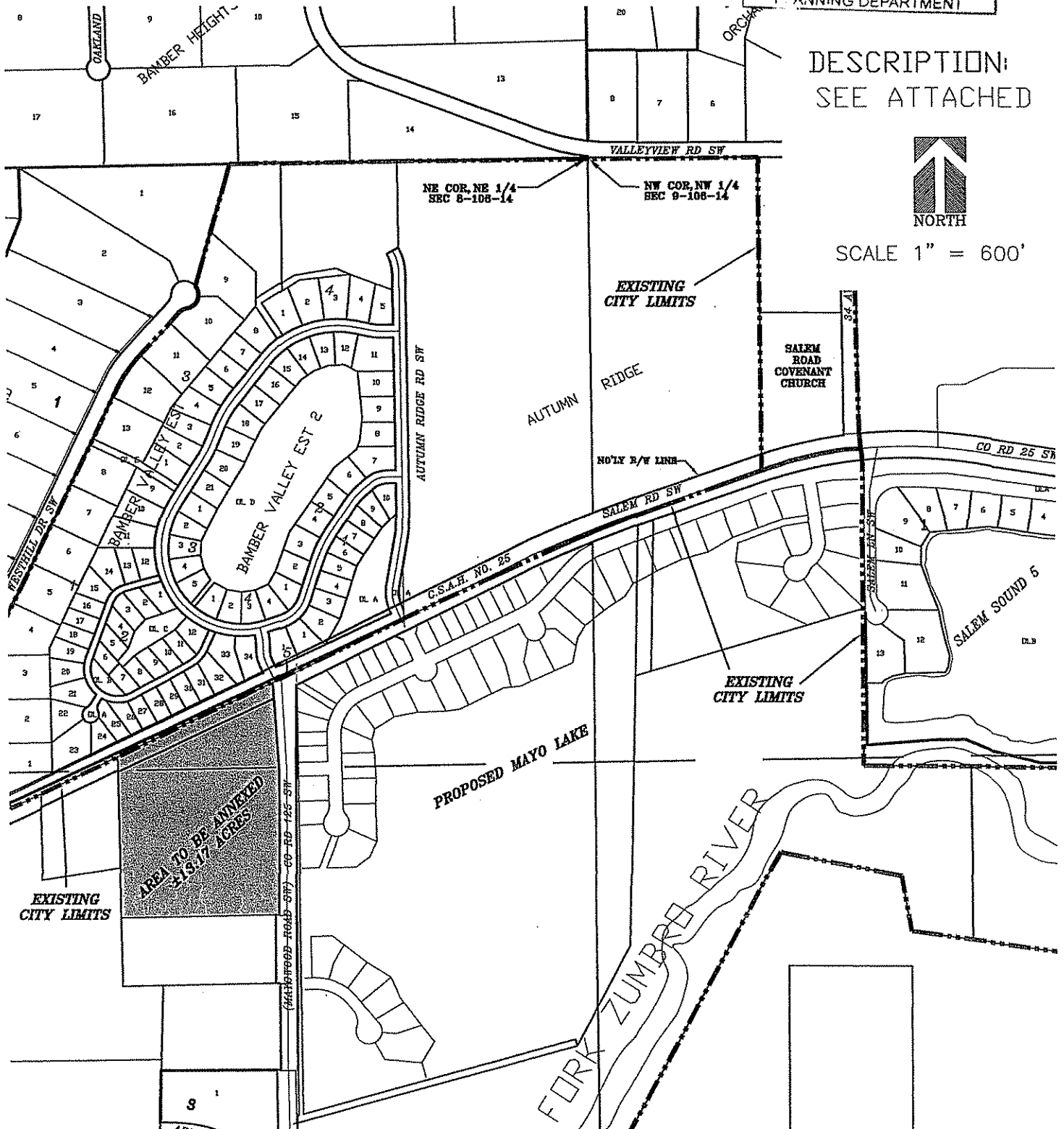
ROCHESTER - CLMSTED  
PLANNING DEPARTMENT

# ANNEXATION EXHIBIT

DESCRIPTION:  
SEE ATTACHED



SCALE 1" = 600'



FDR :

CPDC ROCHESTER DEVELOPMENT, INC  
3030 CENTRE POINT DR., SUITE 800  
ROSEVILLE, MN 55113

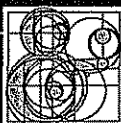
Land Surveying

Urban-Land  
Planning

Consulting - Civil  
Engineering

1840 Third Avenue S.E.  
Rochester, MN 55904  
Telephone 507.253.3919  
Facsimile 507.253.7035

McGhie



Betts, Inc.

Geotechnical  
Engineering

Construction Material  
Testing

Landscape  
Architecture

email:  
mbl@mcghibetts.com

SCALE: 1" = 600'

DRAWN BY: JJR Cadd No. 6555 ANNEX-2

DATE: 01/27/09

ACCT. NO.: 1290/6555

FILE NO.: BK. PG.

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JAN 30

APR 30 2009

RECEIVED

JAN 27 2009

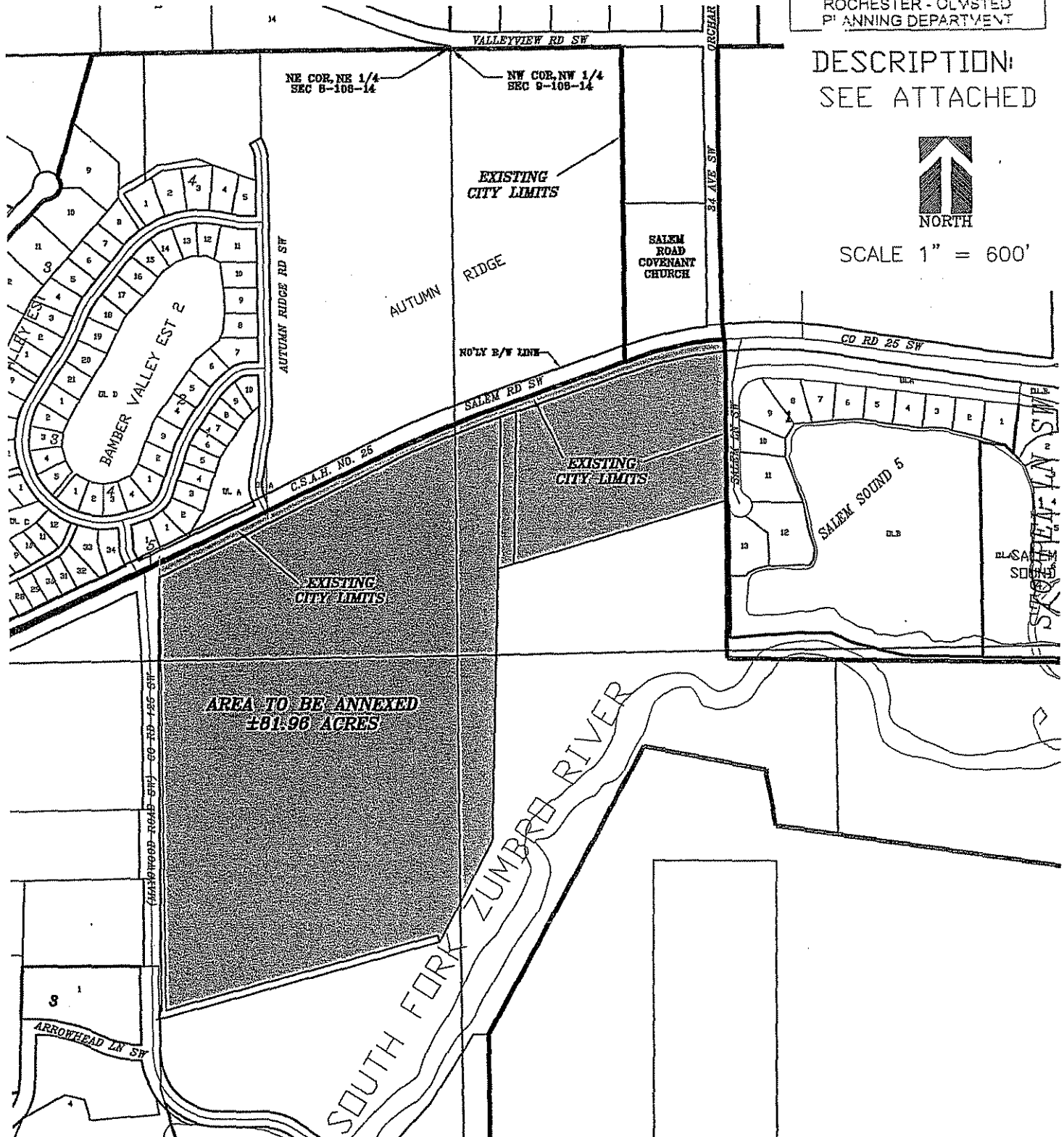
ROCHESTER - OLVESTED  
PLANNING DEPARTMENT

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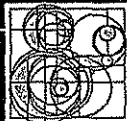
Land Surveying

Urban-Land  
Planning

Consulting - Civil  
Engineering

1640 Third Avenue S.E.  
Rochester, MN 55904

McGhie



Geotechnical  
Engineering

Construction Material  
Testing

Landscape  
Architecture

SCALE: 1" = 600'

DRAWN BY: JJR Cadd No. 6555 ANNEX

DATE: 01/23/09

ACCT. NO.: 1290/6555

FILE NO.: BK PG