

ORDINANCE NO. 3930 Amended

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER APPROXIMATELY 24.55 ACRES OF LAND LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, AND A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 105 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 Northwest Quarter of Section 14, and part of the Northwest Quarter of the Southwest Quarter of Section 14, and part of the Southeast Quarter of the Northeast Quarter of Section 15, and part of the Northeast Quarter of the Southeast Quarter of Section 15, all in Township 105 North, Range 14 West, Olmsted County, Minnesota, being described as follows.

Commencing at the northeast corner of the Southeast Quarter of said Section 15; thence South 89 degrees 26 minutes 18 seconds West, assumed bearing, along the north line of said Southeast Quarter, 1326.94 feet to the west line of the Northeast Quarter of said Southeast Quarter; thence South 00 degrees 03 minutes 25 seconds East, along said west line, 1014.08 feet; thence northeasterly 311.69 feet along a nontangential curve, concave southeasterly, radius of 1482.40 feet

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central angle of 12 degrees 02 minutes 49 seconds, and the chord of said curve bears North 36 degrees 44 minutes 07 seconds East, 311.12 feet; thence North 42 degrees 45 minutes 31 seconds East, tangent to said curve, 271.51 feet for the point of beginning; thence South 39 degrees 35 minutes 28 seconds East, 273.86 feet; thence North 41 degrees 52 minutes 31 seconds East, 359.39 feet; thence South 47 degrees 33 minutes 42 seconds East, 292.66 feet; thence North 45 degrees 31 minutes 25 seconds East, 391.79 feet; thence South 47 degrees 44 minutes 27 seconds East, 237.08 feet; thence North 42 degrees 15 minutes 33 seconds East, 400.00 feet; thence North 47 degrees 44 minutes 27 seconds West, 234.49 feet; thence North 41 degrees 05 minutes 17 seconds East, 271.18 feet to the north line of the Southwest Quarter of said Section 14; thence South 89 degrees 48 minutes 18 seconds West, along said north line, 350.00 feet to the southwest corner of the Northwest Quarter of said Section 14; thence North 00 degrees 37 minutes 38 seconds West, along the west line of said Northwest Quarter, 77.70 feet; thence North 41 degrees 41 minutes 22 seconds East, 583.00 feet; thence North 56 degrees 50 minutes 38 seconds West, 472.23 feet to the west line of said Northwest Quarter; thence South 00 degrees 37 minutes 38 seconds East, along said west line, 323.95 feet to the northwesterly right of way line of the former Chicago Great Western Railway Company (now abandoned); thence southwesterly 76.37 feet along said right of way line and along a nontangential curve, concave southeasterly, central angle of 02 degrees 13 minutes 58 seconds, radius of 1959.86 feet, and the chord of said curve bears South 43 degrees 52 minutes 30 seconds West, 76.37 feet; thence South 42 degrees 45 minutes 31 seconds West, along said right of way line and tangent to said curve, 1322.16 feet to the point of beginning.

ALSO:

That part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 4; thence northerly along the west line thereof, 1286.00 feet for the point of beginning; thence easterly at a deflection angle of 90 degrees 01 minute 00 seconds to the right, 1316.70 feet; thence northerly at right angles, 17.85 feet to the northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 4; thence westerly along the north line of said Southwest Quarter of the Southwest Quarter, 1318.66 feet to the west line of said Southwest Quarter of the Southwest Quarter; thence southerly along said west line, 17.49 feet to the point of beginning.

ALSO:

That part of the Northeast Quarter of the Southeast Quarter of Section 5, and part of the Northwest Quarter of the Southwest Quarter of Section 4, all in Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 5; thence North 00 degrees 05 minutes 06 seconds West, assumed bearing, along the east line of said Southeast Quarter, 1303.49 feet to the southeast corner of the Northeast Quarter of said Southeast Quarter of the point of beginning; thence South 89 degrees 24 minutes 24 seconds West, along the south line of said Northeast Quarter of the Southeast Quarter, 85.62 feet; thence North 48 degree 09 minutes 20 seconds West, 265.80 feet; thence North 41 degrees 50 minutes 40 seconds East, 100.00 feet; thence South 48 degrees 09 minutes 20 seconds East, 376.17 feet to the south line of the Northwest Quarter of the Southwest Quarter of said Section 4; thence North 89 degrees 58 minutes 57 seconds West, along said south line, 63.31 feet to the point of beginning.

ALSO:

Parcels 4 and 4A of the Olmsted County Highway Right of Way Plat No. 157, being in the Southeast Quarter of the Southeast Quarter of Section 5, Township 105 North, Range 14 West, County of Olmsted and State of Minnesota.

ALSO:

That part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 105 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 5; thence North 00 degrees 05 minutes 06 seconds West, assumed bearing, along the east line of said Southeast Quarter, 1225.83 feet for the point of beginning; thence continue North 00 degrees 05 minutes 06 seconds West, along said east line, 77.66 feet to the northeast corner of the Southeast Quarter of said Southeast Quarter; thence South 89 degrees 24 minutes 24 seconds West, along the north line of said Southeast Quarter of the Southeast Quarter, 85.62 feet; thence South 48 degrees 09 minutes 20 seconds East, 115.08 feet to the point of beginning.

Said tract contains 24.55 acres more or less.

Section 2. The total quantity of land included in the petition is approximately 24.55 acres in size.

Section 3. On June 1, 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 High Forest 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. §414.036, the City shall pay the Townships the equivalent of three years' taxes in two years. In this case, the City shall annually pay no money to the High Forest Township for two years as the property is tax exempt. 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 High Forest Town Clerk, the County Auditor and the Secretary of State.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF

ROCHESTER, MINNESOTA, THIS 10TH DAY OF July, 2009.

James L. Hanson  
PRESIDENT OF SAID COMMON COUNCIL

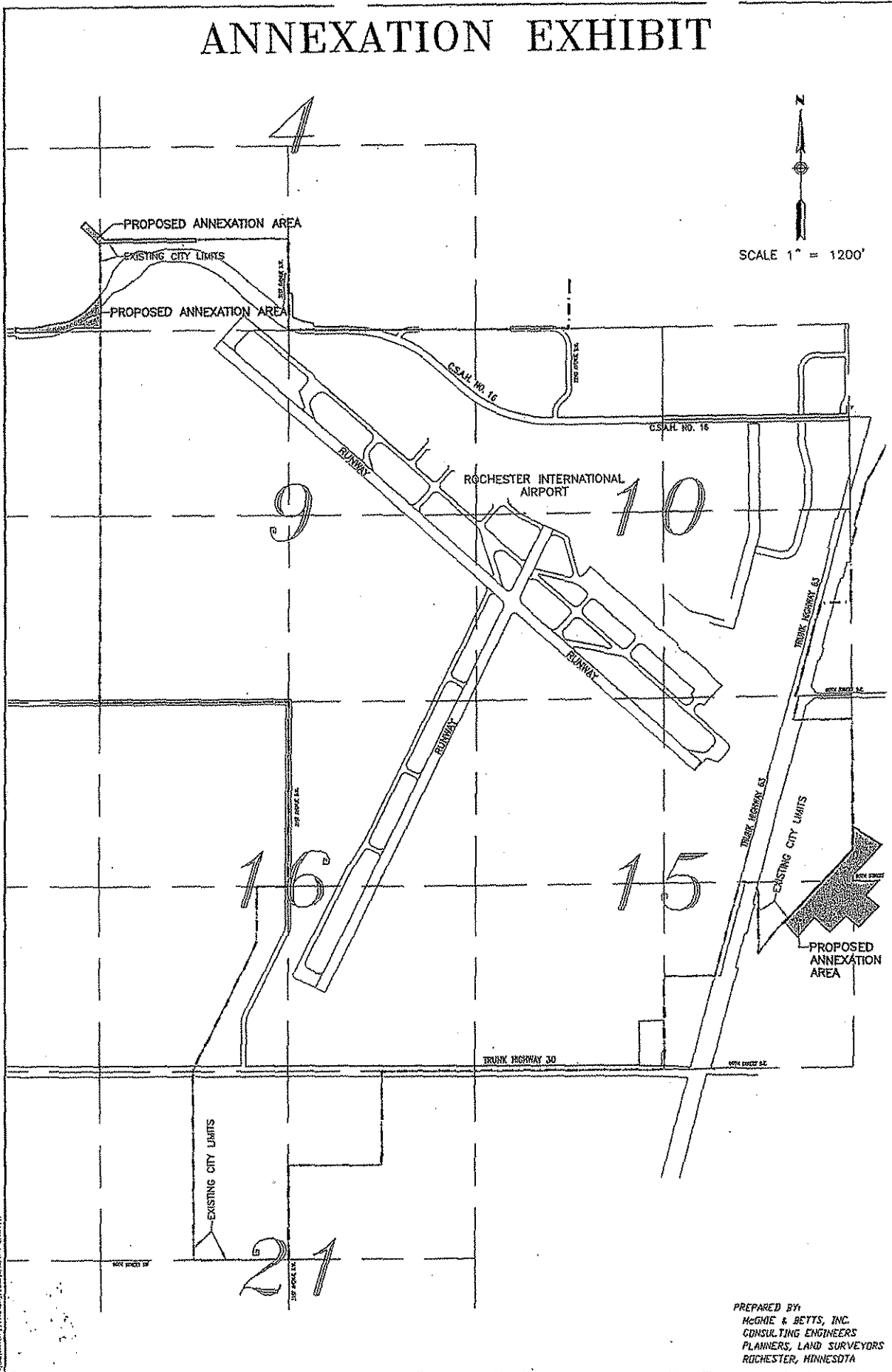
ATTEST: Judy Key Shear  
CITY CLERK

APPROVED THIS 7TH DAY OF July, 2009.

Steven F. Beane  
MAYOR OF SAID CITY



# ANNEXATION EXHIBIT



PREPARED BY  
MCGHEE & BETTS, INC.  
CONSULTING ENGINEERS  
PLANNERS, LAND SURVEYORS  
ROCHESTER, MINNESOTA

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