

ORDINANCE NO. 4142

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER APPROXIMATELY 101.51 ACRES OF LAND LOCATED IN A PART OF THE NORTHWEST QUARTER OF SECTION 4 AND PART OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 5, 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 W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 4 and of the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$  of Section 5, Town 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest corner of said NE  $\frac{1}{4}$ ; thence Northerly on a Minnesota State Plane Grid Azimuth from North of  $359^{\circ}28'59''$  along the West line of said NE  $\frac{1}{4}$  979.70 feet to the point of beginning; thence continue Northerly  $359^{\circ}28'59''$  along said West line 100.00 feet to the Northeast corner of Horihan's First Subdivision; thence Westerly  $268^{\circ}41'07''$  azimuth along the North line of said Horihan's First Subdivision 633.46 feet to the Northwest corner of said Horihan's First Subdivision; thence Southerly  $179^{\circ}26'17''$  azimuth along the West line of said Horihan's First Subdivision 154.40 feet; thence Westerly  $259^{\circ}40'58''$  azimuth 194.56 feet; thence Northerly  $359^{\circ}28'58''$  azimuth 1723.19 feet to the North line of said NW  $\frac{1}{4}$  of Section 5; thence Easterly  $88^{\circ}44'42''$  azimuth along said North line 635.28 feet to the Northerly right-of-way line of County Road No. 34; thence Southeasterly 252.27 feet along said Northerly right-of-way line on a tangential curve concave Southwesterly having a central angle of  $13^{\circ}17'51''$ , a radius of 1086.98 feet and a chord azimuth of  $112^{\circ}50'37''$ ; thence Southeasterly  $119^{\circ}29'32''$  azimuth along said Northeasterly right-of-way line 107.75 feet; thence Southerly  $178^{\circ}32'04''$  azimuth 58.31 feet to the center line of County Road No. 34; thence

Southeasterly  $119^{\circ}29'32''$  azimuth along said center line 177.42 feet; thence Easterly 490.95 feet along said center line on a tangential curve concave Northerly having a radius of 1145.90 feet and a central angle of  $24^{\circ}32'52''$ ; thence Easterly  $94^{\circ}56'40''$  azimuth along said center line 901.30 feet; thence Easterly 495.10 feet along said center line on a tangential curve concave Northerly having a radius of 1272.12 feet and a central angle of  $22^{\circ}17'56''$ ; thence Easterly  $72^{\circ}38'44''$  azimuth along said center line 898.01 feet to the intersection with the Southerly extension of the West right-of-way line of 36<sup>th</sup> Avenue N.W.; thence Northerly  $358^{\circ}02'15''$  azimuth along said Southerly extension 51.86 feet to the Northerly right-of-way line of County Road No. 34; thence Easterly  $72^{\circ}38'44''$  azimuth along said Northerly right-of-way line 290.28 feet to the intersection with the Northerly extension of the center line of C.S.A.H. No. 22; thence Southerly  $178^{\circ}02'48''$  azimuth along said Northerly extension and along said center line of C.S.A.H. No. 22, a distance of 85.34 feet; thence Southerly 447.38 feet along said center line on a tangential curve concave westerly having a radius of 1637.02 feet and a central angle of  $15^{\circ}39'29''$ ; thence Southerly  $193^{\circ}42'18''$  azimuth along said center line 808.19 feet; thence Southerly 180.66 feet along said center line on a tangential curve concave Easterly, having a radius of 1432.39 feet and a central angle of  $07^{\circ}13'35''$ ; thence Westerly  $268^{\circ}50'45''$  azimuth 710.58 feet; thence Southwesterly  $240^{\circ}33'00''$  azimuth 348.96 feet; thence Westerly  $251^{\circ}27'00''$  azimuth 654.58 feet; thence Westerly  $284^{\circ}17'13''$  azimuth 626.84 feet; thence Northwesterly  $321^{\circ}27'00''$  azimuth 344.34 feet; thence Southwesterly  $249^{\circ}45'13''$  azimuth 308.20 feet; thence Westerly  $268^{\circ}41'07''$  azimuth 250.00 feet to the point of beginning; containing 124.83 acres.

TOGETHER WITH the East Half of 45<sup>th</sup> Street SW right of way laying adjacent to the above described property.

EXCEPTING there from the following described parcel:

That part of the W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 4 and that part of the E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 5, all in Town 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest corner of the NE  $\frac{1}{4}$  of said Section 5; thence Northerly on a Minnesota State Plane Grid Azimuth from North of  $359^{\circ}28'59''$  along the West line of said NE  $\frac{1}{4}$  1079.70 feet to the Northeast corner of Horihan's First Subdivision; thence Westerly  $268^{\circ}41'07''$  azimuth along the North line of said Horihan's First Subdivision 633.46 feet to the Northwest corner of said Horihan's First Subdivision; thence Southerly  $179^{\circ}26'17''$  azimuth along the West line of said Horihan's First Subdivision 154.40 feet; thence Westerly  $259^{\circ}40'58''$  azimuth 194.56 feet; thence Northerly  $359^{\circ}28'58''$  azimuth 1723.19 feet to the North line of the NW  $\frac{1}{4}$  of said Section 5; thence Easterly  $88^{\circ}44'42''$  azimuth along said North line 635.28 feet to the Northerly right-of-way line of County Road No. 34; thence Southeasterly 252.27 feet along said Northerly right-of-way line on a nontangential curve concave Southwesterly having a central angle of  $13^{\circ}17'51''$ , a radius of

1086.98 feet and a chord azimuth of  $112^{\circ}50'37''$ ; thence Southeasterly  $119^{\circ}29'32''$  azimuth along said Northeasterly right-of-way line 107.75 feet; thence Southerly  $178^{\circ}32'04''$  azimuth 58.31 feet to the center line of County Road No. 34; thence Southeasterly  $119^{\circ}29'32''$  azimuth along said center line 177.42; thence Easterly 490.95 feet along said center line on a tangential curve concave Northerly having a radius of 1145.90 feet and a central angle of  $24^{\circ}32'52''$  thence Easterly  $94^{\circ}56'40''$  azimuth along said center line 901.30 feet; thence Easterly 495.10 feet along said center line on a tangential curve concave Northerly having a radius of 1272.12 feet and a central angle of  $22^{\circ}17'56''$ ; thence Easterly  $72^{\circ}38'44''$  azimuth along said center line 243.77 feet to a point 250.00 feet west of the East line of said E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 5 and the point of beginning; thence continuing Easterly  $72^{\circ}38'44''$  azimuth along said center line 654.24 feet to the intersection with the Southerly extension of the West right-of-way line of 36<sup>th</sup> Avenue N.W.; thence Northerly  $358^{\circ}02'15''$  azimuth along said Southerly extension 51.86 feet to the Northerly right-of-way line of County Road No. 34; thence Easterly  $72^{\circ}38'44''$  azimuth along said Northerly right-of-way line 290.28 feet to the intersection with the Northerly extension of the center line of C.S.A.H. No. 22; thence Southerly  $178^{\circ}02'48''$  azimuth along said Northerly extension and along said center line of C.S.A.H. No. 22, a distance of 85.34 feet; thence Southerly 447.38 feet along said center line on a tangential curve concave westerly having a radius of 1637.02 feet and a central angle of  $15^{\circ}39'29''$ ; thence Southerly  $193^{\circ}42'18''$  azimuth along said center line 808.19 feet; thence Southerly 180.66 feet along said center line to the north line of MEADOW LAKES VILLAS, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Olmsted County, Minnesota, on a tangential curve concave Easterly, having a radius of 1432.39 feet and a central angle of  $07^{\circ}13'35''$ ; thence Westerly  $268^{\circ}50'45''$  azimuth along said north line of MEADOW LAKES VILLAS 610.42 feet, to a point being 250.00 feet west of measure at right angles to the East line of said E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 5; thence Northerly  $358^{\circ}50'45''$  azimuth, parallel to said East line, a distance of 1170.83 feet to the point of beginning; containing 23.32 acres.

Section 2. The total quantity of land included in the petition is approximately 101.51 acres in size.

Section 3. On November 18, 2013, 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.

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Section 6. As provided in Minn. Stat. §414.036, the City shall pay the Township the equivalent of three years' taxes in two years (\$4490.10 annually for two years). There are no township special assessments assigned to or portion of township debt attributable to the land described in Section 1.

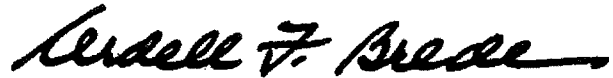
Section 7. Therefore, pursuant to Minn. Stat. §414.033, subd. 2(3), the land described in Section 1 above is hereby annexed, added to and made a part of the City of Rochester, Minnesota, as if it had originally been a part thereof.

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 16TH DAY OF DECEMBER, 2013.



PRESIDENT OF SAID COMMON COUNCIL

ATTEST:

  
DEPUTY CITY CLERK

APPROVED THIS 17th DAY OF DECEMBER, 2013.

  
MAYOR OF SAID CITY

(Seal of the City of  
Rochester, Minnesota)

UNPLATTED

EXISTING CITY LIMITS =                                                                                                         

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