

REC'D. BY MMB AUG 27 1997

RESOLUTION

BE IT RESOLVED by the Common Council of the City of Rochester that the City enter into an amendment of the Cascade Township Orderly Annexation Agreement so as to annex to the City the 27.11 acres of land owned by J.W. Clemens, Inc., located along the east side of CSAH 22 (West Circle Drive) and west of Rochester Technology Park Subdivision in a part of the southeast quarter of Section 20, Cascade Township if the Cascade Township Board is also willing to execute the document.

The Mayor and the City Clerk are authorized and directed to execute said agreement on behalf of the City.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 21st DAY OF July, 1997.

John Hanziker
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: *Nancy Kay Stewart*
CITY CLERK

APPROVED THIS 22nd DAY OF July, 1997.

Tom Confield
MAYOR OF SAID CITY

(Seal of the City of Rochester, Minnesota)

IN THE MATTER OF THE AMENDMENT TO THE JOINT RESOLUTION
FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF CASCADE
AND THE CITY OF ROCHESTER, MINNESOTA
PURSUANT TO MINNESOTA STATUTES 414.0325, SUBD. 1

TO: Minnesota Municipal Board
165 Metro Square Building
St. Paul, Minnesota 55101

The Town of Cascade and the City of Rochester hereby jointly agree that the Joint Resolution Between the Town of Cascade and the City of Rochester Designating an Area for Orderly Annexation dated May 5, 1976, be amended to include the following:

WHEREAS, the City of Rochester desires the immediate annexation to the City of Rochester that property described in the attached Exhibit B situated in the Town of Cascade, County of Olmsted, State of Minnesota; and

WHEREAS, the City of Rochester and the Town of Cascade, for the purpose of avoiding a dispute over the annexation of the property described in said petition, desire to enter into a joint resolution approving the immediate annexation of said property.

NOW, THEREFORE, BE IT RESOLVED by the City of Rochester and the Town of Cascade:

1. The property which is situated in the Town of Cascade, County of Olmsted, State of Minnesota and which is described on the attached Exhibit B is designated as in need of orderly annexation pursuant to Minnesota Statutes §414.0325, as it may be amended from time to time.

2. Both the Town and the City agree that upon receipt of this resolution, the Municipal Board may review and comment, but shall, within 30 days, order the annexation of the property described in Exhibit B, attached hereto and made a part hereof. Both the Town and the City also agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no reconsideration by the Board is necessary.

3. Pursuant to the provisions of Minnesota Statutes §414.0325, subd. 5, the parties agree that the City of Rochester may extend its planning and land use controls to all property designated for orderly annexation.

4. Pursuant to the provisions of Minnesota Statutes §414.036, the City of Rochester agrees to pay the Town of Cascade the property taxes payable on the annexed land for the year in which the annexation becomes effective. Thereafter, property taxes on the annexed land shall be paid to the City of Rochester. In the first year following the year the land was annexed, the City shall make a cash payment to the Town of Cascade in an amount equal to 90% of the property taxes paid in the year the land was annexed; in the second year, an amount equal to 70% of the property taxes paid in the year the land was annexed; in the third year, an amount equal to 50% of the property taxes paid in the year the land was annexed; in the fourth year, an amount equal to 30% of the property taxes paid in the year the land was annexed; and in the fifth year, an amount equal to 10% of the property taxes paid in the year the land was annexed.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 21ST DAY OF JULY, 1997.

John Hanzlik
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Mindy Kay Egan
CITY CLERK

APPROVED THIS 22ND DAY OF JULY, 1997.

Carl Bonfield
MAYOR OF SAID CITY

(Seal of the City of Rochester, Minnesota)

PASSED AND ADOPTED BY THE TOWN OF CASCADE, MINNESOTA, THIS 7th DAY OF July, 1997.

DW Hedren
CHAIRMAN OF TOWN BOARD

ATTEST: Joseph L. Kromer
TOWN CLERK

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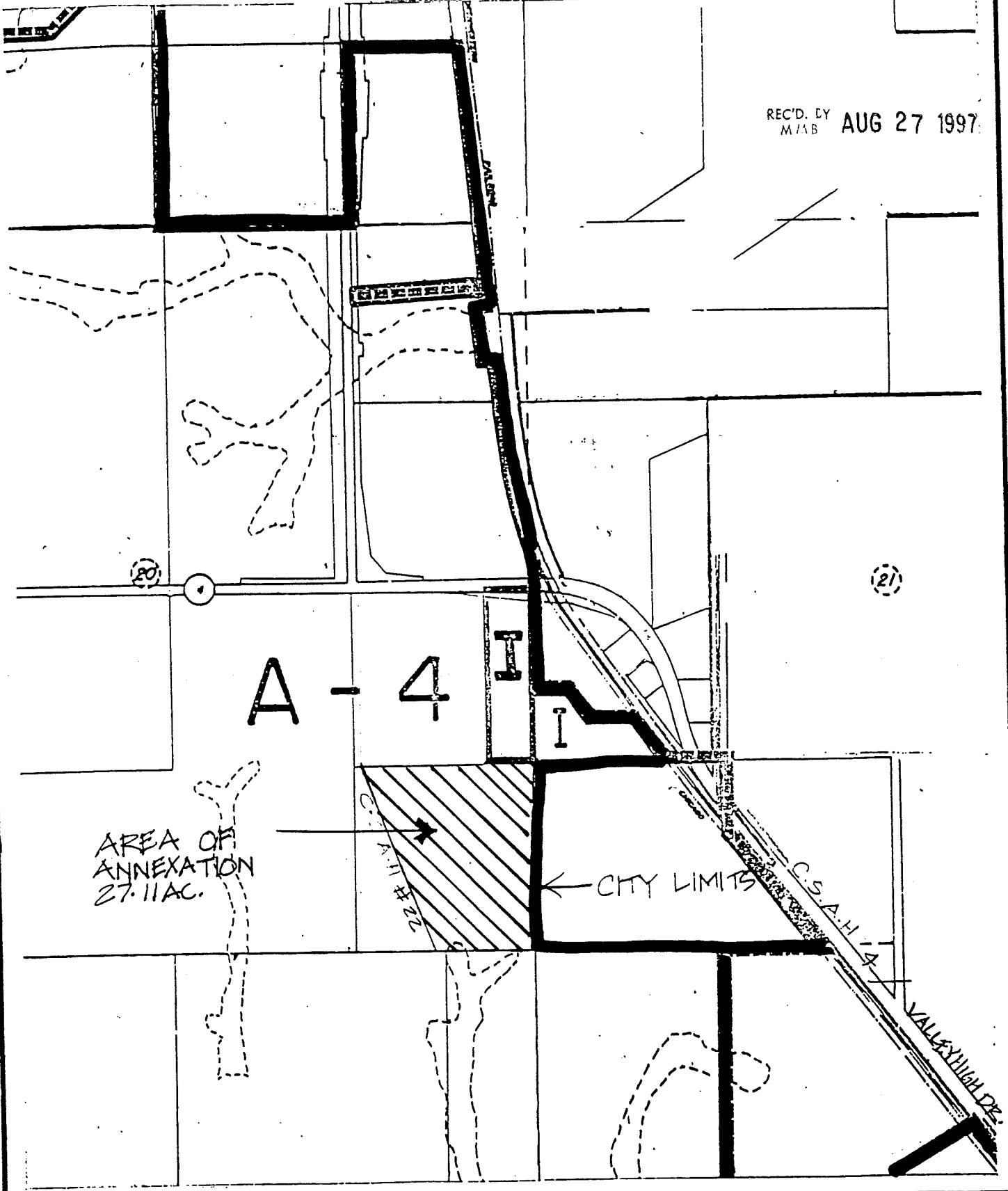
EXHIBIT B

That part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the southeast corner of said Southeast Quarter; thence South 87 degrees 09 minutes 39 seconds West, assumed bearing, along the south line of said Southeast Quarter, 753.58 feet to the easterly line of Olmsted County Highway Right of Way Plat No. 79 (the next 5 courses are along said easterly line); thence North 14 degrees 04 minutes 14 seconds West, 541.97 feet; thence North 75 degrees 55 minutes 46 seconds East, 10.00 feet; thence North 14 degrees 04 minutes 14 seconds West, 700.00 feet; thence North 75 degrees 55 minutes 46 seconds East, 15.00 feet; thence North 14 degrees 04 minutes 14 seconds West, 97.51 feet to the north line of the Southeast Quarter of said Southeast Quarter; thence North 87 degrees 20 minutes 32 seconds East, along said north line, 1028.70 feet to the northeast corner of said Quarter Quarter Section; thence South 01 degree 09 minutes 07 seconds East, 1316.01 feet to the point of beginning.

Containing 27.11 acres more or less.

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AREA OF
ANNEXATION
27.11 AC.

CITY LIMITS

J.W. CLEMENS
PROPERTY

McGhie
Consulting Engineers



Betts, Inc.
Land Surveyors

ANNEXATION EXHIBIT

1848 3rd AVE. S.E. Rochester, MN. 55904 507-289-3919