

REC'D. BY SEP 24 1997
MAB

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 A 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 A 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 A, 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.

5. The City of Rochester agrees that it will not initiate annexation of the "Osmun Property" within the five years following execution of this agreement even though such property may be entirely surrounded by City lands in the near future. The Osmun Property is located in the Northeast Quarter of Section 29, Township 107 North, Range 14 West, and is north of 19th Street NW and completely surrounded by property owned by Hartman Farms.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 18th DAY OF AUGUST, 1997.

John N. Nierman
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Trudy Kley Sirois
CITY CLERK

APPROVED THIS 19th DAY OF AUGUST, 1997.

Ed Confield
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

PASSED AND ADOPTED BY THE TOWN OF CASCADE, MINNESOTA, THIS 8th DAY OF September, 1997.

D. V. Hedlin
CHAIRMAN OF TOWN BOARD

ATTEST: Joseph L. Vroman
TOWN CLERK

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EXHIBIT A

That part of the Northeast Quarter of Section 29, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of the Northeast Quarter of said Northeast Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 87 degrees 09 minutes 39 seconds along the north line of said Northeast Quarter of the Northeast Quarter 337.22 feet to the westerly right of way of County State Aid Highway Number 22 according to the plat thereof on file in the County Recorder's office in Olmsted County, Minnesota, thence southerly 165 degrees 55 minutes 46 seconds azimuth along said westerly right-of-way 1282.74 feet; thence southerly 179 degrees 42 minutes 40 seconds azimuth along said westerly right-of-way 272.86 feet, thence easterly 75 degrees 55 minutes 46 seconds azimuth along said westerly right-of-way 65.01 feet, thence southerly 165 degrees 55 minutes 46 seconds azimuth along said westerly right-of-way 1061.51 feet to the northerly right-of-way of 19th Street Northwest as shown on said right-of-way plat; thence westerly 267 degrees 32 minutes 21 seconds azimuth along said northerly right-of-way 310.43 feet to the west line of the east one-fourth of said Northeast Quarter, thence northerly 359 degrees 40 minutes 35 seconds azimuth along said west line 934.33 feet; thence westerly 267 degrees 08 minutes 48 seconds azimuth 647.38 feet to the west line of east one-half of said Northeast Quarter; thence northerly 359 degrees 40 minutes 36 seconds azimuth along said west line 1625.53 feet to the point of beginning.

Said tract contains 23.94 acres more or less.

Together with that part of the Northeast Quarter of Section 29, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Northeast Quarter; thence northerly on a Minnesota State Plane Grid Azimuth from north of 359 degrees 40 minutes 36 seconds along the west line of said Southeast Quarter of the Northeast Quarter 45.82 feet to the northerly right-of-way of 19th Street Northwest according to the plat thereof on file in the Olmsted County Recorder's office Olmsted County, Minnesota; thence continue northerly 359 degrees 40 minutes 36 seconds azimuth along said west line 800.36 feet; thence southerly 177 degrees 08 minutes 48 seconds azimuth 225.35 feet; thence easterly 87 degrees 08 minutes 48 seconds azimuth 220.00 feet, thence southerly 177 degrees 08 minutes 48 seconds azimuth to said northerly right-of-way 575.98 feet; thence westerly 267 degrees 32 minutes 21 seconds azimuth 225.36 feet to the point of beginning.

Said tract contains 3.23 acres more or less.

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PROPOSED ANNEXATION
POPULATION = 0

