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REC'D. BY JAN 19 2001
MAB

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 approximately 5 acres of land located in the southwest quarter of Section 28, 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 the joint resolution on behalf of the City.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER, MINNESOTA, THIS 20th DAY OF NOVEMBER, 2000.

John Henzler
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Judy Kay Stewart
CITY CLERK

APPROVED THIS 21st DAY OF NOVEMBER, 2000.

Cliff Bonfield
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 Planning Agency
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 property described in the attached Exhibit A:

WHEREAS, the City of Rochester desires the immediate annexation to the City of Rochester of 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, following a request for annexation by the owners/petitioners, 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 Minnesota Planning Agency or other successor to the Minnesota 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 Agency 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 the property described in Exhibit A.

- 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 20TH DAY OF NOVEMBER, 2000.

John Humezahn
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Judy Kay Schorn
CITY CLERK

APPROVED THIS 21st DAY OF NOVEMBER, 2000.

Charles J. Tonfield
MAYOR OF SAID CITY

(Seal of the City of Rochester, Minnesota)

PASSED AND ADOPTED BY THE TOWN OF CASCADE, MINNESOTA, THIS 6th DAY OF NOVEMBER, 2000.

Frederick J. Paly
CHAIRMAN OF TOWN BOARD

ATTEST: Joseph L. Roman
TOWN CLERK

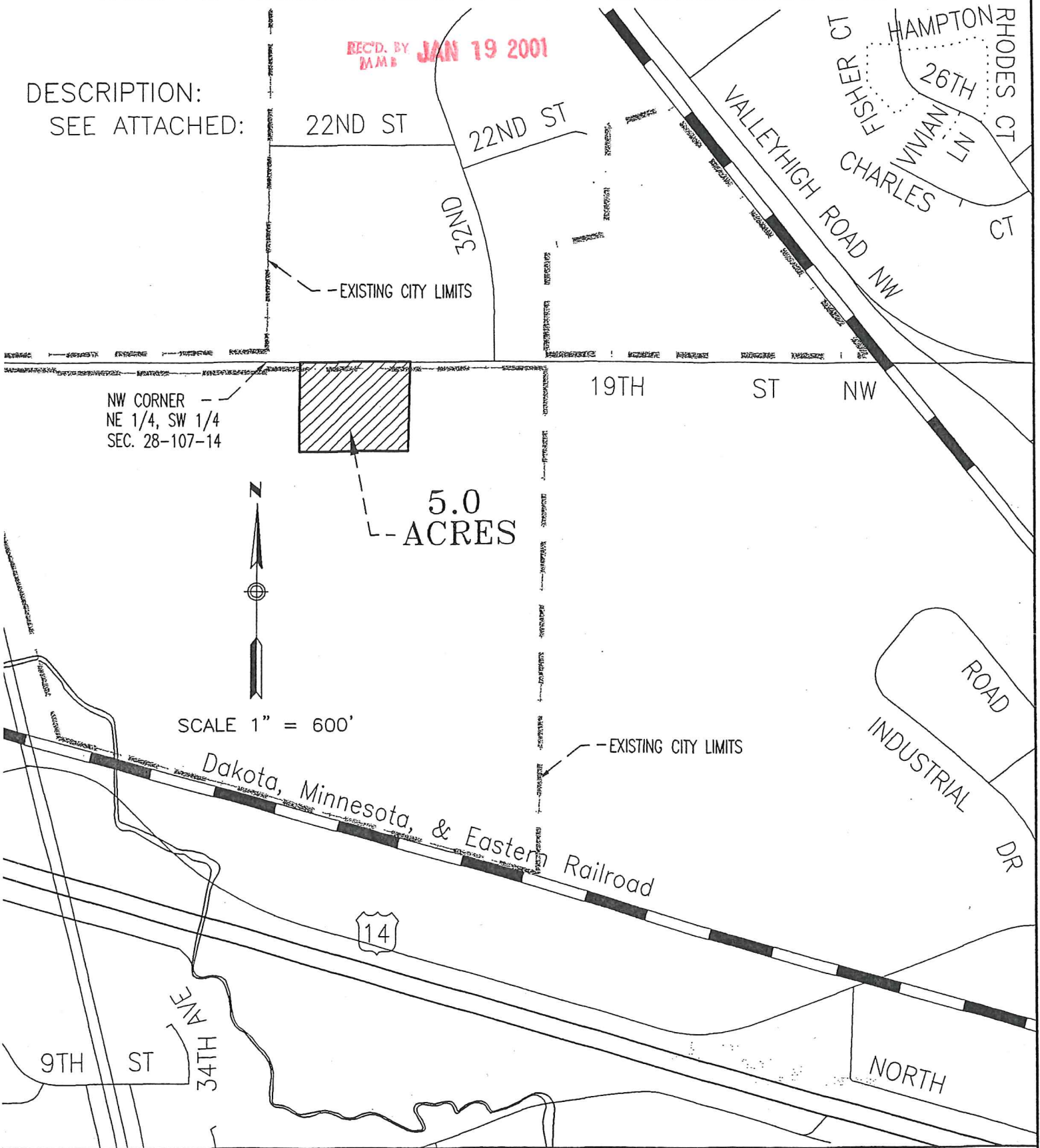
EXHIBIT A

Beginning at the northwest corner of the Northeast Quarter of the Southwest Quarter of Section 28, Township 107, Range 14, Olmsted County, Minnesota; thence southerly, along the West line of said Northeast Quarter of the Southwest Quarter, a distance of 422.30 feet; thence easterly, parallel with the North line of said Northeast Quarter of the Southwest Quarter, a distance of 667.70 feet; thence northerly, a distance of 422.30 feet to said North line and a point 674.00 feet easterly of the Northwest corner of said Northeast Quarter of the Southwest Quarter; thence westerly, along the North line of said Northeast Quarter of the Southwest Quarter, a distance of 674.00 feet to the point of beginning; EXCEPTING therefrom the westerly 155.00 feet thereof, containing 5.0 acres, more or less.

ANNEXATION EXHIBIT

REC'D. BY **JAN 19 2001**
D.A.M.B.

DESCRIPTION:
SEE ATTACHED:



FOR :
B&N, LLC
C/O GREG NESLER
2728 7TH STREET NW
ROCHESTER, MN
55901

McGhie
Consulting Engineers



Planners

1648 3rd AVE. S.E. Rochester, MN. 55904

Betts, Inc.
Land Surveyors

SCALE:	1" = 600'
DRAWN BY:	JJJ
DATE :	10/25/00
ACCT. NO. :	6989A/0554
CADD NO. :	0554ANNE