

RESOLUTION

REC'D BY
MMB

MAR 04 2004

WHEREAS, on or about January 21, 2004, the Common Council of the City of Rochester and the Town of Cascade executed an amendment to the Joint Resolution for Orderly Annexation (a copy of which is attached and incorporated herein); and

WHEREAS, the Joint Resolution allows land contained in the orderly annexation area, as described in Exhibit A thereto, to be annexed to the City; and,

WHEREAS, Minnesota Statutes Section 414.0325, subd. 1(d)(1) states that any signatory to the Joint Resolution may submit a resolution seeking the annexation of the land described within the Joint Resolution; and,

WHEREAS, the City of Rochester is a signatory to the Joint Resolution and does seek the annexation of the land described within the Joint Resolution; and,

WHEREAS, the property to be annexed is legally described as follows:

That part of the northeast quarter of the northeast quarter of Section 20, Township 107, Range 14, lying West of the former right-of-way of the Chicago Great Western Railway Company, south of 41st Street Northwest and East of County State Aid Highway No. 22, City of Rochester, Olmsted County; containing 14.0 acres more or less; and,

WHEREAS, the above-described property satisfies and complies with the Joint Resolution; and,

WHEREAS, the City's estimate of the population and number of households contained in the area is zero; and,

WHEREAS, the City's estimate of electrical service cost differences at the time of annexation is (a) an increase of .07096 per kilowatt-hour from January through May and October through December, and (b) an increase of .08574 per kilowatt-hour from June through September.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the property described 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.

BE IT FURTHER RESOLVED that this resolution shall take effect and be in force from and after its filing of a certified copy hereof with the Minnesota Municipal Board, or its successor, the Town of Cascade and the Olmsted County Auditor/Treasurer.

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MMB

MAR 04 2004

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 21st DAY OF JANUARY, 2004.

John Hunziker
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Neddy Kay Schwan
CITY CLERK

APPROVED THIS 2nd DAY OF JANUARY, 2004.

Charles F. Bueck
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.

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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 JANUARY, 2003.

John Hunsicker
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: MayKay Smith
CITY CLERK

APPROVED THIS 22nd DAY OF JANUARY, 2003.

Charles F. Brade
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

PASSED AND ADOPTED BY THE TOWN OF CASCADE, MINNESOTA, THIS 9th
DAY OF January, 2004
2003

L. Laurens
CHAIRMAN OF TOWN BOARD

ATTEST: Joseph Vroman
TOWN CLERK



REC'D BY
MMB

MAR 04 2004

Exhibit A

Rochester
Minnesota

ANNEXATION DESCRIPTION

FOR: JOEL BIGELOW & SONS ENTERPRISES, INC.

DATE: SEPTEMBER 3, 2003

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

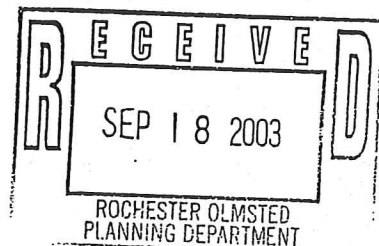
That part of the NE 1/4 of the NE 1/4 of Section 20, Township 107, Range 14, lying West of the former right-of-way of the Chicago Great Western Railway Company, South of 41st Street Northwest and East of County State Aid Highway No. 22, City of Rochester, Olmsted County, Minnesota.

Containing 14.0 acres more or less.

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com



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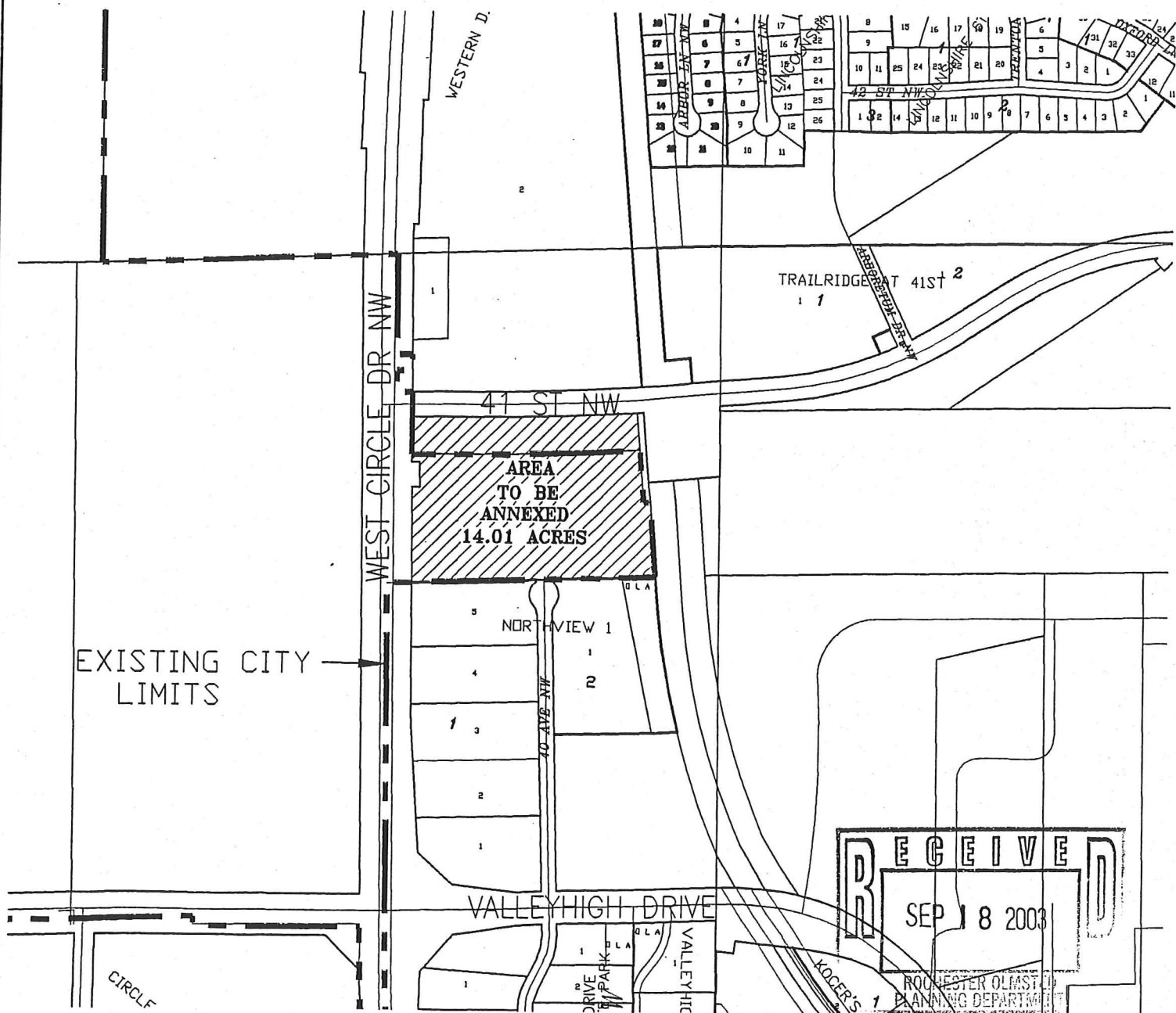
MAR 04 2004

ANNEXATION EXHIBIT

DESCRIPTION:
SEE ATTACHED



SCALE 1" = 600'



FDR :

BIGELOW ENTERPRISES
706 CTY RD 3 NW
BYRON, MN
55920

Land Surveying
Urban-Land
Planning
Consulting - Civil
Engineering

1645 Third Avenue S.E.
Rochester, MN 55904
Telephone 507.289.3919
Facsimile 507.289.7909

McGhie



Betts, Inc.

Geotechnical
Engineering
Construction Material
Testing
Landscape
Architecture

email:
mh@mcgchie.com

SCALE: 1" = 600'

DRAWN BY: MMM

DATE: 09/16/03

ACCT. NO.: 1084/3095

Cadd No. 3095ANNE

FILE NO.: BK.

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