

~~DEPARTMENT OF ADMINISTRATION~~

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

~~BEFORE THE DIRECTOR OF~~

~~STRATEGIC AND LONG RANGE PLANNING~~

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IN THE MATTER OF THE ORDERLY ANNEXATION ) A M E N D E D  
AGREEMENT BETWEEN THE CITY OF ROCHESTER )  
AND THE TOWN OF CASCADE PURSUANT TO ) ORDER  
MINNESOTA STATUTES 414 )  
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WHEREAS, a joint resolution for orderly annexation was adopted by the City of  
Rochester and the Town of Cascade; and

WHEREAS, an amendment to the joint resolution was received from the City of  
Rochester and the Town of Cascade requesting that certain property be annexed to the City of  
Rochester pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic  
and Long Range Planning may review and comment, but shall within 30 days order the  
annexation pursuant to said subdivisions; and

WHEREAS, on May 13, 2004, the Director has reviewed and accepted the resolution for  
orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in  
accordance with the terms of the joint resolution to the City of Rochester, Minnesota, the same  
as if it had originally been made a part thereof:

~~Bandel Reservoir 1.06 Acres~~

~~That part of the Northwest Quarter of the Northeast Quarter of  
Section 9, Township 107 North, Range 14 West, Olmsted County,  
Minnesota, described as follows:~~

~~Commencing at the North Quarter corner of said Section 9;~~

~~thence southerly on a Minnesota State Plane Grid Azimuth from North 178 degrees 57 minutes 31 seconds, along the west line of said Northwest Quarter a distance of 711.83 feet to the beginning; thence easterly 88 degrees 57 minutes 31 seconds azimuth 90.00 feet; thence southerly 178 degrees 57 minutes 31 seconds azimuth 77.00 feet; thence easterly 88 degrees 57 minutes 31 seconds azimuth, 170.00 feet; thence southerly 178 degrees 57 minutes 31 seconds azimuth, 200.00 feet; thence westerly 268 degrees 57 minutes 31 seconds azimuth, 260.00 feet; thence northerly 358 degrees 57 minutes 31 seconds azimuth, along the west line of said Northwest Quarter 277.00 feet to the point of beginning. Said tract contains 1.10 acres more or less, plus 0.26 acres of highway right of way.~~

~~together with~~

~~the abutting Bandel Road right of way~~

~~And~~

~~Lofgren 3.92 Acres~~

~~That part of the SE ¼ of the NW ¼ of Section 10, Township 107 North Range 14 West lying 60 feet either side of the following described roadway centerline.~~

~~Commencing at the SW corner of the SE ¼ of the NW ¼ of Section 10; thence North 00 degrees 20 minutes 45 seconds West, assumed bearing along the west line of said quarter quarter line, 977.77 feet to the point of beginning; thence South 59 degrees 02 minutes 32 seconds East; thence along a tangential curve concave to the south having a radius of 700.00 feet, with a chord bearing South 74 degrees 38 minutes 34 seconds East, a chord length of 376.50 feet, an delta angle of 30 degrees 42 minutes 52 seconds, and a curve length of 381.19 feet; thence North 89 degrees 45 minutes 24 seconds East, 174.67 feet to the east line of the NW ¼ of Section 10 lying and there terminating. The right of way lines shall prolonged or shortened as needed to match the East and West points of the roadway centerline.~~

~~And~~

~~S & S 31 Acres~~

~~That part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 107 North Range 14 West lying East of the following described line:~~

~~Commencing at the southeast corner of the Northwest Quarter; thence North along the east line thereof a distance of 629 feet; thence West parallel with the South line thereof 71.76 feet to the point of beginning; thence North 01 degrees 39 minutes 10 seconds East 190.66 feet along the right of way line of Bandel Road (Old TH No. 52) and there terminating.~~

~~AND~~

~~Peterson 1.80 ACRES~~

~~Commencing at the NW corner of said NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 9, Township 107, Range 14; thence East along the North line of said NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 9 a distance of 240 feet to the point of beginning; thence on a line deflecting 90 degrees right a distance of 343.3 feet; thence on a line deflecting 79 degrees 30' left a distance of 220 feet; thence on a line deflecting 100 degrees 30' left a distance of 383.39 feet to said North line of said NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of said Section 9; thence West along said North line on a deflection of 90 degrees left a distance of 216.32 feet to the point of beginning, less the North 33 feet thereof.~~

~~And~~

~~Jenson .30 ACRES~~

~~That part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 107 North Range 14 West lying East of the following Described line:~~

~~Commencing at the southeast corner of the Northwest Quarter; thence North along the east line thereof a distance of 629 feet; thence West parallel with the South line thereof 71.76 feet; thence North 01 degrees 39 minutes 10 seconds East 190.66 feet along the right of way line of Bandel Road (Old TH No. 52) to the South line of Jenson's First Subdivision and the point of beginning; thence continue along said right of way line to the North line of Jenson's First Subdivision and there terminating~~

~~And~~

~~37<sup>th</sup> Street Baptist Church~~

~~The West 63.0 feet of the North 200.0 feet of the Southeast Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota .29 ACRES~~

~~And~~

~~The West 33.0 feet of the following described property:~~

~~That part of the South Half of the Northeast Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, described as beginning at the southwest corner of said Northeast Quarter; thence North 88 degrees 19 minutes 26 seconds East, assumed bearing, along the south line of said Northeast Quarter, 653.40 feet; thence North 01 degrees 02 minutes 17 seconds West, parallel with the west line of said Northeast Quarter 488.66 feet; thence South 88 degrees 19 minutes 26~~

~~seconds west, parallel with the south line of said Northeast Quarter, 653.40 feet to  
the west line of said Northeast Quarter; thence South 01 degrees 02 minutes 17  
seconds East along said west line to the point of beginning. 37 ACRES~~

REVISED DESCRIPTION READS AS FOLLOWS:

**The annexation area includes the following parcels abutting 55<sup>th</sup> Street:**

Pittenger

The South 60.00 feet of the following described property:

That part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 7,  
Township 107, Range 14, Olmsted County, Minnesota, described as follows: Commencing at  
the Southwest corner of the Southeast Quarter (SE ¼) of said Section 7, thence East,  
assumed bearing along the South line of said Southeast Quarter (SE ¼), 370.00 feet for a  
point of beginning; thence continue East along said South line, 365.00 feet; thence north  
298.00 feet; thence East 30.00 feet; thence North 110.00 feet, thence West 400.00 feet;  
thence South 00 degrees 42 minutes 08 seconds East, 408.03 feet to the point of beginning;  
being subject to an easement for the Township road right of way over the Southerly boundary  
thereof.

And

Clowes

The South 60.00 feet of that part of the East half of the Southwest Quarter of Section 7,  
Township 107, Range 14, Olmsted County, Minnesota, being described as follows:

Commencing at the Southeast corner of said East half of the Southwest Quarter of Section 7;  
thence West, assumed bearing along the South line of said East half, 66.00 feet for the point  
of beginning; thence continue West, along said South line, 915.78 feet; thence North 00  
degrees 16 minutes 39 seconds West, parallel with the West line of said East half, 396.00  
feet; thence West, parallel with said South line of said East half, 330.00 feet to the West line  
of said East half; thence North 00 degrees 16 minutes 39 seconds West, along said West line  
1112.14 feet; thence East 1238.21 feet; thence South 00 degrees 34 minutes 00 seconds  
East, 1508.19 feet to the point of beginning; less that part of said East half of the Southwest  
Quarter described as follows: commencing at the southeast corner of the East half of the  
Southwest Quarter of said Section 7; thence West, assumed bearing, along the south line of  
said East half, 66.00 feet for the point of beginning; thence continue West, along said south  
line, 465.78 feet; thence North 00 degrees 16 minutes 39 seconds West, parallel with the west  
line of said East half, 415.00 feet; thence West, parallel with the south line of said East half,  
450.00 feet; thence South 00 degrees 16 minutes 39 seconds East, 19.00 feet; thence West,  
parallel with the south line of said East half, 330.00 feet to the west line of said East half;  
thence North 00 degrees 16 minutes 39 seconds West, along said west line, 1112.14 feet;  
thence East, 1238.21 feet; thence South 00 degrees 34 minutes 00 seconds East, 1508.19

feet to the point of beginning.

And

Smoldt

The south 60 feet of the following describe parcel

That part of the SE ¼ SW ¼, Section 7, Township 107, Range 14, Olmsted County, Minnesota, described as follows: Beginning at the Southwest corner of said SE ¼ SW ¼, thence East (for purposes of this description bearings are assumed), along the South line of said SW ¼, 3330.00 feet to a point 981.78 feet Westerly from the Southeast corner of said SW ¼; thence North 00 degrees 16 minutes 39 seconds West, parallel with the West line of said SE ¼ SW ¼, 396.00 feet; thence West, parallel with the South line of said SW ¼, 330.00 feet; thence South 00 degrees 16 minutes 39 seconds East, along said West line of SE ¼ SW ¼, 396.00 feet to the point of beginning.

And

Abbot

The South 60.00 feet of the South half of the Southwest Quarter of the Southwest Quarter, except the East 180.00 feet thereof in Section 7, Township 107, Range 14, Olmsted County, Minnesota.

And

Nelson

The South 60.00 feet of the East 180.00 feet of the South half of the Southwest Quarter of the Southwest Quarter of Section 7, Township 107, Range 14, Olmsted County, Minnesota.

And

Krebsbach

The northerly 60 feet of Section 18 of Cascade Township over the following parcel:

That part of the North Half of the Northeast Quarter of Section 18, Township 107, Range 14 West, Olmsted County, Minnesota which lies within a distance of 60.00 feet to the right of the following described line: Beginning at the northwest corner of the Northeast Quarter of Section 18; thence North 89 degrees 29 minutes 38 seconds East, assumed bearing, along the north line thereof, 653.47 feet to the northwest corner of Wedgewood Hills Third Subdivision and there terminating.

**And Portions of Right of way along Bandel Road & Overland Drive including:**

Peterson

Commencing at the NW corner of said NW ¼, NE ¼, Section 9, Township 107, Range 14;

thence East along the North line of said NW ¼ NE ¼ of Section 9 a distance of 240 feet to the point of beginning; thence on a line deflecting 90 degrees right a distance of 343.3 feet; thence on a line deflecting 79 degrees 30' left a distance of 220 feet; thence on a line deflecting 100 degrees 30' left a distance of 383.39 feet to said North line of said NW ¼ NE ¼ of said Section 9; thence West along said North line on a deflection of 90 degrees left a distance of 216.32 feet to the point of beginning, less the North 33 feet thereof.

And

37<sup>th</sup> Street Baptist Church

The West 63.0 feet of the North 200.0 feet of the Southeast Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota.

And

The West 33.0 feet of the following described property:

That part of the South Half of the Northeast Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, described as beginning at the southwest corner of said Northeast Quarter; thence North 88 degrees 19 minutes 26 seconds East, assumed bearing, along the south line of said Northeast Quarter, 653.40 feet; thence North 01 degrees 02 minutes 17 seconds West, parallel with the west line of said Northeast Quarter 488.66 feet; thence South 88 degrees 19 minutes 26 seconds west, parallel with the south line of said Northeast Quarter, 653.40 feet to the west line of said Northeast Quarter; thence South 01 degrees 02 minutes 17 seconds East along said west line to the point of beginning.

And

S & S

That part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 107 North Range 14 West lying East of the following described line:

Commencing at the southeast corner of the Northwest Quarter; thence North along the east line thereof a distance of 629 feet; thence West parallel with the South line thereof 71.16 feet to the point of beginning; thence North 01 degrees 39 minutes 10 seconds East 190.66 feet along the right of way line of Bandel Road (Old TH. No. 52) and there terminating.

And

Jenson

That part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 107 North Range 14 West lying East of the following described line:

Commencing at the southeast corner of the Northwest Quarter; thence North along the east line thereof a distance of 629 feet; thence West parallel with the South line thereof 71.16 feet; thence North 01 degrees 39 minutes 10 seconds East 190.66 feet along the right of way line of Bandel Road (Old TH No. 52) to the South line of Jenson's First Subdivision and the point

of beginning; thence continue along said right of way line to the North line of Jenson's first Subdivision and there terminating.

And

Lofgren

That part of the SE ¼ of the NW ¼ of Section 10, Township 107 North Range 14 West, Olmsted County, Minnesota, lying 60 feet either side of the following described roadway centerline.

Commencing at the SW corner of the SE ¼ of the NW ¼ of Section 10; thence North 00 degrees 20 minutes 45 seconds West, assumed bearing along the west line of said quarter quarter line, 977.77 feet to the point of beginning; thence South 59 degrees 02 minutes 32 seconds East, 917.89 feet; thence along a tangential curve concave to the north having a radius of 700.00 feet, with a chord bearing South 74 degrees 38 minutes 34 seconds East, a chord length of 376.50 feet, an delta angle of 30 degrees 42 minutes 52 seconds, and a curve length of 381.19 feet; thence North 89 degrees 45 minutes 24 seconds East, 174.67 feet to the east line of the NW ¼ of Section 10 lying and there terminating. The right of way lines shall prolonged or shortened as needed to match the East and West points of the roadway centerline.

Smoldt

That part of the SE ¼ SW ¼, Section 7, Township 107, Range 14, Olmsted County, Minnesota, described as follows: Beginning at the Southwest corner of said SE ¼ SW ¼, thence East (for purposes of this description bearings are assumed), along the South line of said SW ¼, 3330.00 feet to a point of 981.78 feet Westerly from the Southeast corner of said SW ¼, thence North 00 degrees 16 minutes 39 seconds West, parallel with the West line of said SE ¼ SW ¼, 396.00 feet; thence West, parallel with the South line of said SW ¼, 330.00 feet; thence South 00 degrees 16 minutes 39 seconds East, along said West line of SE ¼ SW ¼, 396.00 feet to the point of beginning.

And

Welch

That part of the East Half of Section 7, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said Section 7; thence North 89 degrees 44 minutes 40 seconds West, assumed bearing, along the south line thereof, 656.00 feet to the southwest corner of said Section 7; thence North 00 degrees 15 minutes 39 seconds West, along the west line of said East Half of the Southeast Quarter of the Southeast Quarter, 897.87 feet for the point of beginning; thence North 74 degrees 13 minutes 55 seconds West, 2049.61 feet to the west line of the West Half of the East Half of the East Half of said Section 7; thence North 00 degrees 20 minutes 24 seconds West, along said west line, 1300.00 feet; thence South 54 degrees 55 minutes 28 seconds East, 2489.05 feet to the north line of the East Half of the Southeast Quarter of the Southeast Quarter of said Section 7; thence North 89 degrees 50 minutes 15 seconds West, along said north line, 58.77 feet to the west line of said East Half of the Southeast Quarter of the Southeast Quarter; thence South 00 degrees 15 minutes 39

seconds East, along said east line, 426.77 feet to the point of beginning.

Containing 40.00 acres more or less.

And

Bandel Reservoir

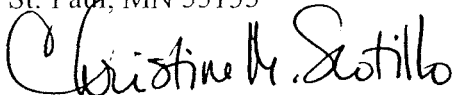
That part of the Northwest Quarter of the Northeast Quarter of Section 9, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the North Quarter corner of said Section 9; thence southerly on a Minnesota State Plane Grid Azimuth from North 178 degrees 57 minutes 31 seconds, along the west line of said Northwest Quarter a distance of 711.83 feet to the beginning; thence easterly 88 degrees 57 minutes 31 seconds azimuth 90.00 feet; thence southerly 178 degrees 57 minutes 31 seconds azimuth 77.00 feet; thence easterly 88 degrees 57 minutes 31 seconds azimuth, 170.00 feet; thence southerly 178 degrees 57 minutes 31 seconds azimuth, 200.00 feet; thence westerly 268 degrees 57 minutes 31 seconds azimuth, 260.00 feet; thence northerly 358 degrees 57 minutes 31 seconds azimuth, along the west line said Northwest Quarter 277.00 feet to the point of beginning. Said tract contains 1.10 acres more or less, plus 0.26 acres of highway right of way,

Together with the abutting Bandel Road right of way.


Amended order dated this  
19<sup>th</sup> day of April, 2005.

For the Chief Administrative Law Judge  
658 Cedar Street – Room 300  
St. Paul, MN 55155

  
Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

Dated this 13<sup>th</sup> day of May, 2004.

For the Director  
658 Cedar Street, Room 300  
St. Paul, Minnesota 55155

  
Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments