

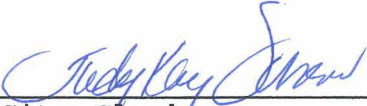
REC'D BY  
M M B

MAY 11 2005

STATE OF MINNESOTA)  
 )  
COUNTY OF OLMSTED )

I, JUDY SCHERR, CITY CLERK OF THE CITY OF ROCHESTER,  
MINNESOTA, DO HEREBY CERTIFY THAT I HAVE COMPARED THE ATTACHED  
COPY OF A RESOLUTION WITH THE ORIGINAL RESOLUTION ON FILE IN MY  
OFFICE AND THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE  
ORIGINAL RESOLUTION.

WITNESS MY HAND THIS 9TH DAY OF MAY, 20 05.

  
\_\_\_\_\_  
City Clerk  
City of Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

REC'D BY  
MMB

MAY 11 2005

## RESOLUTION

WHEREAS, on September 20, 1999, the Common Council of the City of Rochester and the Town of Marion executed a Joint Resolution for Orderly Annexation for Marion Area #2 (a copy of which is attached and incorporated herein); and

WHEREAS, paragraph 7(b) of the Joint Resolution allows land contained in the orderly annexation area to be annexed to the City whenever a landowner whose property abuts the City limits files a petition for annexation with the City and when the City adopts a resolution in compliance with paragraph 6 of the Joint Resolution; and,

WHEREAS, Rochester Area Habitat for Humanity has filed a petition to annex 16,000 square feet (Lot 5, Block 3, Rose Harbor Fourth Subdivision) located at 1416 Sunrise Avenue S.E. and,

WHEREAS, the legal description for the petitioned property is as follows:

Lot 5, Block 3, Rose Harbor Fourth Subdivision.

Containing in all 16,000 square feet more or less.

WHEREAS, the petitioned property abuts the City limits; and,

WHEREAS, the Council wishes to invoke the procedure described in paragraph 7(b) of the Joint Resolution and annex the petitioned property and the petitioned property satisfies paragraph 7 (b) of the Joint Resolution; and,

WHEREAS, the orderly annexation agreement allows for annexation by resolution and provides that the Minnesota Municipal Board may review and comment but shall, within 30 days or receipt of said resolution, order the annexation of the area described in the 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 at the time of annexation is (a) .07237 per kilowatt-hour from January through May and October through December, and (b) .08758 per kilowatt-hour from June through September.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the petitioned 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 Marion and the Olmsted County Auditor/Treasurer.

REC'D BY  
MMB

MAY 11 2005

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS 18th DAY OF April, 2005.

Dennis L. Hansen  
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Valori Rangseth  
Deputy CITY CLERK

APPROVED THIS 19th DAY OF April, 2005.

Andrew F. Breda  
MAYOR OF SAID CITY

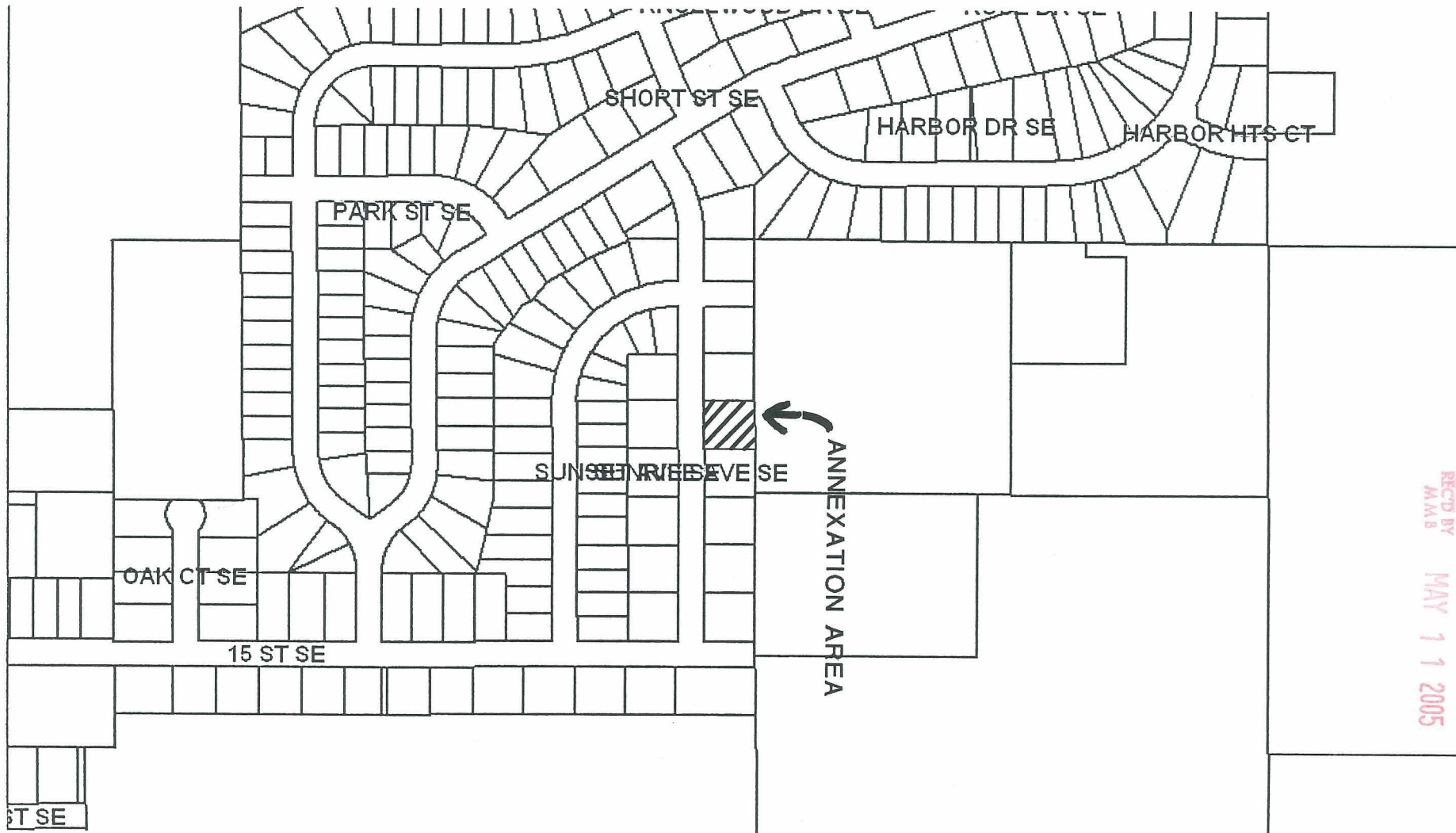
(Seal of the City of  
Rochester, Minnesota)

Zone05\OrderyAnnex.Res0504(Marion2)



# SITE LOCATION MAP

Orderly Annexation #2005-04  
by Rochester Area Habitat for Humanity  
1416 Sunrise Avenue SE



REC'D BY  
MWB  
MAY 11 2005



BEFORE THE  
MINNESOTA MUNICIPAL BOARD OR ITS SUCCESSOR

#2  
OA-6660

IN THE MATTER OF THE DESCRIPTION OF )  
AN UNINCORPORATED AREA IN MARION )  
TOWNSHIP AS IN NEED OF ORDERLY )  
ANNEXATION AND CONFERRING JURISDICTION )  
OVER SAID AREA IN THE MINNESOTA )  
MUNICIPAL BOARD OR ITS SUCCESSOR )  
PURSUANT TO MINNESOTA )  
STATUTES §414.0325, Subd. 1 )

REC'D BY  
M.M.B.

MAY 11 2005

JOINT RESOLUTION FOR  
ORDERLY ANNEXATION  
(MARION AREA #2)

WHEREAS, the City of Rochester (hereinafter "City") and Town of Marion (hereinafter "Town") agree that given the potential health threat from individual sewage treatment systems within the area designated in Exhibit A, there is a need for municipal sanitary sewer and water services; and

WHEREAS, the City and Town agree that orderly annexation and extension of municipal sanitary sewer or water services to areas needing such service would benefit the public health, safety and welfare of the entire community, and the City currently has authority to collect local sales tax funds to pay a portion of the costs for the extension of sewer or water services to developed areas within the Town; and

WHEREAS, the City and Town agree that there is a public need for the coordinated, efficient and cost effective extension of City sewer and water in accordance with existing and future needs to promote the public health and safety by protecting the region's ground water supply and surface waters; and

WHEREAS, the property described in the attached Exhibit A lies within the Urban Service Area of Rochester, is presently urban or suburban in nature or about to become so and the City is capable of providing public sanitary sewer, water and storm water facilities within a reasonable time; and

WHEREAS, the extension of public sanitary sewer and water by the City can only be provided in prioritized phases if the process and timing of annexation is clearly identified and jointly agreed upon in advance of the capital planning, commitment and expenditure necessary on the part of the City; and

WHEREAS, the establishment of a process of orderly annexation of said lands will be of benefit to the residents and owners of said lands, and permit the City to extend necessary municipal services in a planned and efficient manner; and

WHEREAS, for the areas designated in Exhibit A, the City and the Town desire to accomplish the orderly annexation of said areas and the extension of municipal services in a mutually acceptable and beneficial manner without the need for a hearing before the Minnesota Municipal Board and, with the purpose of avoiding a dispute over the annexation of the property described in said Exhibit A, enter into this joint resolution for orderly annexation pursuant to Minnesota Statutes §414.0325, Subd. 1.

NOW, THEREFORE, BE IT RESOLVED by the City of Rochester and the Town of Marion as follows:

1. The City and Town hereby designate that property situated in the Town of Marion, County of Olmsted, State of Minnesota, which is legally described on the attached Exhibit A, which is incorporated herein by reference, as in need of orderly annexation pursuant to Minnesota Statutes §414.0325. For ease of reference, the area legally described in Exhibit A is shown on the attached map, Exhibit B.

2. The Town of Marion hereby withdraws any objections filed and agrees to not file any objections with the Minnesota Municipal Board, or such other agency which may undertake those duties and responsibilities currently held by the Minnesota Municipal Board ("successor"), concerning the City's desire or request to annex any of the property described on the attached Exhibit A. The Town of Marion further agrees that if it has filed any objections with the Minnesota Municipal Board, or its successor, to the annexation to the City of any of the property described in attached Exhibit A, the filing of this Joint Resolution with the Minnesota Municipal Board or statutory equivalent, shall constitute sufficient notice of the withdrawal of the objections.

3. The lands designated in Exhibit A attached hereto shall be subject to future annexation to the City pursuant to the terms and conditions of this joint resolution and shall constitute the "orderly annexation area" otherwise described in this joint resolution. The City and Town agree that the area legally described in Exhibit A is designated as in need of orderly annexation and contains approximately 1325.58 acres.

4. Any part or all of the lands described in Exhibit A may, except as otherwise provided, be annexed to the City no earlier than January 1 of the year five years after the substantial completion of a water or sewer project providing water or sewer service to the area. The determination of substantial completion shall be made by the City's Department of Public Works who shall provide written notice of its determination to the Town Board.

5. Annexation under this joint resolution shall be initiated by the adoption of a resolution by the City. No review by or recommendation from the City of Rochester Planning and Zoning Commission regarding the adoption of a specific annexation resolution is necessary, except as is hereinafter provided.

6. The City and Town agree that upon the occurrence of any event triggering annexation as provided in this Joint Resolution of the area designated in Exhibit A or any portion thereof, any signatory to this Joint Resolution may initiate annexation of any area designated in Exhibit A by submitting a resolution so providing, along with a copy of this Joint Resolution, to the Minnesota Municipal Board, or its successor, the Town of Marion, and the Olmsted County Auditor/Treasurer. The resolution for annexation shall contain the boundary description of the area to be annexed and, pursuant to Minnesota Statutes Section 414.01, subd. 14 and Section 414.0325, subd. 1a, shall contain the City's estimates of the population and number of households contained in the area to be annexed and the estimate of electrical service cost differences at the time of annexation.

The City and Town agree that no alteration of the stated boundaries is appropriate, that no consideration by the Minnesota Municipal Board is necessary, and that all terms and conditions for annexation of the area legally described in Exhibit A, or any portion thereof, are provided for in this Joint Resolution. Pursuant to Minnesota Statutes Section 414.0325, upon receipt of a resolution of any signatory to the Joint Resolution for annexation of the area described in Exhibit A, or any portion thereof, the Minnesota Municipal Board may review and comment, but shall, within thirty (30) days of receipt of said resolution, order the annexation of the area described in the resolution in accordance with the terms and conditions of this Joint Resolution.

7. Notwithstanding the annexation time line set forth in paragraph 4, any lands contained in the orderly annexation area may be annexed to the City prior thereto upon adoption by the City of a resolution following the procedures as prescribed in paragraph 6 and whenever:

- (a) a majority of the property owners submit a petition for annexation or otherwise indicate their interest to the City or Town in being annexed and receiving sanitary sewer or water service. The City may consider annexation of said lands after first having the proposal reviewed by the City Planning and Zoning Commission and receiving a recommendation from that body;
- (b) a landowner abuts the City limits and said landowner files a petition for annexation with the City. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition;
- (c) a landowner seeks to develop a residential, commercial, industrial, or governmental use on land which is platted or subdivided or which is proposed to be platted or subdivided for development at a density of more than one unit per 40 acres. In such instances, the City may immediately annex the area proposed to be developed and the adjacent necessary land which, in the City's discretion, is needed to extend municipal sewer or water service to the area to be annexed; or
- (d) the land is owned by a private person but is completely surrounded by land within the City. In these events the land may be annexed immediately by the City.

Provided further, that the parties hereto may revise the annexation schedule otherwise set forth in paragraph (4) upon the recommendation of the Olmsted County Health and Planning Departments that the continued use of private sewer systems in the orderly annexation area present an immediate threat to public or private water supplies.

8. Pursuant to the provisions of Minnesota Statutes §414.0325, Subd. 5, the parties agree that the City may, after the effective date of this Joint Resolution, extend its municipal planning and land use controls to the property described in Exhibit A prior to annexation. To establish its municipal planning and land use controls, the City shall adopt a resolution identifying the boundaries of the real property subject to municipal controls and the specific zoning district(s) classification(s) of the subject lands as defined under the Rochester Zoning Ordinance and Land Development Manual. A copy of the resolution shall be filed with the Town, the Olmsted County Administrator, and the Olmsted County Recorder's Office.

9. Lands ordered annexed pursuant to this joint resolution shall not be subject to any differential taxation as referenced in Minnesota Statutes §414.035. Property taxes payable on annexed land shall continue to be paid to the Town for the entire year in which the annexation becomes effective. If an annexation becomes effective on or before August 1 of a levy year, based on the date specified in the order from the Minnesota Municipal Board, the City may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the Town may continue to levy on the annexed area for that levy year. Thereafter property taxes on the annexed land shall be paid to the City.

10. The City shall, in appropriate circumstances, provide notification that the cost of electric utility service to the customers on the property subject to this joint resolution may change when the land is annexed to the City if and when the provider of electrical service is transferred from People's Cooperative Power Association to Rochester Public Utilities. As of the date of this joint resolution, the estimate of the difference in overall electrical service costs between the two providers is minimal. A resolution of the City to annex certain property subject to this joint resolution, as referenced in paragraph 7, shall contain a cost estimate of any change in electric utility services, including rate changes and assessments resulting from the annexation.

11. It is the City's intention to provide only sanitary sewer and/or water service to developed lands in the annexation area prior to annexation pursuant to this joint resolution. Thereafter, any other or additional local improvements may be installed by the City in an annexed area:

- (a) upon a petition brought pursuant to Minnesota Statutes, Chapter 429, by the benefited property owner or owners; or,
- (b) when three-fourths (3/4) of the City Council determine that it is in the public interest of the residents of the City and of any lands to be assessed to construct such local improvement; or,
- (c) when the City and Town enter into an Intergovernment Agreement providing for the sharing of costs for the local improvement where the sharing of costs is based on the number of years the improvement shall be in the Town as compared to the improvement's life expectancy.

12. The City shall have exclusive control over the nature and extent of the installation of municipal sewer or water. This includes the design and construction of any sewer or water system serving an area of the Township prior to annexation. The Town, by this agreement, does hereby authorize the City to enter upon the Town roads for the purpose of constructing, installing, and maintaining any and all sewer and water facilities, without the need for any further permit or easement. The City shall reimburse itself for the cost of installing municipal services by entering into connection agreements with individual property owners. The City and Town recognize that the connection agreements will require payments by the property owners prior to annexation of the property into the city, and that the payments are appropriately levied as unpaid charges pursuant to Minn. Stat. Chapters 429 and. 444. The City shall furnish to Town by November 15<sup>th</sup> of each appropriate year a list of properties subject to connection agreements and the amount of special assessments to be collected from each property. The City shall also provide a list of those properties for which delinquent water and sewer bills are outstanding. The Town shall certify, on behalf of the City, these amounts to the Olmsted County Auditor/Treasurer for inclusion in the Real Property Tax Statement due and payable in the following calendar year. The certification shall direct the Olmsted County Auditor/Treasurer, to collect and disburse the assessment amounts directly to the City of Rochester. In the event the County Auditor/Treasurer is unwilling to disburse the funds to the City, the Town shall remit these funds to the City within 30 days of its receipt of the funds from the County. The City shall assume the responsibility for certification of the special assessments and service charges upon annexation of the properties into the City.

13. Nothing in this joint resolution shall relieve the Town of its responsibilities for the regular and normal maintenance of the existing infrastructure of roads, drainage facilities, and street signs until the property described in the attached Exhibit A has been annexed into the City.

14. Disputes and Remedies. The City and Township agree as follows:

- a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the respective City and Township will direct staff members as they deem appropriate to meet at least one time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- b. Mediation. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to non-binding mediation.



- c. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to non-binding mediation, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

15. Modification/Amendment. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City and the Township duly executed and adopted by the City Council and Township Board of Supervisors and filed with the Minnesota Municipal Board or its successor.

16. Governing Law; Severability. This Joint Resolution for Orderly Annexation is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota. In the event any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.

17. Entire Agreement. The terms, covenant, conditions, and provisions of this Joint Resolution, including the present and all future attachments, shall constitute the entire agreement between the parties, superseding all prior agreement and negotiations, regarding the annexation area. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Town.

18. Effective Date; Termination. This resolution shall be effective immediately upon its adoption by the parties and its filing, by the City and Town, with the Minnesota Municipal Board. The obligations of the parties to one another according to the terms of this resolution shall terminate at such time that the entire area designated in Exhibit A has been annexed to the City, or at such time that the City and Town mutually agree in writing that this joint resolution shall be terminated.

19. Notices. Any notices required to be sent under the terms of this agreement shall be considered sufficient notice if mailed by first class U.S. mail to the City of Rochester, City Administrator's Office, 201 4<sup>th</sup> Street SE, Rochester, MN 55904, and to the Town of Marion, Marion Town Clerk, 2850 Oakview Court SE, Rochester, MN 55904.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER,  
MINNESOTA THIS 20<sup>TH</sup> DAY OF SEPTEMBER, 1999.

*John Hunsicker*  
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: *Judy Kay Miller*  
CITY CLERK

APPROVED THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 1999.

*G. J. Benfield*  
MAYOR OF SAID CITY

(Seal of the City of  
Rochester, Minnesota)

PASSED AND ADOPTED BY THE TOWN OF MARION, MINNESOTA, THIS 19<sup>TH</sup>  
DAY OF SEPT., 1999.

*David R. Campbell*  
CHAIRMAN OF TOWN BOARD

ATTEST: *Janet Hoffmann*  
TOWN CLERK

Zone\order.annex.marion2doc

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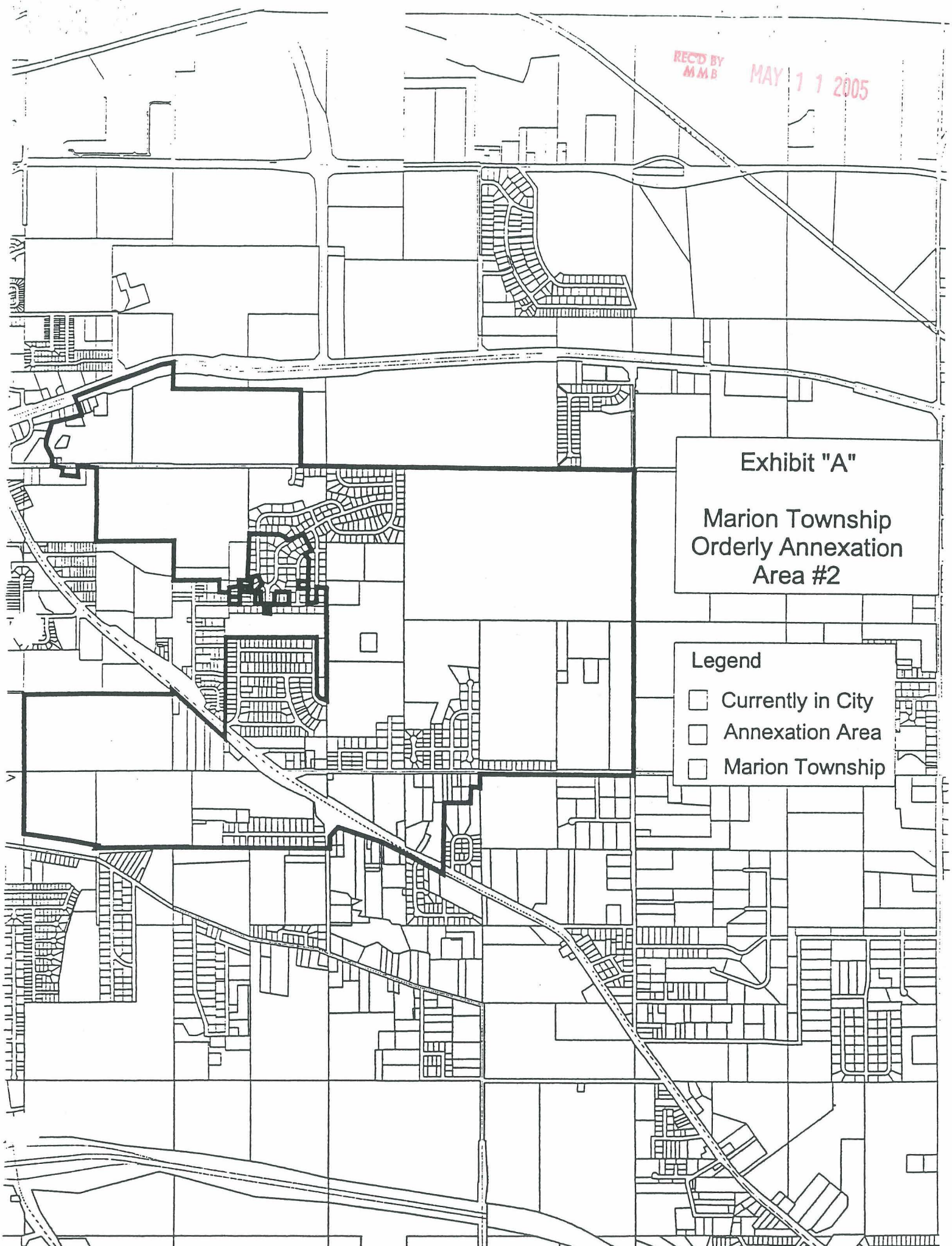
MAY 11 2005

Exhibit "A"

Marion Township  
Orderly Annexation  
Area #2

Legend

- ☐ Currently in City
- ☐ Annexation Area
- ☐ Marion Township







REC'D BY  
MMB

MAY 11 2005

1/3/2000  
YCA #6768  
MF

## SURVEYOR'S AFFIDAVIT

I, Michael J. Fritz, a Land Surveyor licensed under the laws of the State of Minnesota, hereby certify that the attached EXHIBIT B describes the same property as shown on the attached EXHIBIT A, Marion Township Orderly Annexation Area #2.

1/3/00

Date

Michael J. Fritz

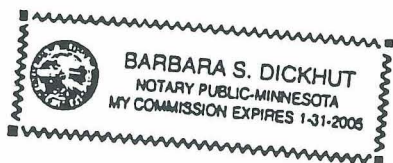
Michael J. Fritz, LS 20703

STATE OF MINNESOTA )

) SS

COUNTY OF OLMSTED )

The foregoing instrument was acknowledged before me this 3rd day of January, 2000, by Michael J. Fritz, LS 20703.



Barbara S. Dickhut

Notary Public, Olmsted County, MN

My Commission Expires 1-31-2005

This Instrument was prepared by:

YAGGY COLBY ASSOCIATES

717 SE Third Avenue

Rochester, MN 55904

PH: 507/288-6464

FAX: 507/288-5058

REC'D BY  
MMB

MAY 11 2005

1/3/2000  
YCA #6768  
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## EXHIBIT B

### NORTHWEST QUARTER, SECTION 7

#### DESCRIPTION

The Northeast Quarter of the Northwest Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota.

Said tract contains 38.53 acres more or less.

Also, that part of the Northwest Quarter of the Northwest Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northwest Quarter of the Northwest Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from north of 269 degrees 02 minutes 17 seconds along the north line of said Northwest Quarter 324.9 feet to the point of beginning; thence continue westerly 269 degrees 02 minutes 17 seconds azimuth along said north line 271.00 feet; thence southerly 179 degrees 02 minutes 17 seconds azimuth 162.40 feet; thence easterly 89 degrees 02 minutes 17 seconds azimuth 271.00 feet; thence northerly 359 degrees 02 minutes 17 seconds azimuth 162.40 feet to the point of beginning.

Said tract contains 1.01 acres more or less.

## EXHIBIT B

## NORTHEAST QUARTER, SECTION 7

That part of the Northeast Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northeast Quarter; thence southerly on a Minnesota State Plane Grid Azimuth from north of 178 degrees 47 minutes 15 seconds along the west line of said Northeast Quarter 1962.34 feet to a point 660.00 feet north of the center of said Section 7; thence easterly 89 degrees 00 minutes 01 seconds azimuth parallel to the south line of said Northeast Quarter 790.36 feet; thence southerly 178 degrees 47 minutes 15 seconds azimuth 220.00 feet to the north line of Fierk's First Replat; thence easterly 89 degrees 00 minutes 01 seconds azimuth along said north line 199.78 feet to the west line of Rose-Harbor First Subdivision; thence northerly 358 degrees 52 minutes 36 seconds azimuth along said west line 201.00 feet to the north line of said Rose-Harbor First Subdivision; thence easterly 89 degrees 05 minutes 35 seconds azimuth along said north line 366.94 feet to the west line of Rose-Harbor Fourth Addition; thence southerly 179 degrees 05 minutes 35 seconds azimuth along said west line 187.60 feet to the south line of Lot 2, Block 9 of said Rose-Harbor Fourth Addition; thence easterly 89 degrees 04 minutes 45 seconds azimuth along said south line 71.45 feet to the southeasterly line of said Lot 2; thence northeasterly 36 degrees 24 minutes 04 seconds azimuth along said southeasterly line 204.40 feet to the center line of Harbor Parkway (Knollwood Drive); thence northwesterly 140.70 feet along said center line on a nontangential curve concave northeasterly, having a radius of 190.99 feet, a central angle of 42 degrees 12 minutes 36 seconds, and a chord azimuth of 327 degrees 30 minutes 22 seconds to the easterly extension of the northerly line of Lot 3 of said Block 9; thence westerly 258 degrees 36 minutes 40 seconds azimuth along said northerly line 169.00 feet to the west line of said Rose-Harbor Fourth Addition; thence northerly 358 degrees 53 minutes 06 seconds azimuth along said west line 747.05 feet to the center line of Park Street; thence easterly 88 degrees 50 minutes 35 seconds azimuth 490.22 feet; thence southeasterly 194.50 feet along said center line on a tangential curve concave southwesterly, having a radius of 190.99 feet and a central angle of 58 degrees 21 minutes 00 seconds; thence southeasterly 147 degrees 11 minutes 35 seconds azimuth along said center line 40.30 feet to the center line of Rose Avenue; thence northeasterly 57 degrees 11 minutes 35 seconds azimuth along said center line 275.60 feet to the northeasterly line of said Rose-Harbor Fourth Addition; thence southeasterly 147 degrees 11 minutes 35 seconds azimuth along said northeasterly line 33.00 feet; thence southeasterly 150 degrees 16 minutes 35 seconds azimuth along said northeasterly line 141.70 feet to the northwesterly corner of Lot 1, Block 6 of said Rose Harbor Fourth Addition; thence southerly 165 degrees 04 minutes 17 seconds azimuth along the westerly line of said Lot 1, a distance 159.60 feet to the center line of Sunset Avenue; thence southwesterly 125.45 feet along said center line on a nontangential curve concave southeasterly, having a radius of 279.49 feet, a central angle of 25 degrees 43 minutes 05 seconds, and a chord azimuth of 239



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degrees 49 minutes 02 seconds to the northwesterly extension of the northeasterly line of Lot 6, Block 2 of Rose-Harbor Fourth Addition; thence southeasterly 138 degrees 43 minutes 04 seconds azimuth along said northeasterly line and its extension thereof 109.09 feet to the east line of said Lot 6; thence southerly 178 degrees 56 minutes 05 seconds azimuth along said east line and its southerly extension thereof 372.00 feet to the north line of Lot 3 of said Block 2; thence westerly 269 degrees 05 minutes 35 seconds azimuth along said north line 163.00 feet to the center line of said Sunset Avenue; thence southerly 178 degrees 56 minutes 05 seconds azimuth along said center line 124.00 feet to the westerly extension of the south line of said Lot 3; thence easterly 89 degrees 05 minutes 35 seconds azimuth along said south line and its extension 163.00 feet to the east line of Lot 2 of said Block 2; thence southerly 178 degrees 56 minutes 05 seconds azimuth along said east line and its southerly extension thereof 281.00 feet to the center line of South Street (15<sup>th</sup> Street SE); thence easterly 89 degrees 05 minutes 35 seconds azimuth along said center line 163.00 feet to the center line of Sunrise Avenue; thence northerly 358 degrees 56 minutes 05 seconds azimuth along said center line 281.00 feet to the westerly extension of the south line of Lot 3, Block 3 of Rose-Harbor Fourth Addition; thence easterly 89 degrees 05 minutes 35 seconds azimuth along said south line and its extension thereof 163.00 feet to the east line of Rose Harbor Fourth Addition; thence northerly 358 degrees 56 minutes 05 seconds azimuth along said east line and along the east line of said Northeast Quarter 2117.40 feet to the north line of said Northeast Quarter; thence westerly 268 degrees 36 minutes 02 seconds azimuth along said north line 2638.79 feet to the point of beginning.

Said tract contains Lots 1 and 4, and parts of Lots 2 and 3 of Block 5; Lots 1 and 2 of Block 6; Lots 1 and 4, and parts of Lots 2 and 5 of Block 7; Lots 1, 2, and 3 of Block 8, all in Rose-Harbor Second Subdivision.

Said tract also contains Lots 1, 2, 3, 4, 5, 6, and 7 of Rose-Harbor Third Subdivision.

Said tract also contains Lots 3, 7, 8, 9, 10, 11, 12, and 13 of Block 2; Lots 3, 4, 5, 6, and 7 of Block 3; Lot 1 of Block 5; Lot 1 of Block 6; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of Block 8; Lots 2 and 3 of Block 9; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 10, all in Rose-Harbor Fourth Addition.

Said tract contains 106.49 acres more or less.

This proposed annexation area is to include all public right-of-ways and easements within the above described areas.



MAY 11 2005

## EXHIBIT B

## SOUTHWEST QUARTER, SECTION 6

That part of the Southwest Quarter of Section 6, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southeast corner of said Southwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 269 degrees 02 minutes 17 seconds along the south line of said Southwest Quarter 2106.63 feet to the east line of Eastgate Commercial Park First Subdivision; thence northerly 358 degrees 43 minutes 17 seconds azimuth along said east line 160.00 feet; thence northerly 322 degrees 43 minutes 17 seconds azimuth along said east line 142.00 feet; thence northerly 354 degrees 43 minutes 17 seconds azimuth along said east line 160.00 feet; thence northerly 13 degrees 38 minutes 17 seconds azimuth along said east line 333.40 feet; thence easterly 72 degrees 28 minutes 02 seconds azimuth 247.20 feet; thence easterly 85 degrees 51 minutes 47 seconds azimuth 147.46 feet; thence easterly 69 degrees 10 minutes 57 seconds azimuth 143.24 feet; thence northerly 339 degrees 10 minutes 57 seconds azimuth 339.51 feet to the center line of the eastbound lane of Trunk Highway No. 14; thence northeasterly 67 degrees 15 minutes 57 seconds azimuth along said center line 1400.55 feet; thence easterly 410.11 feet along said center line on a tangential curve concave southerly, having a radius of 938.14 feet and a central angle of 25 degrees 02 minutes 49 seconds to the east line of said Southwest Quarter; thence southerly 178 degrees 35 minutes 41 seconds azimuth along said east line 1788.17 feet to the point of beginning.

Said tract contains 67.93 acres more or less.

**EXHIBIT B****SOUTH HALF, SOUTHEAST QUARTER, SECTION 6**

That part of the South Half of the Southeast Quarter of Section 6, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 88 degrees 36 minutes 02 seconds along the south line of said Southeast Quarter 2195.91 feet to the west line of the east 442.86 feet of the said South Half; thence northerly 358 degrees 06 minutes 27 seconds azimuth along said west line 1317.83 feet to the north line of said South Half; thence westerly 268 degrees 41 minutes 47 seconds along said north line 2184.71 feet to the west line of said Southeast Quarter; thence southerly 178 degrees 35 minutes 41 seconds azimuth along said west line 1321.44 feet to the point of beginning.

Said tract contains 66.35 acres more or less.

**EXHIBIT B****SOUTHEAST QUARTER, SECTION 7****DESCRIPTION**

That part of the Southeast Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence northerly on a Minnesota State Plane Grid Azimuth from north of 358 degrees 45 minutes 04 seconds along the west line of said Southeast Quarter 1366.25 feet to the southwesterly right-of-way line of C.S.A.H. No. 36 of Olmsted County Highway Right-Of-Way Plat No. 103; thence southeasterly 128 degrees 40 minutes 52 seconds azimuth along said southwesterly right-of-way line 885.64 feet; thence southeasterly 147 degrees 09 minutes 07 seconds azimuth along said southwesterly right-of-way line 47.79 feet; thence southeasterly 132 degrees 31 minutes 35 seconds azimuth along said southwesterly right-of-way line 297.39 feet to the southerly extension of the west line of Marvale Subdivision; thence northerly 358 degrees 34 minutes 11 seconds azimuth along said southerly extension line and along the west line of Marvale No. Five, a distance of 1741.99 feet to the north line of said Marvale No. Five; thence easterly 89 degrees 04 minutes 41 seconds azimuth along said north line and along the north line of Marvale No. Six, a distance of 1538.98 feet to the west line of Outlot 1 of said Marvale No. Six; thence southerly 178 degrees 55 minutes 26 seconds azimuth along said west line and along the west line of Outlot 1 of Marvale No. Seven, a distance of 932.78 feet; thence southeasterly 164.07 feet along the southerly line of said Outlot 1 on a tangential curve concave northeasterly, having a radius of 157.99 feet and a central angle of 59 degrees 30 minutes 00 seconds; thence easterly 90 degrees 45 minutes 22 seconds azimuth along said southerly line 110.27 feet to the east line of Marvale No. Seven; thence southerly 178 degrees 31 minutes 11 seconds azimuth along said east line and along the east line of said Southeast Quarter 1227.20 feet to the south line of said Southeast Quarter; thence westerly 269 degrees 04 minutes 41 seconds azimuth along said south line 2643.09 feet to the point of beginning, which includes all Marvale Subdivision, Marvale No. Two, Marvale No. Three, Marvale No. Four, Marvale No. Five, Marvale No. Six, Marvale No. Seven, and Whynaught's Subdivision, except Outlot 1 of Marvale No. Six and Outlot 1 of Marvale No. Seven.

Said tract contains 106.97 acres more or less.

This proposed annexation area is to include all public right-of-ways and easements within the above described areas.



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## EXHIBIT B

### SOUTH HALF, SOUTHWEST QUARTER, SECTION 7

#### DESCRIPTION

That part of the South Half of the Southwest Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southeast corner of said Southwest Quarter; thence northerly on a Minnesota State Plane Grid Azimuth from north of 358 degrees 45 minutes 04 seconds along the east line of said Southwest Quarter 1317.25 feet to the north line of said South Half; thence westerly 268 degrees 43 minutes 45 seconds azimuth along said north line 2556.46 feet to the west line of said Southwest Quarter; thence southerly 178 degrees 41 minutes 46 seconds azimuth along said west line 1318.36 feet to the south line of said Southwest Quarter; thence easterly 88 degrees 42 minutes 16 seconds azimuth along said south line 2555.19 feet to the point of beginning.

Said tract contains 77.32 acres more or less.



**EXHIBIT B****NORTH HALFS, NORTHWEST AND NORTHEAST QUARTERS, SECTION 18****DESCRIPTION**

That part of the North Half of the Northwest Quarter and the North Half of the Northeast Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 88 degrees 42 minutes 16 seconds along the north line of said Northwest Quarter 2555.19 feet to the northeast corner of said Northwest Quarter; thence easterly 89 degrees 04 minutes 41 seconds azimuth along the north line of said Northeast Quarter 2643.09 feet to the northeast corner of said Northeast Quarter; thence southerly 178 degrees 25 minutes 37 seconds azimuth along the east line of said Northeast Quarter 1318.26 feet to the south line of said North Half of the Northeast Quarter; thence westerly 268 degrees 59 minutes 18 seconds azimuth along said south line 2643.82 feet to the southeast corner of said North Half of the Northwest Quarter; thence westerly 268 degrees 47 minutes 36 seconds azimuth along the south line of said North Half of the Northwest Quarter 1280.75 feet to the east line of the Northwest Quarter of said Northwest Quarter; thence northerly 358 degrees 35 minutes 48 seconds azimuth along said east line 29.93 feet; thence westerly 278 degrees 37 minutes 01 seconds azimuth 1299.97 feet to the west line of said Northwest Quarter; thence northerly 358 degrees 44 minutes 01 seconds azimuth along said west line 1066.69 feet to the point of beginning.

Said tract contains Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Samelian's Subdivision and Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Samelian's Second Subdivision.

Said tract contains 153.53 acres more or less.

This proposed annexation area is to include all public right-of-ways and easements within the above described areas.

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## EXHIBIT B

### NORTHWEST QUARTER, SECTION 17

#### DESCRIPTION

That part of the Northwest Quarter of Section 17, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence southerly on a Minnesota State Plane Grid Azimuth from north of 178 degrees 25 minutes 37 seconds along the west line of said Northwest Quarter 1318.26 feet to the south line of the Northwest Quarter of said Northwest Quarter; thence easterly 89 degrees 12 minutes 50 seconds azimuth along said South line 33.00 feet; thence northerly 358 degrees 35 minutes 37 seconds azimuth 105.36 feet to the southerly line of Olmsted County Right-Of-Way Plat No. 104; thence easterly 88 degrees 25 minutes 37 seconds azimuth along said southerly right-of-way line 17.04 feet; thence northerly 358 degrees 25 minutes 37 seconds along said southerly line 70.00 feet; thence northeasterly 244.95 feet along a tangential curve concave southeasterly, having a radius of 165.00 feet and a central angle of 85 degrees 03 minutes 32 seconds; thence easterly 107 degrees 34 minutes 58 seconds azimuth along said southerly line 519.82 feet; thence easterly 104 degrees 59 minutes 30 seconds azimuth along said southerly line 321.23 feet; thence southeasterly 1111.77 feet along said southerly line and along the southerly right-of-way line of C.S.A.H. No. 36 and along a nontangential curve concave northeasterly, having a radius of 17235.73 feet, a central angle of 03 degrees 41 minutes 45 seconds, a chord azimuth of 118 degrees 10 minutes 02 seconds, and a chord distance of 1111.57 feet to the southerly extension of the west line of Cedar Park First Subdivision; thence northerly 359 degrees 06 minutes 00 seconds azimuth along said extension line and along the west line of said Cedar Park First Subdivision 1234.06 feet to the northwest corner thereof; thence easterly 89 degrees 06 minutes 00 seconds azimuth along the north line of said Cedar Park First Subdivision 456.28 feet; thence northerly 359 degrees 06 minutes 00 seconds azimuth along said northerly line 267.53 feet; thence easterly 89 degrees 06 minutes 00 seconds azimuth along said northerly line 169.50 feet to the east line of said Northwest Quarter; thence northerly 357 degrees 37 minutes 50 seconds azimuth along said west line 267.53 feet to the north line of said Northwest Quarter; thence westerly 269 degrees 06 minutes 24 seconds azimuth along said north line 2604.77 feet to the point of beginning.

Said tract contains 65.72 acres more or less.

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## EXHIBIT B

### NORTHEAST QUARTER, SECTION 17

#### DESCRIPTION

The north 50.00 feet of the Northeast Quarter of Section 17, Township 106 North, Range 13 West, Olmsted County, Minnesota.

Said tract contains 3.04 acres more or less.



## EXHIBIT B

## SECTION 8

DESCRIPTION

The Northwest Quarter, the Northeast Quarter, the Southeast Quarter, and the Southwest Quarter, all in Section 8, Township 106 North, Range 13 West, Olmsted County, Minnesota more particularly described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 89 degrees 40 minutes 27 seconds along the north line of said Northwest Quarter 2629.78 feet to the northwest corner of said Northeast Quarter; thence easterly 89 degrees 37 minutes 22 seconds azimuth along the north line of said Northeast Quarter 2631.63 feet to the northeast corner of said Northeast Quarter; thence southerly 178 degrees 47 minutes 04 seconds azimuth along the east line of said Northeast Quarter 2626.87 feet to the northeast corner of said Southeast Quarter; thence southerly 178 degrees 45 minutes 53 seconds azimuth along the east line of said Southeast Quarter 2626.14 feet to the southeast corner of said Southeast Quarter; thence westerly 269 degrees 37 minutes 26 seconds azimuth along the south line of said Southeast Quarter 2651.60 feet to the southeast corner of said Southwest Quarter; thence westerly 269 degrees 06 minutes 24 seconds azimuth along the south line of said Southwest Quarter 2604.77 feet to the southwest corner of said Southwest Quarter; thence northerly 358 degrees 30 minutes 39 seconds azimuth along the west line of said Southwest Quarter 2638.16 feet to the northwest corner of said Southwest Quarter; thence northerly 358 degrees 56 minutes 05 seconds azimuth along the west line of said Northwest Quarter 2640.74 feet to the point of beginning.

Said tract contains Lots 1, 2, 3, and 4, Block 1; Lots 1, 2, 3, and 4, Block 2; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Block 3, all in Christopher Courts Subdivision; Lots 1 and 2, Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 2; Lots 1, 2, 3, 4, 5, 6, and 7, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 4, all in Christopher Courts Second Subdivision; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, all in Lake's Subdivision; Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 1; Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 2, all in Nelson Subdivision; Lots 1, 2, 3, and 4, Block 1; Lots 1, 2, 3, and 4, Block 2; Lots 1 and 2, Block 3, all in Nelsons Second Subdivision; Lots 1, 2, and 3, Block 1; Lots 1 and 2, Block 2, all in Nelsons Third Subdivision.

Said tract also contains Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, Block 2; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 4; Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 and parts of Lots 2 and 3, Block 5; Lots 3 and 6 and parts of Lots 2 and 5, Block 7, all in Rose-Harbor Second Subdivision.

Said tract contains 635.46 acres more or less.

This proposed annexation area is to include all public right-of-ways and easements within the above described areas.



**EXHIBIT B****ROSE HARBOR FIRST SUBDIVISION****DESCRIPTION**

Lots 1, 2, and 3, Block 1; Lots 2 and 6, Block 2; Lots 1 and 4, Block 3; and Lot 3, except the east 16.00 feet thereof, Block 4, all in Rose Harbor First Subdivision.

The total quantity of land included in said petition is approximately 3.23 acres in size.

This proposed annexation area is to include all public right-of-ways and easements within the above described areas.