RESOLUTION

RECIDIBY NOV 3 0 2009

WHEREAS, on September 20, 1999, the Common Council of the City of Rochester and the Town of Rochester executed a Joint Resolution for Orderly Annexation for Marion Area #5 (a copy of which is attached and incorporated herein); and

WHEREAS, paragraph 4 of the Joint Resolution allows land contained in the orderly annexation area to 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; and,

WHEREAS, a water or sewer project providing water or sewer service to the area was substantially completed in 2004; and,

WHEREAS, the legal description for the area covered by the orderly annexation agreement is attached hereto and identified as Exhibit 1; and,

WHEREAS; January 1, 2010, will be five years after the substantial completion of the water or sewer project; and,

WHEREAS, the Council wishes to invoke the procedure described in paragraph 4 of the Joint Resolution and annex the land contained in the orderly annexation area; 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 of the area to be annexed is 304 and the number of households contained in the area to be annexed is 124; and,

WHEREAS, the City's estimate of electrical service cost at the time of annexation is (a) .09201per kilowatt-hour from January through May and October through December, and (b) .11134 per kilowatt-hour from June through September; and,

WHEREAS, the amount of township taxes on the property to be annexed is \$19,175.43 and, in compliance with Minn. Stat. §414.036, the City states that there are no township special assessments assigned or portion of township debt attributable to the property to be annexed.

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.

ATTEST: July Men

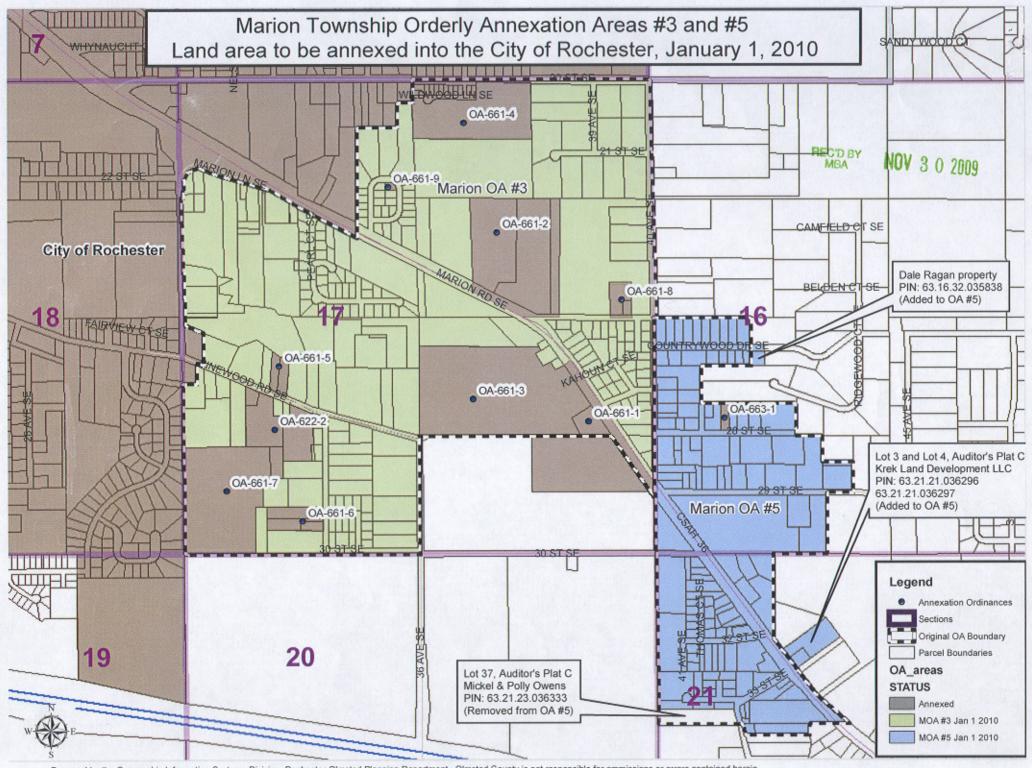
APPROVED THIS 17TH DAY OF LOOSEMBER , 2009.

MAYOR OF SAID CITY

PRESIDENT OF SAID COMMON COUNCIL

(Seal of the City of Rochester, Minnesota)

Zone05\OAA\Res1(Marion5)



Prepared by the Geographic Information Systems Division, Rochester-Olmsted Planning Department. Olmsted County is not responsible for ommissions or errors contained herein. f discrepancies are found within this map, please notify the GIS Division, Rochester-Olmsted County Planning Department, 2122 Campus Drive SE, Rochester, MN 55904, (507) 328-7100.