

REC'D BY
MMB

APR 30 2004

RESOLUTION

WHEREAS, on the Common Council of the City of Rochester and the Town of Kalmar executed a Joint Resolution for Orderly Annexation (a copy of which is attached and incorporated herein); and

WHEREAS, paragraph 3, (A), (ii) of the Joint Resolution allows land contained in the orderly annexation area to be annexed to the City whenever the City by resolution decides to add an arterial or collector road to its Municipal State Aid Street System that is designated on the ROCOG Thoroughfare Plan, but only to the extent of the right-of-way needed for said road and such land annexed for right-of-way purposes by itself shall not be used as the basis for surrounding an area to allow annexation by ordinance; and,

WHEREAS, the City of Rochester is in the process of designing the reconstruction of 55th Street N.W., Phase II (52nd Avenue to 60th Avenue N.W.). This project will require the use of Municipal State Aid Street System funding. However, to use the MSAS funding source, the right-of-way must be within the corporate limits of the City and must connect two equal or higher order municipal state aid streets or county roads. In this instance, the City is proposing a 55th Street link, through annexation, lying from West Circle Drive (a county road) to County Road 3 (a county road). To accomplish this link, a right-of-way segment, defined below, must be annexed to the City; and,

WHEREAS, the legal description for the right-of-way segment is as follows:

The North 60 feet of the following described property:

All of the Northeast Quarter and all of the East One-half of the Northwest Quarter of Section 13, Township 107 North, Range 15 West, Olmsted County, Minnesota. Being subject to an easement for the County Road No. 3 over the west line of the East One-half of the Northwest Quarter of said Section 13 and to easement for the Township Road right of way over the east line of the Northeast Quarter of said Section 13; 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, wishes to invoke the procedure described in paragraph 3 (A), (ii) of the Joint Resolution and annex the right-of-way property as the right-of-way property satisfies paragraph 3 (A), (ii) 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,

APR 30 2004

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) .07133 per kilowatt-hour from January through May and October through December, and (b) .08633 per kilowatt-hour from June through September.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the right-of-way 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 Kalmar and the Olmsted County Auditor/Treasurer.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 19TH DAY OF April, 2004.

ATTEST: Cindy Kay Schen
CITY CLERK

John Hunziker
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 20TH DAY OF April, 2004.

William F. Breese
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

APR 30 2004

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

4/19/04

AGENDA SECTION:

CONSENT AGENDA

ORIGINATING DEPT:

Public Works

ITEM NO.

D-19

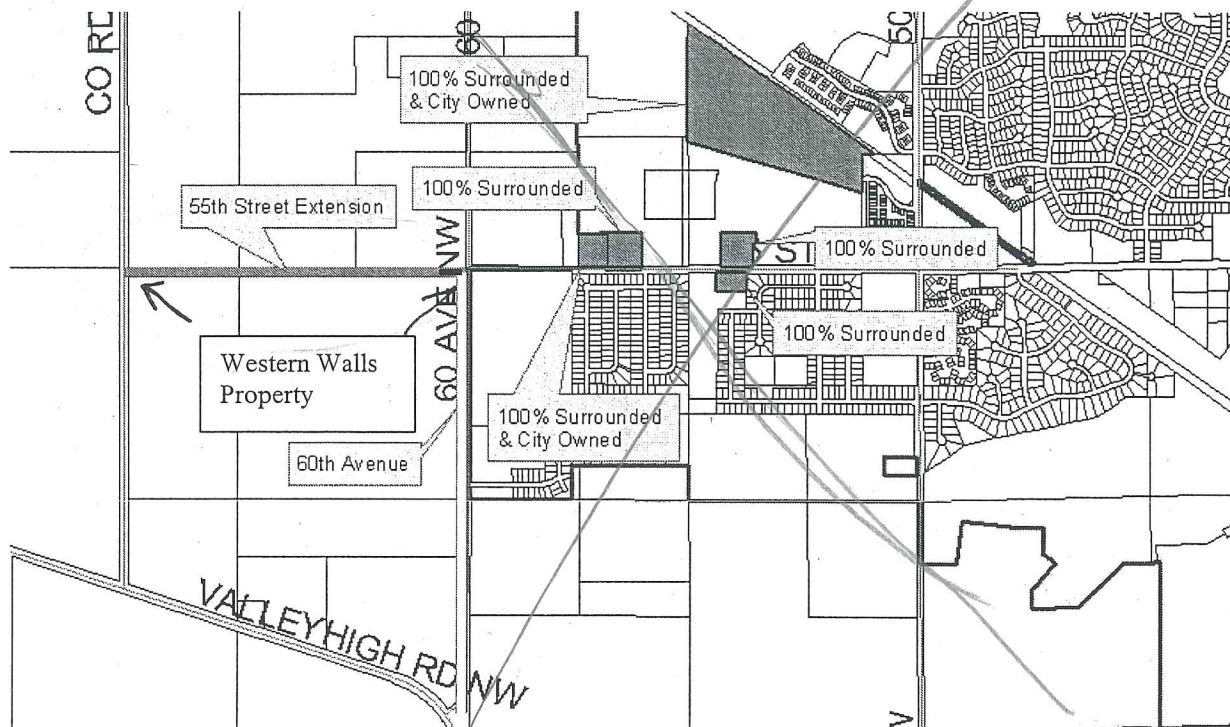
ITEM DESCRIPTION: Real Estate – Annexation of properties in Kalmar Township

PREPARED BY:

M. Nigbur *mnigbur*

The City of Rochester is in the process of designing the reconstruction of 55th Street NW Phase II (52nd Avenue to 60th Avenue NW). This project will require use of MSAS funding to allow the project to continue. However, to use this MSAS funding source the right of way must be within the corporate limits of the City and must connect two equal or higher order municipal state aid streets or county roads. In this instance the City is proposing a 55th Street link, through annexation, lying from West Circle Drive (a county road) to County Road 3 (a county road).

To accomplish this link one property needs to be annexed. This property is proposed for Right of Way. Staff is requesting the Western Walls property be annexed consistent with the Orderly Annexation Agreement with Kalmar Township.:



COUNCIL ACTION REQUESTED:

Adopt a resolution for the annexation of the north 60 feet of the Western Walls parcel for the right of way of 55th Street.

5.3 acres

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____