

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Gerald Tiedeman	Ex-Officio Member
U. J. Eichten	Ex-Officio Member

IN THE MATTER OF THE ANNEXATION)
OF CERTAIN LANDS TO THE CITY OF)
ROCHESTER, MINNESOTA)

FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND ORDER

This proceeding under Minnesota Statutes 1969, Sections 414.031 and 414.033 for the annexation to the City of Rochester, Minnesota, of certain real estate located in the Town of Rochester, Olmsted County, Minnesota, more particularly described on the attached Exhibit A, came on for hearing before the Minnesota Municipal Commission at the Olmsted County Courthouse in the City of Rochester, on September 9, 1970.

Robert W. Johnson, Chairman of the Commission, presided at the hearing. Also in attendance were Gerald Tiedeman and U. J. Eichten, Olmsted County Board of Commissioners.

The City of Rochester was represented at the hearing by Gerald H. Swanson, City Attorney, and the Town of Rochester was represented by Franklin Michaels its attorney.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, and all other evidence, the arguments of counsel, and the files and records herein, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely, and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was posted, published, served

and filed.

2. The property to be annexed abuts the City of Rochester, Minnesota; such property is not included in any other municipality; and such property does not exceed 200 acres in area.

3. Doris K. Toogood and Helen M. Vine are all the owners of the property to be annexed and said owners signed the petition for annexation.

4. The Town of Rochester filed objections to the annexation with the Commission and prior to the hearing withdrew its objections by filing a notice of withdrawal.

5. Representatives of the purchasers of the area proposed for annexation desire to develop it as a bible college and there will be need for central sewer, water, and governmental services which can be provided by the City of Rochester.

6. The Town of Rochester at the hearing on the proposed annexation and by its counsel stipulated that the area to be annexed is about to become urban in character.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The area proposed to be annexed is about to become urban in character and is so located as to be properly subjected to municipal government of the City of Rochester.

3. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Rochester, Minnesota, the property located in Olmsted County, Minnesota and described herein.

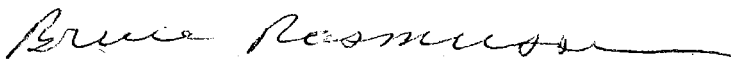
O R D E R

IT IS HEREBY ORDERED: That the property situated in the County of

Olmsted, State of Minnesota, described on the attached Exhibit A which is hereby made a part thereof, be and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally made a part thereof.

Dated this 17th day of December, 1970

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota 55101



Bruce Rasmussen
Executive Secretary

EXHIBIT "A"

Commencing at the SW corner of said Section 11, Township 106N., Range 14W., a cast iron monument, thence North 89° 57' East, 490.23 feet along the South line of said Section 11, to the point of beginning; thence North 01° 06' West, 1134.04 feet; thence South 88° 54' West, 224.67 feet; thence North 13° 31' East 160.03 feet; thence North 02° 41' East, 120.05 feet; thence North 00° 15' West, 67.00 feet; thence North 14° 50' West, 110.06 feet; thence North 23° 58' West, 250.85 feet to a point on the centerline of County Road D; thence North 72° 07' 30" East, 130.06 feet along the centerline of County Road D; thence along the centerline of County Road D, a curve to the left with the central angle of 2° 32' a radius of 2864.79 feet, a distance of 126.67 feet; thence North 69° 35' 30" East, 186.84 feet along the centerline of said County Road D; thence along the centerline of County Road D a curve to the left with a central angle of 21° 17' a radius of 572.96 feet, a distance of 212.83 feet; thence South 30° 00' East, 197.93 feet; thence East 427.00 feet to a point on the East line of the West one-half of the Southwest Quarter of said Section 11; thence South 00° 54' East, 813.93 feet along said east line; thence South 00° 35' East, 661.69 feet along the West line of Hilmer's Highview Acres, a Subdivision in Olmsted County, Minnesota and said line extended; thence South 89° 57' West 208.71 feet; thence South 00° 35' East, 415.72 feet to a point on the South line of said Section 11; thence South 89° 57' West 606.80 feet along the South line of said Section 11 to the point of beginning, containing in all 38.10 acres, and subject to an easement for roadway purposes on the North along County Road D, 33 feet in width, and subject to an easement for roadway purposes on the South along the South line of said Section 11, 16.5 feet in width, subject to the easement of existing highways and subject to easements, zoning regulations and subdivision ordinance of record.

less the following described parcel: commencing at the Southwest corner of said Section 11, a cast iron monument, thence North 89° 57' East, 490.23 feet along the South line of said Section 11; thence North 01° 06' West, 1134.04 feet; thence South 88° 54' West, 224.67 feet; thence North 13° 3' East, 160.03 feet thence North 0° 41' East, 120.05 feet; thence North 00° 15' West, 67.00 feet, thence North 14° 50' West, 110.06 feet; thence North 23° 58' West, 250.85 feet to a point on the centerline of County Road D, thence

North $72^{\circ} 07' 30''$ East, 130.06 feet along the centerline of County Road D; thence along the centerline of County Road D, a curve to the left with a central angle of $2^{\circ} 32'$ a radius of 2864.79 feet, a distance of 126.67 feet, thence North $69^{\circ} 35' 30''$ East, 186.84 feet along centerline of said County Road D; for a point of beginning; thence along the centerline of County Road D a curve to the left with a central angle of $21^{\circ} 17'$, radius of 572.96 feet, a distance of 212.83 feet; thence South $30^{\circ} 00'$ East, 197.93 feet; thence South $60^{\circ} 00'$ West 240.0 feet; thence North $21^{\circ} 40'$ West 196.12 feet to the point of beginning and the Northerly 33.0 feet thereof being subject to an easement for the right of way of County Road D.