

November 16, 2006

Judy Scherr, CMC
Rochester City Clerk
Rochester City Hall
201 4th Street S.E., Room 135
Rochester, MN 55904-3742

Docket Number: A-7495

City of Rochester
M.S. 414.033, Subd. 2(3)
Ordinance No. 3785

Dear Ms. Scherr:

On November 16, 2006, the Office of Administrative Hearings approved the above ordinance in accordance with Minnesota Statutes, Chapter 414, and the Rules of Procedure. The annexation is final upon the date the ordinance is approved.

The reimbursement referred to in your letter of October 31, 2006 which merely recited the August 7, 2006 Planning Department Recommendation, is not consistent with Minn. Stat. 414.036 as amended. If the City wishes to use that recommended reimbursement provision, the City will need the approval of the township.

However, in reviewing my letter to you of October 26, 2006, I find that the options laid out in that letter were not as clear as they need to be. The letter has been revised. In lieu of this, the above-referenced ordinance has been approved. In the future, if the City wishes to use an alternative reimbursement provision, the City must provide evidence of the Town's agreement to this Office.

The law requires that a copy of the annexation ordinance must be delivered immediately by the governing body of the municipality to the appropriate county auditor or auditors, and filed with the township. We recommend that you also file the annexation ordinance with the County Recorder. **This office will file a copy of the ordinance with the Secretary of State.** However, you must now complete the election precinct boundary change process in coordination with the Office of the Secretary of State.

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If you have any questions, please contact this office.

Sincerely,

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

CMS:ry

c: County Auditor
Township Clerk
Theresa Fogarty, Planner
Greg Wencil, Property Owner
State Demographer's Office
Secretary of State