

ORDINANCE NO. 3785

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER APPROXIMATELY 23.32 ACRES OF LAND LOCATED IN A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 4 AND A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 106 NORTH, RANGE 14 WEST, OLMSTED COUNTY, MINNESOTA.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. A petition has been filed with the Common Council of the City of Rochester, signed by the owner of land described herein, requesting the Common Council to annex said land to the City of Rochester. The land described in the petition for annexation is described as follows:

That part of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4 and that part of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 5, all in Town 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest corner of the NE $\frac{1}{4}$ of said Section 5; thence Northerly on a Minnesota State Plane Grid Azimuth from North of $359^{\circ}28'59''$ along the West line of said NE $\frac{1}{4}$ 1079.70 feet to the Northeast corner of Horihan's First Subdivision; thence Westerly $268^{\circ}41'07''$ azimuth along the North line of said Horihan's First Subdivision 633.46 feet to the Northwest corner of said Horihan's First Subdivision; thence Southerly $179^{\circ}26'17''$ azimuth along the West line of said Horihan's First Subdivision 154.40 feet; thence Westerly $259^{\circ}40'58''$ azimuth 194.56 feet; thence Northerly $359^{\circ}28'58''$ azimuth 1723.19 feet to the North line of the NW $\frac{1}{4}$ of said Section 5; thence Easterly $88^{\circ}44'42''$ azimuth along said North line 635.28 feet to the Northerly right-of-way line of County Road No. 34; thence Southeasterly 252.27 feet along said Northerly right-of-way line on a nontangential curve concave Southwesterly having a central angle of $13^{\circ}17'51''$, a radius of 1086.98 feet and a chord azimuth of $112^{\circ}50'37''$; thence Southeasterly $119^{\circ}29'32''$ azimuth along said Northeasterly right-of-way line 107.75 feet; thence Southerly $178^{\circ}32'04''$ azimuth 58.31 feet to the center line of County Road No. 34; thence

Southeasterly 119°29'32" azimuth along said center line 177.42 feet; thence Easterly 490.95 feet along center line on a tangential curve concave Northerly having a radius of 1145.90 feet and a central angle of 24°32'52"; thence Easterly 94°56'40" azimuth along said center line 901.30 feet; thence Easterly 495.10 feet along said center line on a tangential curve concave Northerly having a radius of 1272.12 feet and a central angle of 22°17'56"; thence Easterly 72°38'44" azimuth along said center line 243.77 feet to a point of 250.00 feet west of the East line of said E ½ of the NE ¼ of Section 5 and the point of beginning; thence continuing Easterly 72°38'44" azimuth along said center line 654.24 feet to the intersection with the Southerly extension of the West right-of-way line of 36th Avenue N.W.; thence Northerly 358°02'15" azimuth along said Southerly extension 51.86 feet to the Northerly right-of-way line of County Road No. 34; thence Easterly 72°38'44" azimuth along said Northerly right-of-way line 290.28 feet to the intersection with the Northerly extension of the center line of C.S.A.H. No. 22; thence Southerly 178°02'48 azimuth along said Northerly extension and along said center line of C.S.A.H. No. 22, a distance of 85.34 feet; thence Southerly 447.38 feet along said center line on a tangential curve concave westerly having a radius of 1637.02 feet and a central angle of 15°39'29"; thence Southerly 193°42'18" azimuth along said center line 808.19 feet; thence Southerly 180.66 feet along said center line to the north line of MEADOW LAKES VILLAS, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Olmsted County, Minnesota, on a tangential curve concave Easterly, having a radius of 1432.39 feet and a central angle of 07°13'35"; thence Westerly 268°50'45" azimuth along said north line of MEADOW LAKES VILLAS 610.42 feet, to a point being 250.00 feet west of measure at right angles to the East line of said E ½ of the NE ¼ of Section 5; thence Northerly 358°50'45" azimuth, parallel to said East line, a distance of 1170.83 feet to the point of beginning. The above described conveyance contains 23.32 acres and is subject to any easements, covenants, and restrictions of record.

Said tract contains 23.32 acres more or less.

Section 2. The total quantity of land included in the petition is approximately 23.32 acres in size.

Section 3. On August 7, 2006, the Common Council held a public hearing to consider this annexation petition after providing written notice of the hearing, by certified mail, to the property owners, the Rochester Township officers, and the adjacent property owners.

Section 4. The City provided notification to the petitioners pursuant to Minn. Stat. §414.033, subd. 2b, 11, 12 and 13 if applicable to this petitioned annexation.

Section 5. Following the public hearing, the Common Council of the City of Rochester determined that the land abuts the municipal limits, is less than 60 acres in area, the annexation petition is signed by all property owners of the land described in Section 1, and the land is or will soon become urban or suburban in character.

Section 6. Therefore, pursuant to Minn. Stat. §414.033, subd. 2(3), the land described in Section 1 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.

Section 7. Present and future owners of the lands annexed by this ordinance are hereby notified that in addition to the usual assessments, it is the intention of the Common Council to assess against benefited property all or a portion of the cost of any storm sewer, water tower, pumping station, and trunk line sanitary sewer construction, heretofore or hereafter undertaken to serve the area annexed.

Section 8. Upon annexation to the City, the land described in Section 1 above is assigned to the I – Interim zoning district.

Section 9. This ordinance shall take effect and be in force from and after its official publication and from and after the filing of a certified copy hereof with the Minnesota Department of Administration – Municipal Boundary Adjustments, the Rochester Town Clerk, the County Auditor and the Secretary of State.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF

ROCHESTER, MINNESOTA, THIS 6TH DAY OF SEPTEMBER, 2006.

Dennis L. Hanson
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Judy Kay Schep
CITY CLERK

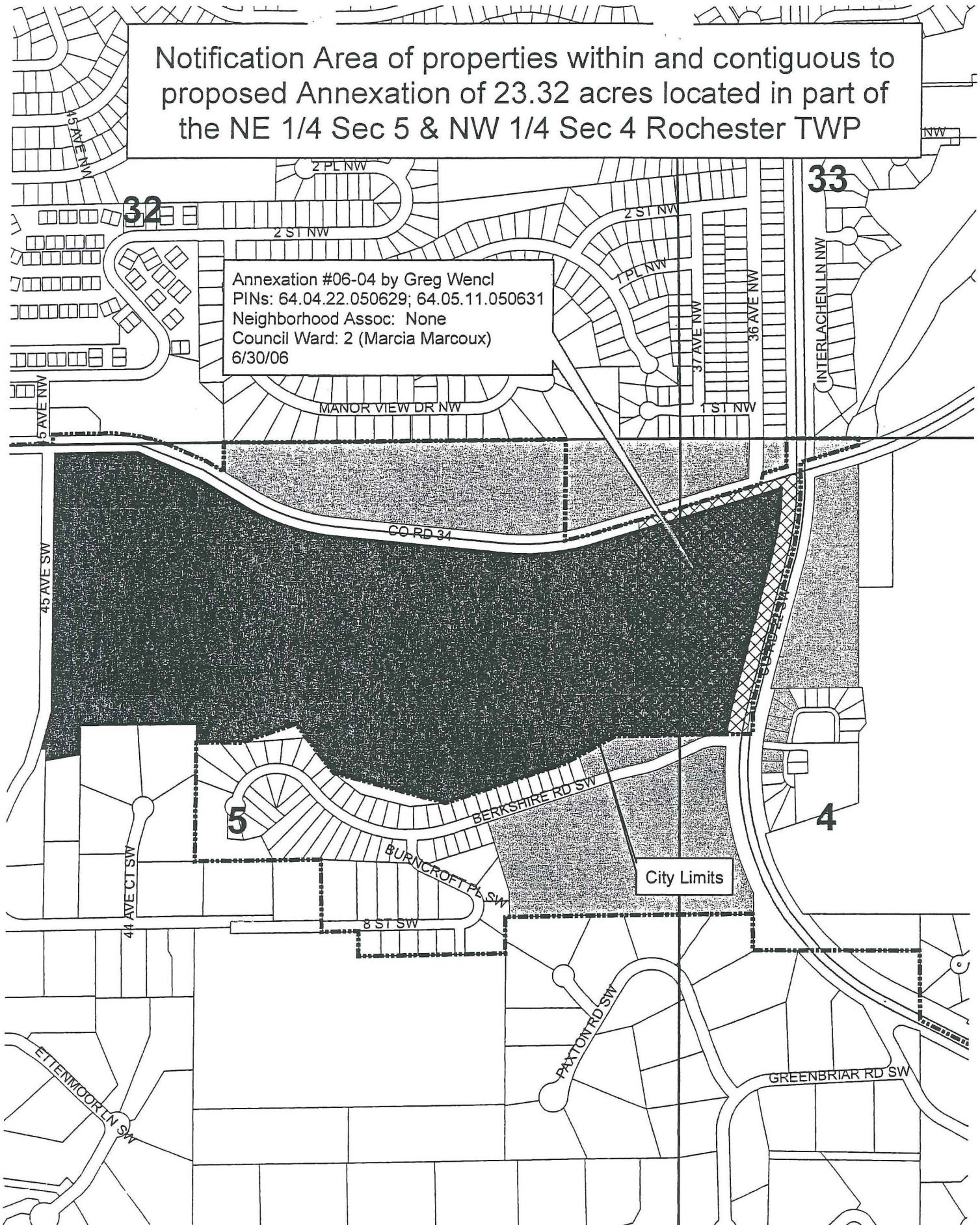
APPROVED THIS 7th DAY OF SEPTEMBER, 2006.

Russell F. Bieda
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

Notification Area of properties within and contiguous to
proposed Annexation of 23.32 acres located in part of
the NE 1/4 Sec 5 & NW 1/4 Sec 4 Rochester TWP

Annexation #06-04 by Greg Wencil
PINs: 64.04.22.050629; 64.05.11.050631
Neighborhood Assoc: None
Council Ward: 2 (Marcia Marcoux)
6/30/06



City Limits





ROCHESTER

Minnesota



October 31, 2006

JUDY SCHERR, CMC

City Clerk

201 4th Street SE, Room 135

Rochester, MN 55904-3742

(507) 285-8086

FAX #(507) 285-8256

Office of Administrative Hearings
Municipal Boundary Adjustments Unit
Christine Scotillo, Executive Director
658 Cedar Street, Room 300
St. Paul, Minnesota 55155

RE: A-7495 Rochester/Rochester Township Ordinance No. 3785

Dear Ms. Scotillo:

I am responding to your letter of October 26, 2006, requested information on the reimbursement schedule with the township to bring Ordinance No. 3785 into conformity with M.S. 414.036.

As noted on the Request for Council Action form dated August 7, 2006, enclosed is a statement under the section entitled Planning Department Recommendation: "For five years following the annexation, the City must make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Township's share of the taxes in the year the property was annexed. The Township taxes due on this property are \$258.00." There are no special assessments outstanding on the property assigned by the Township. This information provides for Option No. 2 in your letter to me.

The information on the reimbursement schedule shall be included in all orders or other approval from the municipality conveyed to the Municipal Boundary Adjustments Unit in the future.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Judy Scherr, CMC
City Clerk

Enclosures

Cc: Theresa Fogarty, Planner
Greg Wencil, Property Owner

Engineer
Survey
Planni
Ph. 507-867
Fax 507-867-
www.ggg.t

CERTIFICATE OF SURVEY

SECTIONS 4 & 5
T. 106 N., R.14 W.

REC'D BY
MMB

OCT 24 2006

LAND DESCRIPTION

That part of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 4 and that part of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 5, all in Town 106 North, Range 14 West, Olmsted County, Minnesota, described as follows:

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