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ORDINANCE NO. 4010

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER APPROXIMATELY 50.4 ACRES OF LAND LOCATED IN A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 107 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 City of Rochester 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:

The West One Half (W ½) of the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Seven (107) North, of Range Fourteen (14) West, Olmsted County, Minnesota.

EXCEPTING THEREFROM:

PARCEL NO. 1 of Olmsted County Highway Right of Way Plat No. 75, filed for record on April 9, 1992 as Document No. 624142 in Book J-5 of Miscellaneous records on Page 364. Said land being a part of the NE 1/4, Section 20, Township 107 North, Range 14 West, and includes the right in grantee to limit or control access to and from said parcel.

FURTHER EXCEPTING THE FOLLOWING TWO PARCELS:

A 120.00 foot parcel for public right of way, drainage and utility purposes over, under and across that part of the West Half of the Northeast Quarter of Section 20, Township 107 North, Range 14 West, Olmsted County, Minnesota. The centerline of said right of way is described as follows:

Commencing at the northwest corner of the said West Half of the Northeast Quarter; thence South 00 degrees 24 minutes 17 seconds East, assumed bearing,

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along the west line of the said West Half of the Northeast Quarter 698.32 feet to the actual point of beginning of the centerline to be described; thence easterly a distance of 288.39 feet along a non-tangential curve concave to the north having a radius of 1,913.00 feet, and a central angle of 08 degrees 38 minutes 15 seconds, the chord of said curve bears North 80 degrees 21 minutes 18 seconds East; thence North 75 degrees 21 minutes 34 seconds East, not tangent to said curve, 95.41 feet; thence North 73 degrees 31 minutes 28 seconds East, 167.51 feet; thence easterly a distance of 99.96 feet along a tangential curve concave to the south having a radius of 360.00 feet and a central angle of 15 degrees 54 minutes 35 seconds, thence North 89 degrees 26 minutes 03 seconds East, tangent to said curve, 287.10 feet to a point herein after referred to as Point "A"; thence continue North 89 degrees 26 minutes 03 seconds East 234.79 feet to the west line of County State Highway No. 22 as dedicated on OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75, according to the plat thereof on file and of record in the Office of the Olmsted County Recorder, Olmsted County, Minnesota, and said centerline terminating thereat.

Together with that part of said West Half of the Northeast Quarter lying southerly of the south line of the above described right of way, westerly of the west right of way line of said County State Aid Highway No. 22 and northerly of the following described line: Commencing at the above-described point "A"; thence South 00 degrees 33 minutes 57 seconds East, 60.00 feet to the south line of the above described right of way and the actual point of beginning of the line to be described; thence South 86 degrees 42 minutes 58 seconds East 235.32 feet to the west line of said County State Aid Highway No. 22 and said line terminating thereat.

The sideline of the said parcels are to be lengthened or shortened to terminate on the west line of said West Half of the Northeast Quarter and the west right of way line of said County State Aid Highway No. 22.

FURTHER EXCEPTING THE FOLLOWING PARCEL:

That part of the West Half of the Northeast Quarter of Section 20, Township 107 North, Range 14 West, Olmsted County, Minnesota, lying westerly of the westerly right of way line of County State Aid Highway No. 22 as dedicated on OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75, according to the plat thereof on file and of record in the Office of the County Recorder, Olmsted County, Minnesota, and lying northerly of a line drawn 60.00 feet northerly of, adjacent to and parallel with the following described line: Commencing at the northwest corner of the West Half of said Northeast Quarter, thence South 00 degrees 24 minutes 17 seconds East, assumed bearing, along the west line of the said West Half of the Northeast Quarter, 698.32 feet to the actual point of beginning of the centerline to be described; thence easterly a distance of 288.39 feet along a non-tangential curve concave to the north having a radius of 1,913.00 feet, and a central angle of 08 degrees 38 minutes 15 seconds, the chord of said curve bears North 80 degrees 21 minutes 18 seconds East and is 288.12 feet in length; thence

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North 75 degrees 21 minutes 34 seconds East, not tangent to said curve, 95.41 feet; thence North 73 degrees 31 minutes 28 seconds East 167.51 feet; thence easterly a distance of 99.96 feet along a tangential curve concave to the south line having a radius of 360.00 feet and a central angle of 15 degrees 54 minutes 35 seconds, thence North 89 degrees 26 minutes 03 seconds East, tangent to said curve, 521.89 feet to the west line of County State Aid Highway No 22 as dedicated on said OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75, and said line terminating thereat.

Said tract contains 50.4 acres more or less.

Section 2. The total quantity of land included in the petition is approximately 50.4 acres in size.

Section 3. On March 7, 2011, 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 Cascade 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 municipality and the area to be annexed is 120 acres or less, and the area to be annexed is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available, and the municipality has received a petition for annexation from all the property owners of the land and, as such, the land is or will soon become urban or suburban in character.

Section 6. As provided in Minn. Stat. §414.036, the City shall pay the Townships the equivalent of three years' taxes in two years. In this case, the City shall annually pay \$4,293.60 to the Cascade Township for two years. There are no township special assessments assigned to or portion of township debt attributable to the land described in Section 1.

Section 7. 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.

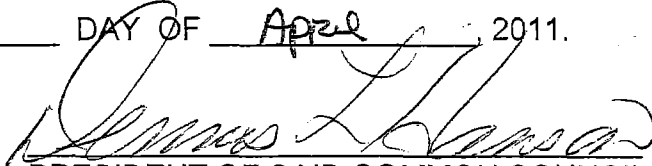
Section 8. Present and future owners of the lands annexed by this ordinance are hereby notified that in addition to the usual assessments, it is the intention of the Common Council to assess against benefited property all or a portion of the cost of any storm sewer, water tower, pumping station, and trunk line sanitary sewer construction, heretofore or hereafter undertaken to serve the area annexed.

Section 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 Cascade Town Clerk, the County

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Auditor and the Secretary of State.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 4th DAY OF April, 2011.


PRESIDENT OF SAID COMMON COUNCIL

ATTEST: 
CITY CLERK

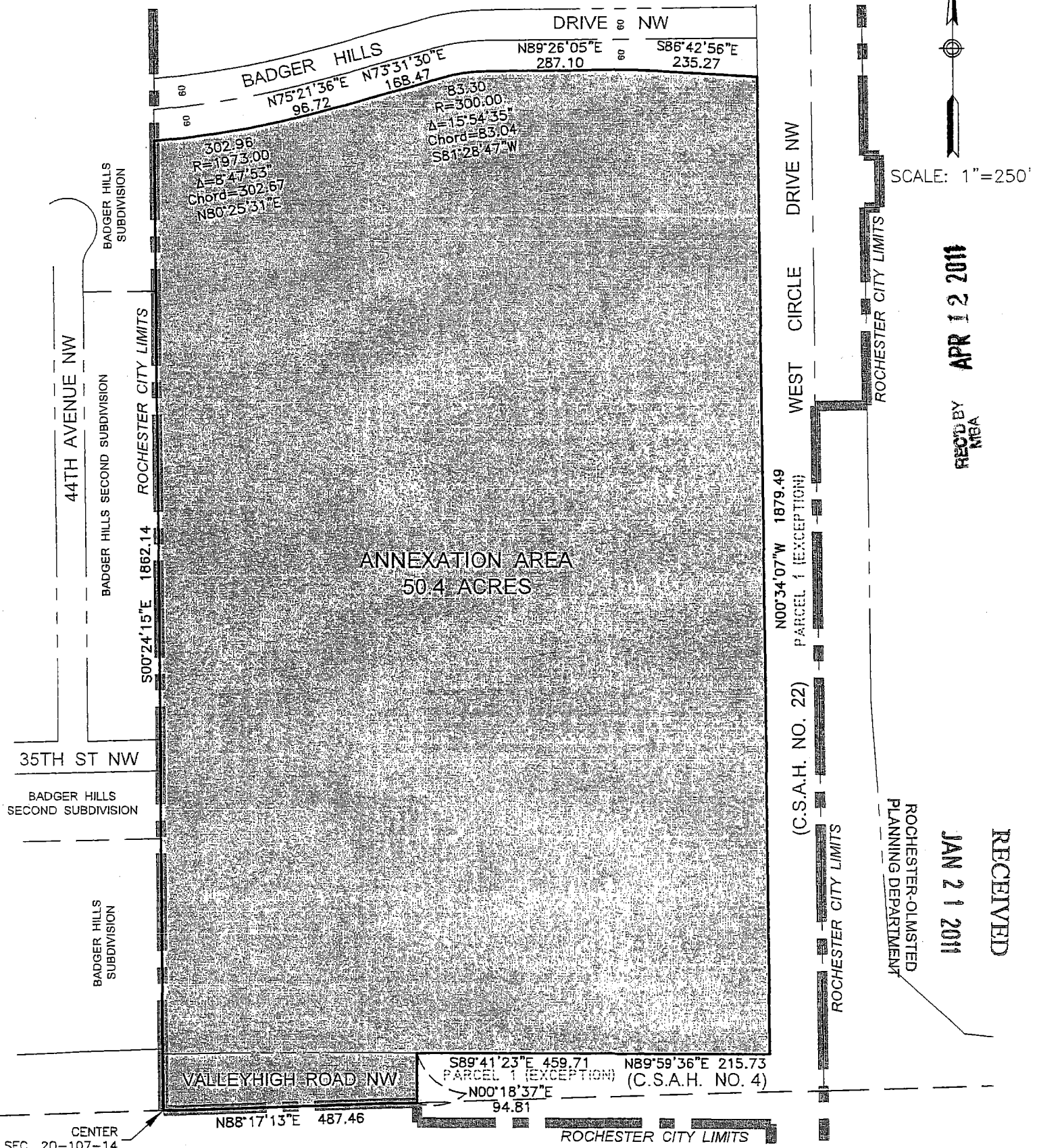
APPROVED THIS 5th DAY OF April, 2011.


MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

Ord10\Annex.2011-001

ANNEXATION EXHIBIT



SCALE: 1"=250'

REC'D BY MBA
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RECEIVED
JAN 21 2011

LEGAL DESCRIPTION:
(SEE ATTACHED)

Land Surveying	 McGhie Betts, Inc.	Geotechnical Engineering
Urban-Land Planning		Construction Material Testing
Consulting - Civil Engineering		Landscape Architecture
1648 Third Avenue S.E. Rochester, MN 55904 Telephone 507.289.3919 Facsimile 507.289.7333 email: mbi@mcghiebetts.com		

CLIENT: NORTHWEST INVESTMENTS, LLC	
SCALE: 1" = 250'	DRAWN BY: JJR
DATE : 01/19/11	DWG: 10226EX2
ACCT. NO. : 2032B/10226	
FILE NO. : BK.	PG.