

RECEIVED

By: OAH on August 7, 2019

ORDINANCE NO. 4381

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER
APPROXIMATELY 6.53 ACRES OF LAND LOCATED WEST OF
EAST CIRCLE DRIVE NE, SOUTH OF WHEELOCK DRIVE NE,
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 applicant 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 Northwest Quarter of Section 30, Township 107 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of the Northwest Quarter of said Section 30; thence North 00 degrees 38 minutes 20 seconds West, assumed bearing, along the east line of said Northwest Quarter (said east line also being the westerly right of way line of OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 46), a distance of 326.14 feet for the point of beginning; thence South 77 degrees 57 minutes 40 seconds West, 315.22 feet; thence North 71 degrees 44 minutes 05 seconds West, 162.73 feet; thence North 18 degrees 28 minutes 15 seconds East, 309.84 feet; thence North 27 degrees 19 minutes 53 seconds West, 116.56 feet; thence South 86 degrees 38 minutes 27 seconds West, 196.49 feet; thence North 49 degrees 07 minutes 59 seconds West, 36.99 feet; thence North 17 degrees 36 minutes 26 seconds West, 61.24 feet; thence North 19 degrees 31 minutes 28 seconds East, 61.24 feet; thence North 39 degrees 34 minutes 50 seconds East, 93.00 feet to a point on the southerly line of Lot 1, Block 1, VIOLA HEIGHTS, according to the recorded plat thereof (said point being 213.92 feet northeasterly of the most southerly corner of said Lot 1) (the next 2 courses are along the southerly line of said VIOLA HEIGHTS); thence North 52 degrees 36 minutes 38 seconds East, 115.98 feet; thence South 37 degrees 22 minutes 55 seconds East, 148.04 feet to the most southerly corner of Lot 2, Block 1, said VIOLA HEIGHTS; thence North 86 degrees 48 minutes 28 seconds East, 78.67 feet to the southerly

extension of the westerly right of way line of Wheelock Drive NE as dedicated on the plat of said VIOLA HEIGHTS; thence North 03 degrees 11 minutes 32 seconds West, along said southerly extension, 53.52 feet to the southerly line of said VIOLA HEIGHTS; thence North 52 degrees 34 minutes 35 seconds East, along said southerly line, 175.00 feet to the south line of Lot 1, Block 1, VIOLA HEIGHTS SECOND, according to the recorded plat thereof; thence North 76 degrees 11 minutes 51 seconds East, along said south line, 87.52 feet to the westerly right of way line of said OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 46 (the next 2 courses are along said westerly right of way line); thence South 03 degrees 11 minutes 32 seconds East, 472.20 feet; thence South 16 degrees 21 minutes 28 seconds East, 260.03 feet to the point of beginning.

The above described parcel contains 6.53 acres and is subject to any easements, covenants, and restrictions of record.

Section 2. The total quantity of land included in the petition is approximately 6.53 acres in size.

Section 3. On June 3, 2019, 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 Haverhill 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 to be annexed is unincorporated, abuts the municipality, consists of 120 acres or less, is not presently served by public wastewater facilities 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 Township the equivalent of three years' taxes in two years.

Section 7. As provided in Minn. Stat. §414.033, subd. 13, the City has provided notice to the petitioner as to the potential electric utility service rate changes.

Section 8. 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 9. 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 10. Upon annexation the land described in Section 1 above will be zoned R-1x.

Section 11. 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 Office of Administrative Hearings – Municipal Boundary Adjustments, the Haverhill Township Clerk, the County Auditor and the Secretary of State.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 24th DAY OF July, 2019.

ATTEST:


CITY CLERK


PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 24th DAY OF July, 2019.

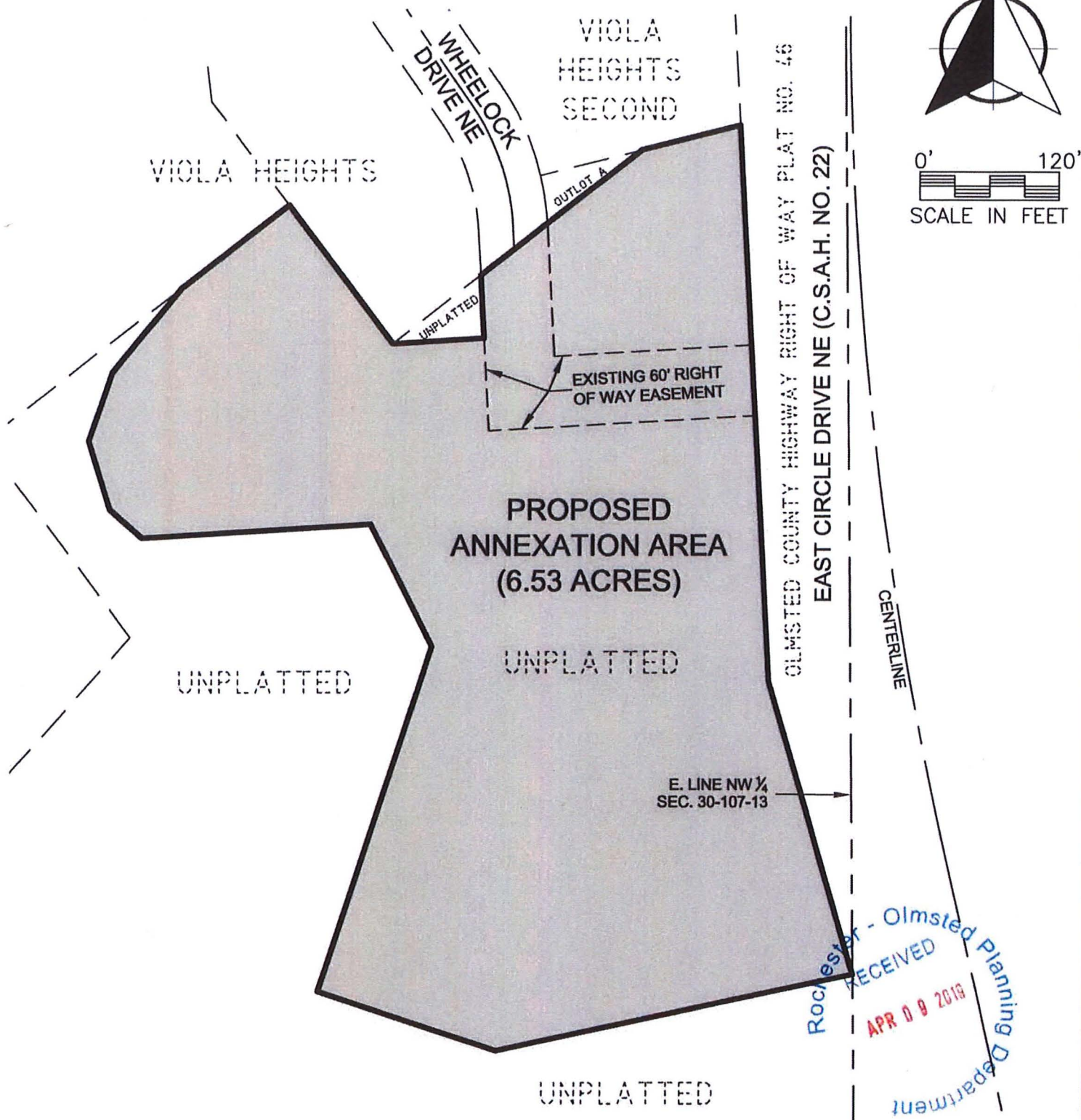

MAYOR OF SAID CITY



ANNEXATION EXHIBIT

PROPOSED ANNEXATION DESCRIPTION:

(SEE ATTACHED)



PART OF NORTHWEST QUARTER,
SECTION 30, TOWNSHIP 107 NORTH,
RANGE 13 WEST, OLMSTED
COUNTY, MINNESOTA.

CLIENT: **JOSEPH DEVELOPMENT**

SCALE: **1" = 120'**

DRAWN BY: **JJR**

DATE : **04/08/19**

ACCT. NO. : **013821**

DWG: **013821 ANNEX**

3701 40th Avenue NW
Rochester, MN 55901

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