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By: OAH on December 16, 2020

ORDINANCE NO. 4418

AN ORDINANCE ANNEXING TO THE CITY OF ROCHESTER APPROXIMATELY 2.06 ACRES OF LAND LOCATED ALONG THE SOUTH SIDE OF HIGHWAY 14, EAST OF 40TH AVENUE SOUTHEAST AND NORTH OF KELLY LANE SOUTHEAST.

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 Olmsted County 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:

Lot 2, Block 1, Less The West 20 Feet, Kelly’s First Subdivision, Olmsted County, Minnesota
Containing 2.06 acres, more or less.

The above described parcel contains 2.06 acres and is subject to any easements, covenants, and restrictions of record.

Section 2. On November 9th 2020, 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 Marion Township officers, and the adjacent property owners.

Section 3. 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 4. 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 5. As provided in Minn. Stat. §414.036, the City shall pay the Township the equivalent of three years’ taxes in two years.

Section 6. 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 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. Upon annexation the land described in Section 1 above will be zoned M-1.

Section 10. 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 Marion Township Clerk, the County Auditor and the Secretary of State.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 7th DAY OF December, 2020.

ATTEST: *Kelly K. Scott*
CITY CLERK

Randy Staver
PRESIDENT OF SAID COMMON COUNCIL

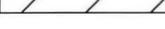
APPROVED THIS 8th DAY OF December, 2020.

Kim Norton
MAYOR OF SAID CITY

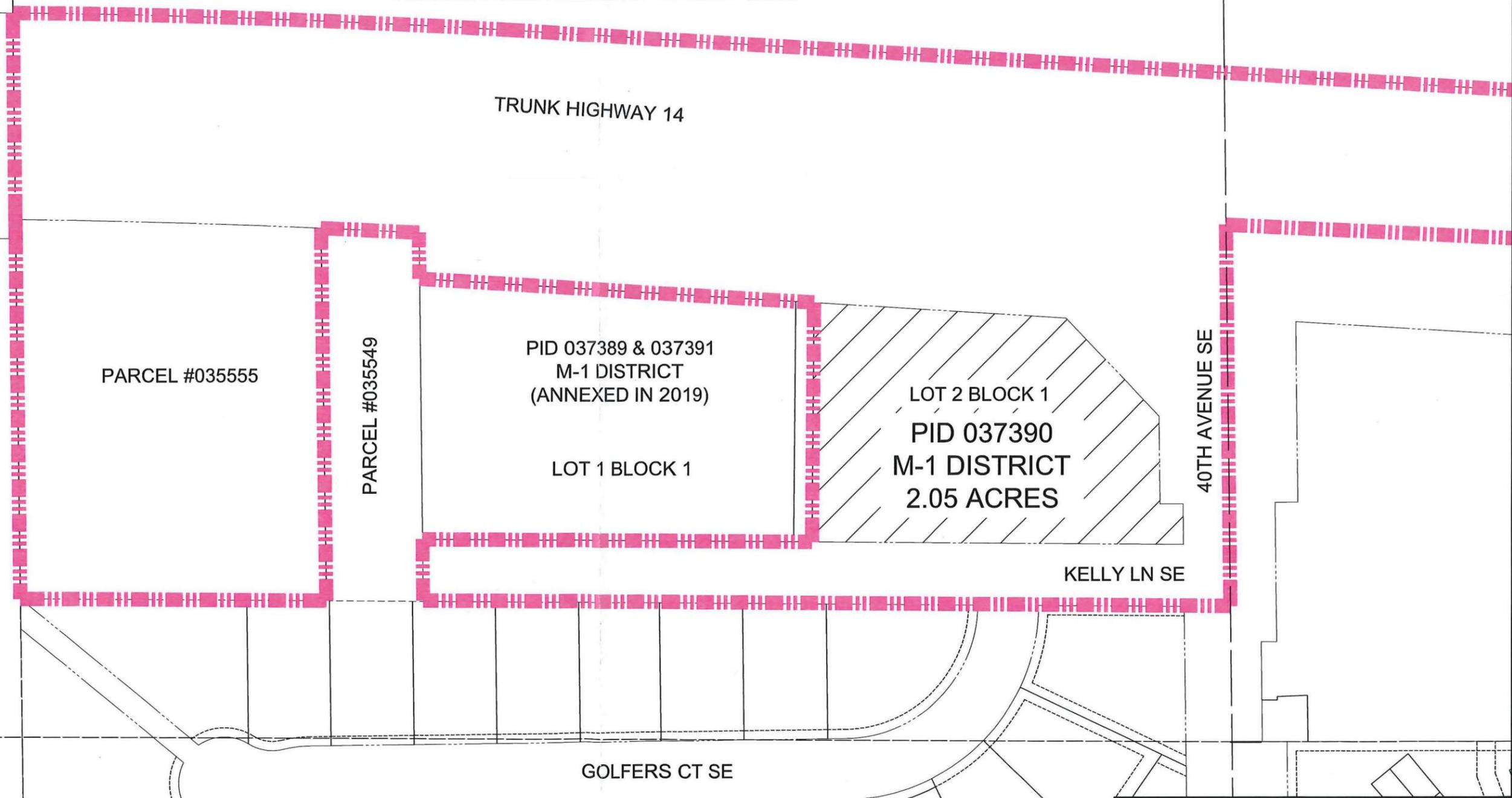
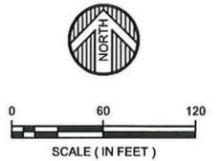


PROPERTY ANNEXATION EXHIBIT

LEGEND

	DENOTES SECTION LINE
	DENOTES QUARTER-QUARTER LINE
	DENOTES RIGHT OF WAY LINE
	DENOTES PLAT LINE
	DENOTES LOT LINE
	DENOTES ROAD CENTERLINE
	DENOTES EXISTING CITY LIMIT LINE
	DENOTES PROPERTY TO BE ANNEXED

LEGAL DESCRIPTION OF ANNEXED PROPERTY:
 LOT 2, BLOCK 1, KELLY'S FIRST SUBDIVISION,
 ACCORDING TO THE PLAT ON FILE AT THE COUNTY
 RECORDERS OFFICE, OLMSTED COUNTY, MINNESOTA;
 EXCEPT THE WEST 20 FEET THEREOF.



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KELLY'S FIRST SUBDIVISION

OLMSTED COUNTY

SURVEYOR'S CERTIFICATE

STATE OF MINNESOTA)
COUNTY OF OLMSTED) S.S.

I DO HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE PROPERTY DESCRIBED ON THIS PLAT AS "KELLY'S FIRST SUBDIVISION"; THAT THIS IS A CORRECT REPRESENTATION OF SAID SURVEY; THAT ALL DISTANCES ARE CORRECTLY SHOWN ON SAID PLAT IN FEET AND DECIMALS OF A FOOT; THAT ALL MONUMENTS HAVE BEEN CORRECTLY PLACED IN THE GROUND AS SHOWN ON THE PLAT; THAT THE OUTSIDE BOUNDARY LINES ARE CORRECTLY DESIGNATED ON THE PLAT; THAT THERE ARE NO WET LANDS OTHER THAN AS SHOWN THEREON; AND THAT THE SAID PLAT HAS NOT BEEN PREVIOUSLY PLATTED.

Douglas N. Betts
DOUGLAS N. BETTS, P.E. & R.L.S.
MINNESOTA REGISTRATION NO. 6980

STATE OF MINNESOTA)
COUNTY OF OLMSTED) S.S.

THE ABOVE SURVEYOR'S CERTIFICATE WAS SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE ON THIS 30th DAY OF July 1976 A.D.

Howard E. Hunt
NOTARY PUBLIC, OLMSTED COUNTY, MINNESOTA
My Commission Expires Dec. 9, 1978 A.D.

COUNTY SURVEYOR'S CERTIFICATE OF APPROVAL

I CERTIFY THAT THIS PLAT HAS BEEN CHECKED MATHEMATICALLY AND THAT THE PLAT CONFORMS TO THE APPLICABLE PLATTING LAWS:

APPROVED THIS 30th DAY OF July 1976 A.D.

BY *Robert W. Brand*
OLMSTED COUNTY SURVEYOR

WE, THE MEMBERS OF THE TOWNSHIP BOARD OF SUPERVISORS FOR MARION TOWNSHIP, OLMSTED COUNTY, MINNESOTA, DO HEREBY CERTIFY THAT WE HAVE APPROVED THE ACCOMPANYING PLAT. IN TESTIMONY WHEREOF, WE HAVE SIGNED OUR NAMES THIS 30 DAY OF July 1976 A.D.

Richard O. Dahl
SUPERVISOR

Angelo Carlson
SUPERVISOR

Paul Stelzflus
CHAIRMAN

WE, THE MEMBERS OF THE OLMSTED COUNTY PLANNING ADVISORY COMMISSION, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE PLAT AS SHOWN, AND FIND THAT IT CONFORMS TO THE PROVISIONS OF THE SUBDIVISION ORDINANCE OF THE COUNTY OF OLMSTED.

Paul Stelzflus
COMMISSION VICE CHAIRMAN

STATE OF MINNESOTA)
COUNTY OF OLMSTED) S.S.

I ROSS E. BROWNING, COUNTY AUDITOR FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE ANNEXED PLAT WAS DULY APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT A MEETING HELD ON THE 3rd DAY OF August 1976 A.D. IN TESTIMONY WHEREOF I HAVE SIGNED MY NAME AND AFFIXED THE SEAL OF SAID COUNTY THIS 11th DAY OF August 1976 A.D.

Ross Browning
COUNTY AUDITOR

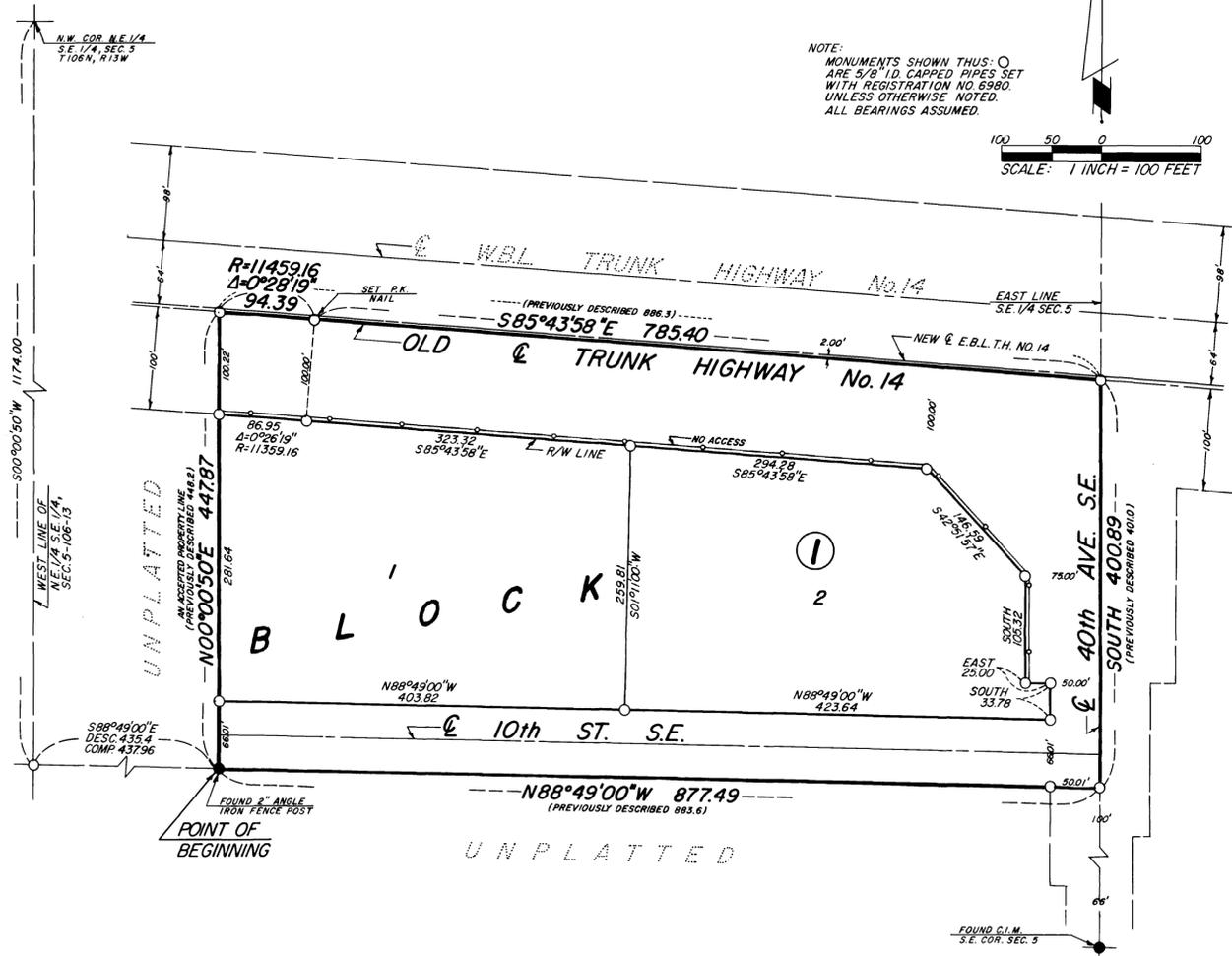
NO DELINQUENT TAXES DUE AND TRANSFER ENTERED THIS 11th DAY OF August 1976 A.D.

Ross Browning
COUNTY AUDITOR

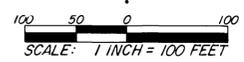
STATE OF MINNESOTA)
COUNTY OF OLMSTED) S.S.

FILED FOR RECORD THIS 11 DAY OF August 1976 A.D. AT 10:30 O'CLOCK A.M.
IN BOOK _____ OF PLATS ON PAGE _____ INSTRUMENT NO. _____

Harry H. Evans
REGISTER OF DEEDS
Catherine L. Evans, Deputy



NOTE:
MONUMENTS SHOWN THUS: ○
ARE 5/8" I.D. CAPPED PIPES SET
WITH REGISTRATION NO. 6980.
UNLESS OTHERWISE NOTED,
ALL BEARINGS ASSUMED.



OWNERS DEDICATION:

KNOW ALL MEN BY THESE PRESENTS:

THAT FLOYD E. LARSON AND MARIAN G. LARSON, HIS WIFE, OWNERS AND PROPRIETORS OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN THE CITY OF ROCHESTER, STATE OF MINNESOTA, TO WIT:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 106 NORTH, RANGE 13 WEST, THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1174.0 FEET, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 435.4 FEET FOR A POINT OF BEGINNING, THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 448.2 FEET TO A POINT IN THE CENTERLINE OF TRUNK HIGHWAY NO. 14, THENCE EASTERLY ALONG THE CENTERLINE OF SAID HIGHWAY A DISTANCE OF 886.3 FEET TO A POINT IN THE EAST LINE OF SAID NORTHEAST QUARTER, THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 401.0 FEET, THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER A DISTANCE OF 883.6 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.59 ACRES.

HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS "KELLY'S FIRST SUBDIVISION" AND DO HEREBY DONATE AND DEDICATE TO THE PUBLIC USE FOREVER THE STREETS, AVENUES, AND ROADWAY SHOWN THEREON, IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 30th DAY OF July 1976 A.D.

Floyd E. Larson
FLOYD E. LARSON
Marian G. Larson
MARIAN G. LARSON

STATE OF MINNESOTA)
COUNTY OF OLMSTED) S.S.

ON THIS 30th DAY OF July 1976 A.D., BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY APPEARED FLOYD E. LARSON AND MARIAN G. LARSON, HIS WIFE, TO ME PERSONALLY KNOWN, TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE SAME AS THEIR FREE ACT AND DEED.

Howard E. Hunt
NOTARY PUBLIC, OLMSTED COUNTY, MINNESOTA
My Commission Expires Dec. 9, 1978

I HEREBY APPROVE THIS PLAT AS TO WATER SUPPLY AND SEWAGE DISPOSAL WITH THE STIPULATION THAT THE LOTS CANNOT BE SUBDIVIDED UNLESS PUBLIC SEWER IS AVAILABLE.

William P. Packer
PUBLIC HEALTH ENGINEER
OLMSTED COUNTY DEPARTMENT OF HEALTH

APPROVED BY THE OLMSTED COUNTY HIGHWAY DEPARTMENT

J. K. Nolan
COUNTY ENGINEER

OFFICIAL PLAT

PREPARED BY:
McGHEE & BETTS, INC.
CONSULTING ENGINEER'S
ROCHESTER, MINNESOTA