

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ROCHESTER) O R D E R
AND THE TOWN OF CASCADE PURSUANT TO)
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of
Rochester and the Town of Cascade; and

WHEREAS, a resolution was received from the City of Rochester requesting that certain
property be annexed to the City of Rochester pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic
and Long Range Planning may review and comment, but shall within 30 days order the
annexation pursuant to said subdivisions; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the
duties of the Director to the Chief Administrative Law Judge; and

WHEREAS, on January 11, 2006, the Chief Administrative Law Judge has reviewed and
accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in
accordance with the terms of the joint resolution to the City of Rochester, Minnesota, the same as

if it had originally been made a part thereof:

35TH St. / 16th Ave. area Property

The SE ¼, NE¼, Section 24, Township 107 North, Range 14 West, Olmsted County, except as follows:

Commencing at the SW corner of the SE ¼, NE ¼ thence East 208.71 to the point of beginning; thence North at right angle 417.42 feet, thence East 208.71 feet; thence South 417.42 feet; thence West 208.71 feet to the point of beginning;

And also

Commencing at the SW ¼ of said SE ¼, NE ¼ of said Section thence North 208.71 feet for the place of beginning; thence North 358.71 feet; thence East parallel with South line 428.8 feet; thence South 150 feet; thence West 208.71 feet; thence South 208.71 feet; thence West 212.86 feet to the place of beginning.

Hunter property

The NW ¼, NW ¼ and the NE ¼, NW ¼, all in Section 15, Township 107 North, Range 14 West, Olmsted County.

Except the northerly 75 feet lying within 55th Street N.W. R.O.W. and that part of CIMARRON SEVENTH and CIMARRON EIGHTH lying within said NW ¼, NW ¼.

37th St. Baptist Church property

That part of the South Half of the Northeast Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, described as beginning at the southwest corner of said Northeast Quarter; thence North 88 degrees 19 minutes 26 seconds East, assumed bearing, along the south line of said Northeast Quarter, 653.40 feet; thence North 01 degrees 02 minutes 17 seconds West, parallel with the west line of said Northeast Quarter 488.66 feet; thence South 88 degrees 19 minutes 26 seconds west, parallel with the south line of said Northeast Quarter, 653.40 feet to the west line of said Northeast Quarter; thence South 01 degrees 02 minutes 17 seconds East along said west line to the point of beginning., except the West 33 feet thereof.

S&S and Jensen Properties

Commencing at the southeast corner of the Northwest Quarter; thence North along the east line thereof a distance of 629 feet; thence West parallel with the South line thereof 71.76 feet to the point of beginning; thence North 01 degrees 39 minutes 10 seconds East 190.66 feet along the right of way line of Bandel Road (Old TH No. 52) and there terminating, except that part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 107 North, Range 14 West lying East thereof;

And also

Lot 1, Jensen's First Subdivision, except that part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 107 North, Range 14 West lying East thereof.

T.H. 52 R.O.W. and adjacent property

That part of the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 4, Township 107 North, Range 14 West, Olmsted County, shown as Parcel 431 on Minnesota Department of Transportation Right-of-Way Plat Number 55-38.

That part of the South $\frac{1}{2}$, Section 4, Township 107 North, Range 14 West, except the following:

Beginning at the southeast corner of the West Half of the Southeast Quarter of said Section 4; thence South 89 degrees 26 minutes 48 seconds West, assumed bearing, along the south line of said West Half, 1309.97 feet to the southeast corner of the Southwest Quarter of said Section 4; thence South 89 degrees 04 minutes 16 seconds West, along the south line of said Southwest Quarter, 225.00 feet; thence North 00 degrees 55 minutes 44 seconds West, 150.00 feet; thence North 23 degrees 51 minutes 33 seconds West, 1245.13 feet; thence North 11 degrees 29 minutes 58 seconds West, 1350.00 feet to the north line of said Southwest Quarter; thence North 89 degrees 11 minutes 09 seconds East, along said north line, 1000.00 feet to the northeast corner of said Southwest Quarter; thence North 89 degrees 11 minutes 08 seconds East, along the north line of the West Half of the Southeast Quarter of said Section 4, a distance of 1305.60 feet to the northeast corner of said West Half; thence South 00 degrees 06 minutes 11 seconds East, along the east line of said West Half, 2628.07 feet to the point of beginning.

Containing 118.55 acres, more or less.

Also:

That part of the Southwest Quarter of Section 4, Township 107 North, Range 14 West, described as follows:

Beginning at the southwest corner of the Southwest Quarter of said Section 4; thence North 00 degrees 09 minutes 28 seconds West, assumed bearing, along the west line of said Southwest Quarter, 2627.33 feet to the northwest corner of said Southwest Quarter; thence North 89 degrees 11 minutes 09 seconds East, along the north line of said Southwest Quarter, 1071.06 feet; thence South 13 degrees 45 minutes 16 seconds East, 625.18 feet; thence North 76 degrees 14 minutes 44 seconds East, 201.00 feet; thence South 01 degree 44 minutes 58 seconds East, 195.67 feet; thence South 10 degrees 19 minutes 31 seconds East, 143.93 feet; thence South 05 degrees 09 minutes 21 seconds West, 1698.91 feet; thence South 00 degrees 55 minutes 44 seconds East, 33.00 feet to the south line of said Southwest Quarter; thence South 89 degrees 04 minutes 16 seconds West, 1287.41 feet to the point of beginning.
Containing 79.66 acres, more or less.

And also;

Stuve's Second Subdivision, Stuve's Third Addition and Westgard's Subdivision.

And also;

That part of the Trunk Highway No. 52 Right-of-Way identified on Minnesota Department Right-of-Way Plat No. 55-62 and Minnesota Department Right-of-Way Plat No. 55-65.

Maidl/Wiens/Granrud Properties

That part of the W $\frac{1}{2}$, NW $\frac{1}{4}$, Section 8, Township 107 North, Range 14 West, Olmsted County, described as follows:

Commencing at the SW corner of the NW $\frac{1}{4}$, thence North along the West line of the NW $\frac{1}{4}$, 500 feet for the point of beginning, thence continue North 990 feet, thence East 660 feet, thence South 990 feet, thence West 660 feet to the point of beginning.

Pittenger, Clowes, and Smodd properties

That part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 7, Township 107, Range 14, Olmsted County, Minnesota, described as follows:

Commencing at the Southwester corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 7, thence East assumed bearing along the South line of said Southeast Quarter (SE $\frac{1}{4}$), 370.00 feet for a point of beginning; thence continue East along said South line, 365.00 feet; thence North 298.00 feet; thence East 30.00 feet; thence North 110.00 feet, thence

West 400.00 feet; thence South 00 degrees 42 minutes 08 seconds East, 408.03 feet to the point of beginning; being subject to an easement for the Township road right of way over the Southerly boundary thereof, except the South 60 feet thereof.

And also;

Clowes

Commencing at the Southeast corner of said East half of the Southwest Quarter of Section 7, thence West, assumed bearing along the South line of said East half, 66.00 feet for the point of beginning; thence continue West, along said South line, 915.78 feet; thence North 00 degrees 16 minutes 39 seconds West, parallel with the West line of said East half, 396.00 feet; thence West, parallel with said South line of said East half, 330.00 feet to the West line of said East half; thence North 00 degrees 16 minutes 39 seconds West, along said West line 1112.14 feet; thence East 1238.21 feet; thence South 00 degrees 34 minutes 00 seconds East, 1508.19 feet to the point of beginning; less that part of said East half of the Southwest Quarter described as follows: commencing at the southeast corner of the East half of the Southwest Quarter of said Section 7; thence West, assumed bearing, along said south line of said East half, 66.00 feet for the point of beginning, thence continue West, along said south line, 465.78 feet; thence North 00 degrees 16 minutes 39 seconds West, parallel with the west line of said East half 415.00 feet; thence West, parallel with the south line of said East half, 450.00 feet; thence South 00 degrees 16 minutes 39 seconds East, 19.00 feet; thence West, parallel with the south line of said East half, 330.00 feet to the west line of said East half; thence North 00 degrees 16 minutes 39 seconds West, along said west line, 1112.14 feet; thence East, 1238.21 feet; thence South 00 degrees 34 minutes 00 seconds East, 1508.19 feet to the point of beginning, except the South 60 feet thereof.

And also;

Smoldt

That part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 107, Range 14, Olmsted County, Minnesota, described as follows: Beginning at the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, thence East (for purposes of this description bearings are assumed), along the South line of said SW $\frac{1}{4}$, 3330.00 feet to a point 981.78 feet Westerly from the Southeast corner of said SW $\frac{1}{4}$, thence North 00 degrees 16 minutes 39 seconds West, parallel with the West line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, 396.00 feet; thence West, parallel with the South line of said SW $\frac{1}{4}$, 330.00 feet; thence South 00 degrees 16 minutes 39 seconds East, along said West line of SE $\frac{1}{4}$ SW $\frac{1}{4}$, 396.00 feet to the point of beginning, except the South 60 feet thereof.

Krebsbach property

That part of the North Half of the Northeast Quarter of Section 18, Township 107, Range 14 West, Olmsted County, Minnesota which lies within a distance of 60.00 feet to the right of the following described line: Beginning at the northwest corner of the Northeast Quarter of Section 18; thence North 89 degrees 29 minutes 38 seconds East, assumed bearing along the north line thereof, 653.47 feet to the northwest corner of Wedgewood Hills Third Subdivision and there terminating, except the North 60 feet thereof.

Burt Property

That part of the NE $\frac{1}{4}$, Section 18, Township 107 North, Range 14 West, Olmsted County, described as follows:

Beginning at a point 294.71 feet northerly from the SE corner NE $\frac{1}{4}$, thence northwesterly 417.42 feet, thence north 208.71 feet, thence SE 417.42 feet to a point in the East line NE $\frac{1}{4}$, thence south 208.71 feet to the point of beginning.

Long property

The north 250 feet of the East 522 feet of the NE $\frac{1}{4}$, Section 30, Township 107 North, Range 14 West, Olmsted County.

Kuehn property

The W $\frac{1}{2}$, NW $\frac{1}{4}$, Section 28, Township 107 North, Range 14 West, Olmsted County, less the South 33 feet thereof.

Together with that part of the E $\frac{1}{2}$, NE $\frac{1}{4}$ lying easterly of West Circle Drive N.W. (C.S.A.H. 22) R.O.W. as shown on Olmsted County Highway Right-of-Way Plat Number 80 and lying northerly of 19th Street N.W. R.O.W., Section 29, Township 107 North, Range 14 West, Olmsted County.

Whiting Property

That part of the SW $\frac{1}{4}$, Section 28, Township 107 North, Range 14 West, Olmsted County, Minnesota, lying northerly of the Dakota, Minnesota & Eastern Railroad, easterly of West Circle Drive (C.S.A.H. No. 22) R.O.W. and southerly of 19th Street N.W. R.O.W. less the following:

19th STREET BUSINESS PARK Subdivision and the westerly 155.00 feet of the southerly 372.30 feet of the northerly 422.30 feet of the NE $\frac{1}{4}$, SW $\frac{1}{4}$, and also the adjacent right-of-way, Section 28, Township 107 North, Range 14 West, Olmsted County, Minnesota.

Arneson Property

A part of the NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 21, Township 107 North, Range 14 West, Olmsted County, Minnesota, lying southerly and westerly of the following described line.

Commencing at the NW corner of said NW $\frac{1}{4}$, SW $\frac{1}{4}$; thence South 00 degrees 45 minutes 29 seconds East (Note: all bearings are in relationship with the west line of said NW $\frac{1}{4}$, SW $\frac{1}{4}$ which is assumed) along said west line a distance of 831.08 feet to the point of beginning of said described line; thence North 89 degrees 03 minutes 30 seconds East a distance of 287.69 feet; thence South 38 degrees 11 minutes 16 seconds East a distance of 232.44 feet; thence North 89 degrees 03 minutes 30 seconds East a distance of 276.59 feet; thence South 64 degrees 35 minutes 03 seconds East a distance of 89.55 feet; thence South 38 degrees 11 minutes 16 seconds East a distance of 326.92 feet to the south line of said NW $\frac{1}{4}$, SW $\frac{1}{4}$, and said line there terminating.

Mayo Foundation & IBM Properties

That part of Lots 1 and 2, KOCER'S SUBDIVISION, Olmsted County, Minnesota, according to the Plat thereof on file at the County Recorder's Office, lying westerly of Valleyhigh Drive N.W. R.O.W. (C.S.A.H. No. 4) together with the adjoining abandoned Chicago and Northwestern Railway Company lying northerly of Instrument Drive N.W. and southerly of the extension of the northwesterly line of said Lot 2.

And also;

That part of the S $\frac{1}{2}$, SW $\frac{1}{4}$, Section 21, Township 107 North, Range 14 west, lying south of the north line of said South Half, easterly of Valleyhigh drive N.W. (C.S.A.H. No. 4), and westerly of KROGER CO. FIRST SUBDIVISION according to the plat thereof on file at the County Recorder's Office, Olmsted County, Minnesota.

50th Avenue R.O.W.

The West 60 feet of the NW $\frac{1}{4}$, Section 20, Township 107 North Range 14 West;

And also;

The West 60 feet of the SW $\frac{1}{4}$, Section 17, Township 107 North, Range 14 West, except the North 710 feet thereof.

DNR - Douglas Trail property

That part of the W $\frac{1}{2}$, SW $\frac{1}{4}$ of Section 8, Township 107 North, Range 14 West, Olmsted County described as follows:

The 100 feet lying southwesterly and adjacent to the south line of Outlot A, White Oaks Third Subdivision at a bearing of North 53 degrees, 43 minutes, 48 seconds West, a distance of 1454.64 feet;

And also:

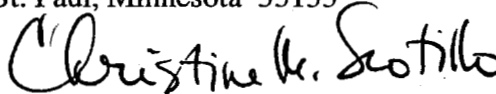
The 100 feet lying southwesterly and adjacent to the south line of Outlot B, White Oaks Townhomes Common Interest Community Number 136, at a bearing of South 53 degrees, 43 minutes, 48 seconds East, a distance of 155.01 feet;

And also:

The 100 feet lying southwesterly and adjacent to the south line of Outlot A, North Park Sixth Subdivision at a bearing of North 53 degrees, 43 minutes, 48 seconds West, a distance of 129.53 feet.

Dated this 11th day of January, 2006.

For the Chief Administrative Law Judge
658 Cedar Street - Room 300
St. Paul, Minnesota 55155

A handwritten signature in black ink that reads "Christine M. Scotillo". The signature is written in a cursive, flowing style.

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-1048-3 Rochester, the Chief Administrative Law Judge finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph 7 provides for municipal reimbursement - a different application for different status of land. If Paragraph 7(A) applies to this file then Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years.

Paragraph 13 states the agreement will terminate when the parties adopt a joint resolution of termination, when all of the land within the annexation area is annexed to the City, or on January 1, 2014, whichever occurs first. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Chief Administrative Law Judge. Once jurisdiction is conferred, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be "given back" by the Chief Administrative Law Judge upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

CMP