

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

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

O R D E R

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:

**35<sup>TH</sup> St. / 16<sup>th</sup> Ave. area Property**

The SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 24, Township 107 North, Range 14 West, Olmsted County, except as follows:

Commencing at the SW corner of the SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  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  $\frac{1}{4}$  of said SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  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  $\frac{1}{4}$ , NW  $\frac{1}{4}$  and the NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , all in Section 15, Township 107 North, Range 14 West, Olmsted County.

Except the northerly 75 feet lying within 55<sup>th</sup> Street N.W. R.O.W. and that part of CIMARRON SEVENTH and CIMARRON EIGHTH lying within said NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ .

**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 19<sup>th</sup> 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 19<sup>th</sup> Street N.W. R.O.W. less the following:

19<sup>th</sup> 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.

**50<sup>th</sup> 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;

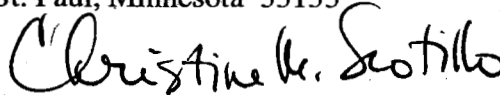
And also:

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.

The above legal description is more particularly described on attached Exhibit A.

Dated this 11<sup>th</sup> day of January, 2006.

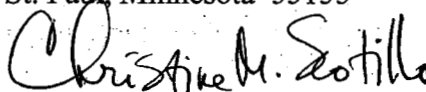
For the Chief Administrative Law Judge  
658 Cedar Street - Room 300  
St. Paul, Minnesota 55155



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

Amended order dated this 29<sup>th</sup> day of  
November, 2006.

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



Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments



## **EXHIBIT A**

### **LEGAL DESCRIPTION FOR COMPLETELY SURROUNDED PROPERTIES IN CASCADE TOWNSHIP**

#### **35<sup>TH</sup> St. / 16<sup>th</sup> 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 55<sup>th</sup> 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 819.55 feet; thence West parallel with the South line thereof 71.76 feet to the point of beginning; continue west 395.2 feet; thence North along right of way line of TH 52 as configured 183.67 feet; thence East parallel with the South line 413.83 feet; thence South 182.93 feet to point of beginning.

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

Commencing at the NE Corner of the NW ¼ Section 9 Twp 107-14 thence S0.1658E 935.62ft thence NW on a nontangential curve concave west radius 1897.92 delta angle 7.1554 (chord bearing N74.4148W 236.62ft) thence S85.4848W 436.38 ft to the easterly ROW Hwy 52 N as established on MNDOT ROW plat 55-62 thence S6.1412E 444.91ft, thence S83.4912W 25.85ft, thence S6.1009E 205.0ft, thence S79.3752W 35.1ft thence S6.0359E 415.11ft, thence N89.0517E 395.18ft, thence S0.1643E 190.58ft, thence S9.3015W 375.6ft, thence S5.4850E 634.04ft to a point on the south line of the NW ¼ of Section 9, said point being 387.26ft West of the SE Corner of the NW ¼, thence S89.0450W 309.64ft, thence N6.0252W 1306.92ft, thence S89.0419W 23.39ft, thence N6.1112W 53.2ft, thence S83.2204W 525.65ft, thence N82.5408W 41.19ft, thence N0.5612W 581.86ft, thence S89.0310W 330.03ft, thence N0.5612W 726.28ft, thence N89.0515E 428.18ft, thence N89.0314E 111.29ft, thence N89.0348 225.0ft to the point of beginning. Less that part described as follows: Commencing at the SE Corner NW ¼ Section 9 thence N29.2129W 1812.12ft to the point of beginning, thence S88.5005W 475.9ft, thence N0.5612W 200.0ft, thence N88.0348E 45.0ft, thence S87.0203E 441.59ft, thence S6.1112E 6.26ft, thence S83.4848W 25.0ft, thence S6.1112E 160.2ft to the point of beginning.

Containing 118.55 acres, more or less.

Also:

And that part of Section 4 Twp 107N Range 14W described as follows: Commencing at the SE corner of the SW1/4 of Section 4 thence S89.0348W 225.0ft to the point of beginning, thence N0.0010W 150.02ft thence S89.0416W 426.66ft, thence N6.4741W 947.55ft, thence N38.0809E 128.04, thence N23.5708W 113.77ft, thence N11.2958W 1349.71ft to a point on the north line of the southwest ¼ Section 4 said point being 1000.12ft west of the center of said section 4 thence S89.1106W 576.79ft, thence S13.4519E 641.17ft, thence N73.0235E 217.88ft, thence S1.4458E 195.67ft, thence S10.1931E 143.93ft, thence S5.0921W 143.48ft, thence S5.3154E 318.52ft, thence S3.3824W

450.48ft, thence S34.434W 143.84, thence S5.0921W 666.82ft, thence S0.5344E 33.18ft to a point on the south line of the southwest ¼ Section 4, thence N89.0314E 1111.29ft to the point of beginning.

Containing 79.66 acres, more or less.

**Maidl/Wiens/Granrud Properties**

That part of the W ½, NW ¼, Section 8, Township 107 North, Range 14 West, Olmsted County, described as follows:

Commencing at the SW corner of the NW ¼, thence North along the West line of the NW ¼, 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 Smodt properties**

That part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 7, Township 107, Range 14, Olmsted County, Minnesota, described as follows:

Commencing at the Southwester corner of the Southeast Quarter (SE ¼) of said Section 7, thence East assumed bearing along the South line of said Southeast Quarter (SE ¼), 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

Commencing at the SE ¼ of the SW ¼ Section 7, Township 107, Range 14, Olmsted County, Minnesota, thence West along South line 983.28 feet; thence; thence North 33 feet from point of beginning; thence North parallel with the East line 335.99 feet; thence West parallel with the South line 329.49 feet; thence South parallel with the East line 335.93 feet; thence East parallel with the South line 328.89 feet to the point of beginning.

**Krebsbach property**

Commencing at the SE ¼ of the SW ¼ Section 7, Township 107, Range 14, Olmsted County, Minnesota, thence East along the South Line 328.4 feet then South parallel with the East line 249.94 feet; thence East parallel with the South line 325.18 feet; thence North parallel with the East line 249.49 feet along the South 324.7 feet to the point of beginning less the Northerly 60 feet thereof

**Burt Property**

That part of the NE ¼, 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 ¼, thence Northwesterly 417.42 feet parallel with the South line; thence North 208.71 feet, thence SE 417.42 feet to a point in the East line NE ¼, thence South 208.71 feet to the point of beginning.

**Long property**

The North 250 feet of the East 522 feet of the NE ¼, Section 30, Township 107 North, Range 14 West, Olmsted County.

**Kuehn property**

The W ½, NW ¼, Section 28, Township 107 North, Range 14 West, Olmsted County, less the South 33 feet thereof.

Together with that part of the E ½, NE ¼ 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 19<sup>th</sup> Street N.W. R.O.W., Section 29, Township 107 North, Range 14 West, Olmsted County.

**Whiting Property**

That part of the SW ¼, 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 19<sup>th</sup> Street N.W. R.O.W. less the following:

19<sup>th</sup> 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 ¼, SW ¼, 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 ¼, SW ¼, 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 ¼, SW ¼; thence South 00 degrees 45 minutes 29 seconds East (Note: all bearings are in relationship with the west line of said NW ¼, SW ¼ 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 ¼, SW ¼, 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 ½, SW ¼, 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.

**50<sup>th</sup> Avenue R.O.W.**

The West 60 feet of the NW ¼, Section 20, Township 107 North Range 14 West;

And also;

The West 60 feet of the SW ¼, Section 17, Township 107 North, Range 14 West, except the North 710 feet thereof.

**DNR - Douglas Trail property**

That part of the W ½, SW ¼ 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.

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*