

REC'D BY
MMB

JUL 01 2003

248-03
RESOLUTION

BE IT RESOLVED by the Common Council of the City of Rochester that the City execute a corrective resolution to amend the Orderly Annexation Agreement #00-13 with Cascade Township to include annexing an additional .09 acres.

The Mayor and the City Clerk are authorized and directed to execute this corrective resolution on behalf of the City.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 19TH DAY OF MAY, 2003.

John Hanzaka
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Deborah J. Sherris
CITY CLERK

APPROVED THIS 20TH DAY OF MAY, 2003.

Russell F. Breda
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

CORRECTIVE RESOLUTION
TO CORRECT LEGAL DESCRIPTION IN RESOLUTION #791A-00
DATED FEBRUARY 20, 2000

IN THE MATTER OF THE AMENDMENT TO THE JOINT RESOLUTION
FOR ORDERLY ANNEXATION BETWEEN THE TOWN OF CASCADE
AND THE CITY OF ROCHESTER, MINNESOTA
PURSUANT TO MINNESOTA STATUTES 414.0325, SUBD. 1

TO: Minnesota Planning Agency
165 Metro Square Building
St. Paul, Minnesota 55101

The Town of Cascade and the City of Rochester hereby jointly agree that the Joint Resolution Between the Town of Cascade and the City of Rochester Designating an Area for Orderly Annexation dated May 5, 1976, be amended to include the property described in the attached Exhibit A:

WHEREAS, the City of Rochester desires the immediate annexation to the City of Rochester of that property described in the attached Exhibit A situated in the Town of Cascade, County of Olmsted, State of Minnesota; and

WHEREAS, the City of Rochester and the Town of Cascade, for the purpose of avoiding a dispute over the annexation of the property described in said petition, desire to enter into a joint resolution approving the immediate annexation of said property.

NOW, THEREFORE, BE IT RESOLVED by the City of Rochester and the Town of Cascade:

1. The property which is situated in the Town of Cascade, County of Olmsted, State of Minnesota and which is described on the attached Exhibit A is, following a request for annexation by the owners/petitioners, designated as in need of orderly annexation pursuant to Minnesota Statutes §414.0325, as it may be amended from time to time.
2. Both the Town and the City agree that upon receipt of this resolution, the Minnesota Planning Agency or other successor to the Minnesota Municipal Board may review and comment, but shall, within 30 days, order the annexation of the property described in Exhibit A, attached hereto and made a part hereof. Both the Town and the City also agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no reconsideration by the Agency is necessary.

3. Pursuant to the provisions of Minnesota Statutes §414.0325, subd. 5, the parties agree that the City of Rochester may extend its planning and land use controls to the property described in Exhibit A.
4. Pursuant to the provisions of Minnesota Statutes §414.036, the City of Rochester agrees to pay the Town of Cascade the property taxes payable on the annexed land for the year in which the annexation becomes effective. Thereafter, property taxes on the annexed land shall be paid to the City of Rochester. In the first year following the year the land was annexed, the City shall make a cash payment to the Town of Cascade in an amount equal to 90% of the property taxes paid in the year the land was annexed; in the second year, an amount equal to 70% of the property taxes paid in the year the land was annexed; in the third year, an amount equal to 50% of the property taxes paid in the year the land was annexed; in the fourth year, an amount equal to 30% of the property taxes paid in the year the land was annexed; and in the fifth year, an amount equal to 10% of the property taxes paid in the year the land was annexed.

BE IT FURTHER RESOLVED, that all other provisions of Resolution 791A-00 shall remain in full force and effect the same as when originally approved.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 19TH DAY OF MAY, 2003.



PRESIDENT OF SAID COMMON COUNCIL

ATTEST: 

CITY CLERK

APPROVED THIS 20TH DAY OF MAY, 2003.




MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

PASSED AND ADOPTED BY THE TOWN OF CASCADE, MINNESOTA, THIS 5

DAY OF May, 2003.


CHAIRMAN OF TOWN BOARD

ATTEST: 
TOWN CLERK

annex\jtresk and.cas.doc

EXHIBIT A

A part of Parcels 2 and 3 of OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 79, Olmsted County, Minnesota, recorded in the office of the Olmsted County Recorder as Document No. 645749 described as follows:

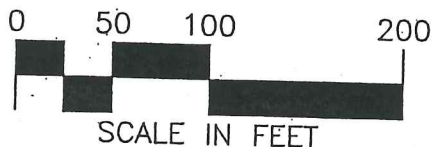
Commencing at the most southerly southwest corner of said PLAT NO. 79; thence North 14 degrees 04 minutes 14 seconds West (for the purposes of this description the bearing system is the same as that of said PLAT NO. 79) 952.26 feet along the westerly boundary of said PLAT NO. 79; thence South 75 degrees 55 minutes 46 seconds West along said plat boundary 127.53 feet; thence North 01 degrees 09 minutes 34 seconds West along said plat boundary 79.97 feet to the northerly right-of-way line of 28th Street N.W. as platted in CIRCLE DRIVE BUSINESS CENTER, Olmsted County, Minnesota, and point of beginning of the parcel being described; thence continue North 01 degree 09 minutes 34 seconds West along said PLAT NO. 79 boundary 378.91 feet to a boundary corner of said PLAT NO. 79; thence South 14 degrees 04 minutes 14 seconds East 369.33 feet to an easterly extension of said northerly right-of-way line of 28th Street N.W.; thence South 75 degrees 55 minutes 46 seconds West along said easterly extension 84.66 feet to the point of beginning.

Said parcel contains 0.359 acres more or less.

And also, a part of Parcels 2 and 3 of OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 79, Olmsted County, Minnesota, recorded in the office of the Olmsted County Recorder as Document No. 645749 described as follows:

Commencing at the most southerly southwest corner of said PLAT NO. 79; thence North 14 degrees 04 minutes 14 seconds West (for the purposes of this description the bearing system is the same as that of said PLAT NO. 79) 952.26 feet along the westerly boundary of said PLAT NO. 79; thence North 17 degrees 16 minutes 12 seconds West 78.07 feet to the point of beginning; thence North 17 degrees 16 minutes 12 seconds West 369.91 feet to the north corner of Outlot "A" of CIRCLE DRIVE BUSINESS CENTER FIFTH, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence South 14 degrees 04 minutes 14 seconds East along the east line of said Outlot "A" and the east line of Block 1 of said CIRCLE DRIVE BUSINESS CENTER FIFTH 369.33 feet to the southeast corner of lot 2 of said Block 1; thence North 75 degrees 55 minutes 46 seconds East along the south line of said Lot 2, a distance of 20.64 feet to the point of beginning.

Said parcel contains 0.09 acres more or less.



CERTIFICATE OF SURVEY
PART OF PARCELS 2 AND 3 OF OLMSTED
COUNTY HWY ROW PLAT NO. 79
OLMSTED COUNTY, MINNESOTA

REC'D BY
MMB

JUL 0.1 2003

MONUMENTS

- Set 1/2" Rebars
- Set 3/4" Iron Pipes
- Found Monuments
(Pipe, Rod, Etc.)

All monuments set have a plastic cap stamped L.S. 22422.

—●— CONTROLLED ACCESS

U.E. = UTILITY EASEMENT

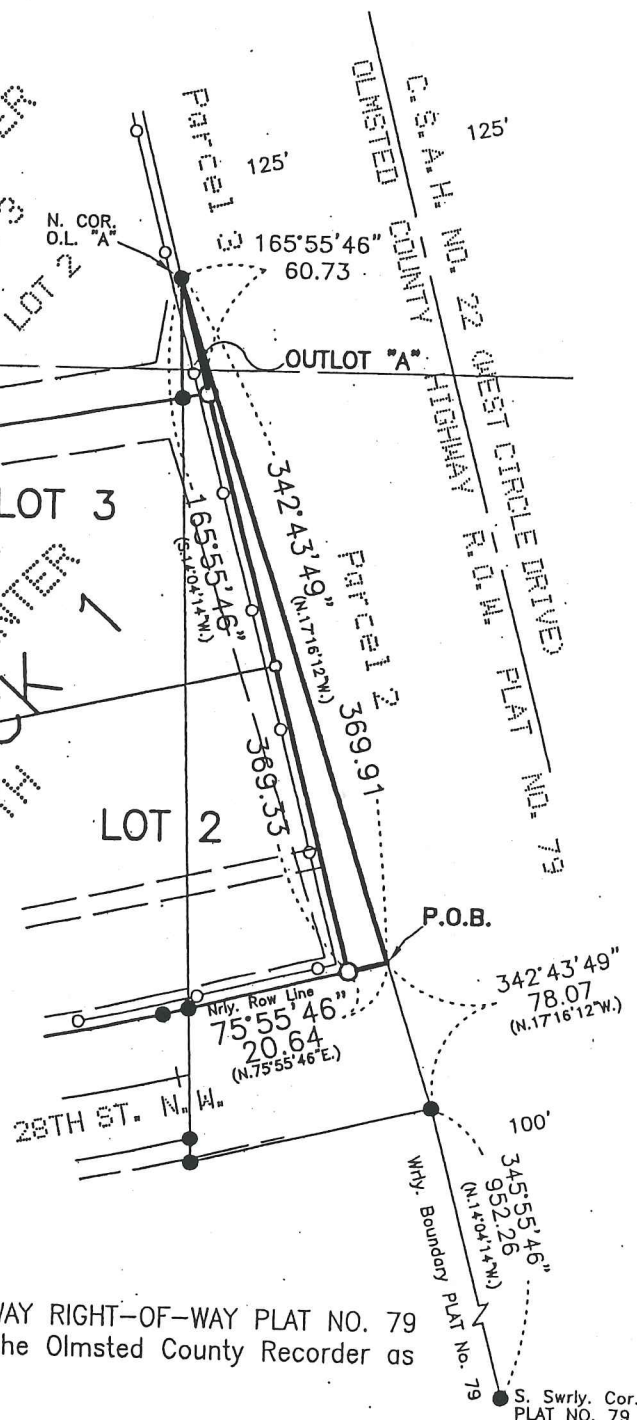
D.E. = DRAINAGE EASEMENT

BEARINGS

Bearings are Minnesota State Plane, Grid Azimuths measured to the right from grid north.

CIRCLE DRIVE
BUSINESS CENTER
BLOCK 3

CIRCLE DRIVE
BUSINESS CENTER
BLOCK 1
FIFTH



DESCRIPTION

A part of Parcels 2 and 3 of OLMSTED COUNTY HIGHWAY RIGHT-OF-WAY PLAT NO. 79 Olmsted County, Minnesota, recorded in the office of the Olmsted County Recorder as Document No. 645749, described as follows:

Commencing at the most southerly southwest corner of said PLAT NO. 79; thence North 14 degrees 04 minutes 14 seconds West (for the purpose of this description, the bearing system is the same as that of said PLAT NO. 79) 952.26 feet along the westerly boundary of said PLAT NO. 79; thence North 17 degrees 16 minutes 12 seconds West 78.07 feet to the point of beginning; thence North 17 degrees 16 minutes 12 seconds West 369.91 feet to the north corner of Outlot "A" of CIRCLE DRIVE BUSINESS CENTER FIFTH, according to the plat thereof on file at the County Recorder's office, Olmsted County, Minnesota; thence South 14 degrees 04 minutes 14 seconds West along the east line of said Outlot "A" and the east line of Block 1 of said CIRCLE DRIVE BUSINESS CENTER FIFTH 369.33 feet to the southeast corner of Lot 2 of said Block 1; thence North 75 degrees 55 minutes 46 seconds East along the south line of said Lot 2, a distance of 20.64 feet to the point of beginning.

Said tract contains 0.09 acres more or less.

PROJECT NUMBER 7915
7915cert02.DWG

DATE OF SURVEY 04/17/03

DRAFTED BY JRP

SURVEYED BY YCA

SURVEYED FOR
BADGER DEVELOPMENT L.L.C.

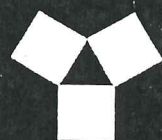
I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DOUGLAS G. RUDE LICENSE EXPIRES 6/30/04

4-17-03 22422
DATE NUMBER

ENGINEERS • ARCHITECTS
SURVEYORS • PLANNERS
LANDSCAPE ARCHITECTS

717 THIRD AVE. S.E.
ROCHESTER, MN
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E-MAIL: INFO@YAGGY.COM



**YAGGY
COLBY
ASSOCIATES**