

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF ROCHESTER)	<u>FINDINGS OF FACT</u>
AND CASCADE TOWNSHIP PURSUANT TO)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414)	AND ORDER

The joint resolution for orderly annexation submitted by the City of Rochester and Cascade Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On August 9, 2011, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City and the Township on June 6, 2011, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on August 1, 2011.
2. The joint resolution requests the designation and immediate annexation of certain property to the City of Rochester described as follows:

That part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northwest corner of said Quarter Quarter Section; thence South 01 degree 01 minutes 29 seconds West, assumed bearing along the west line thereof, 1316.39 feet to the southwest corner of said Quarter Quarter Section; thence South 89 degrees 27 minutes 45 seconds East, along the south line of said Quarter Quarter Section, 210.00 feet for the

point of beginning; thence continue South 89 degrees 27 minutes 45 seconds East, along said south line, 120.00 feet; thence North 01 degree 01 minute 29 seconds East, 150.00 feet; thence North 89 degrees 27 minutes 45 seconds West, 120.00 feet; thence South 01 degree 01 minutes 29 seconds West, 150.00 feet to the point of beginning.

Containing 18,000 square feet more or less.

AND,

That part of the West Half of the Northeast Quarter of Section 20, Township 107 North, Range 14 West, Olmsted County, Minnesota, lying westerly of the westerly right of way line of County State Aid Highway No. 22 as dedicated on OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75, according to the plat thereof on file and of record in the Office of the County Recorder, Olmsted County, Minnesota, and lying northerly of a line drawn 60.00 feet northerly of, adjacent to and parallel with the following described line: Commencing at the northwest corner of the West Half of said Northeast Quarter; thence South 00 degrees 24 minutes 17 seconds East, assumed bearing, along the west line of the said West Half of the Northeast Quarter 698.32 feet to the actual point of beginning of the line to be described; thence easterly a distance of 288.39 feet along a non tangential curve concave to the north having a radius of 1,913.00 feet, and a central angle of 08 degrees 38 minutes 15 seconds, the chord of said curve bears North 80 degrees 21 minutes 18 seconds East and is 288.12 feet in length; thence North 75 degrees 21 minutes 34 seconds East, not tangent to said curve, 95.41 feet; thence North 73 degrees 31 minutes 28 seconds East 167.51 feet; thence easterly a distance of 99.96 feet along a tangential curve concave to the south having a radius of 360.00 feet and a central angle of 15 degrees 54 minutes 35 seconds; thence North 89 degrees 26 minutes 03 seconds East, tangent to said curve, 521.89 feet to the west line of County State Aid Highway No. 22 as dedicated on said OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75, and said line terminating thereat.

All together containing 649,079.83 square feet (14.9 acres), more or less.

Together with:

A 120.00-foot parcel for public right of way, drainage and utility purposes over, under and across that part of the West Half of the Northeast Quarter of Section 20, Township 107 North, Range 14 West, Olmsted County, Minnesota.

The centerline of said right of way is described as follows: Commencing at the northwest corner of the said West Half of the Northeast Quarter; thence South 00 degrees 24 minutes 17 seconds East, assumed bearing, along the west line of the said West Half of the Northeast Quarter 698.32 feet to the actual point of beginning of the centerline to be described; thence easterly a distance of 288.39 feet along a non tangential curve concave to the north having a radius of 1,913.00 feet, and a central angle of 08 degrees 38 minutes 15 seconds, the chord of said curve bears North 80 degrees 21 minutes 18 seconds East; thence North 75 degrees 21 minutes 34 seconds East, tangent to said curve, 95.41 feet; thence North 73 degrees 31 minutes 28 seconds East 167.51 feet; thence easterly a distance of 99.96 feet along a tangential curve concave to the south having a radius of 360.00 feet and a central angle of 15 degrees 54 minutes 35 seconds; thence North 89 degrees 26 minutes 03 seconds East, tangent to said curve, 287.10 feet to a point herein after referred to as Point A; thence continue North 89 degrees 26 minutes 03 seconds East 234.79

feet to the west line of County State Aid Highway No. 22 as dedicated on OLMSTED COUNTY HIGHWAY RIGHT OF WAY PLAT NO. 75, according to the plat thereof on file and of record in the Office of the County Recorder, Olmsted County, Minnesota, and said centerline terminating thereat.

Together with that part of the said West Half of the Northeast Quarter lying southerly of the south line of the above described right of way, westerly of the west right of way line of said County State Aid Highway No. 22 and northerly of the following described line: Commencing at the above described Point A; thence South 00 degrees 33 minutes 57 seconds East 60.00 feet to the south line of the above described right of way and the actual point of beginning of the line to be described; thence South 86 degrees 42 minutes 58 seconds East 235.32 feet to the west line of said County State Aid Highway No. 22 and said line terminating thereat.

All together containing 142,635 square feet (3.27 acres), more or less.

The sidelines of the said right of way are to be lengthened or shortened to terminate on the west line of the said West Half of the Northeast Quarter and the west right of way line of said County State Aid Highway No. 22.

3. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

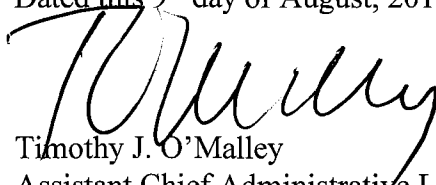
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Rochester, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, no reimbursement shall be made to the Township of Cascade by the City of Rochester.

Dated this 9th day of August, 2011.

A handwritten signature in black ink, appearing to read "Timothy J. O'Malley". The signature is written in a cursive style with a large initial "T" and "J".

Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit