

JUL 23 1985

A JOINT RESOLUTION OF THE CITY OF
ROCHESTER AND THE TOWN OF ROCHESTER
AMENDING A CERTAIN RESOLUTION
PREVIOUSLY ADOPTED BY SAID CITY AND
TOWN RELATIVE TO ORDERLY ANNEXATION

WHEREAS, on June 11, 1985, the Board of Supervisors of the Town of Rochester adopted a certain joint resolution establishing a process of orderly annexation of certain lands in said township to the City of Rochester; and,

WHEREAS, on June 17, 1985, the Common Council of the City of Rochester adopted the same joint resolution; and,

WHEREAS, the staff of the Minnesota Municipal Board subsequently recommended that certain provisions of said resolution should be clarified; and,

WHEREAS, it is the judgment of the governing bodies of the Town and City that the joint resolution previously adopted should be amended in certain respects to clarify certain provisions contained therein.

NOW, THEREFORE, BE IT RESOLVED jointly by the Common Council of the City of Rochester and the Board of Supervisors of the Town of Rochester that the joint resolution pertaining to orderly annexation previously adopted be amended in the following respects:

1. Paragraph 3 of said joint resolution is amended to read as follows:

3. Procedure:

- (a) It is the intent of the parties that the lands contained in Area No. 1 shall be annexed to the City as soon as possible. Therefore, the Minnesota Municipal Board may immediately order said annexation following receipt and review of this joint resolution. A legal description of the lands contained in Area No. 1 is contained in "Exhibit B" attached hereto and made a part hereof.

- (b) Thereafter, an annexation shall be accomplished by the City by means of adoption of resolution. At the time said resolution is passed and adopted by the City, the City shall also adopt a resolution providing for an extension of water and sanitary sewer service to serve the annexed area, to be installed in the annexed area not later than the next year after the annexation, unless unforeseen circumstances make it impossible to provide said services within said time.

It is the intent of the parties to this resolution that prior to adoption of such resolution providing for an annexation no review of or recommendation regarding the annexation will be necessary by the Rochester Planning and Zoning Commission. The resolution shall be filed with the Minnesota Municipal Board, the Town, the Olmsted County Auditor, the Minnesota Secretary of State, and is effective when approved by the Minnesota Municipal Board. No hearing before the Minnesota Municipal Board, shall be required in order for the Municipal Board to approve the annexation provided for in said resolution.

II. Paragraph 4 of said joint resolution is amended to read as follows:

4. Accelerated Annexation: Notwithstanding the schedule set forth in paragraph (2), any lands contained in the orderly annexation area may be annexed to the City by resolution prior thereto whenever:

- (a) A majority of the property owners in any enumerated area submit a petition for annexation or otherwise indicate their interest to the City or Town in being annexed and receiving sanitary sewer and water service. The City may consider annexation of said lands after first having the proposal reviewed by the City Planning and Zoning Commission and receiving a recommendation from that body.
- (b) A landowner abuts the City limits and said landowner files a petition for annexation. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition.

No hearing before the Minnesota Municipal Board shall be required in order for the Municipal Board to approve the annexation provided for in said resolution.

Provided further, that upon the recommendation of the Olmsted County Health Department that the continued maintenance of private sewer systems in the orderly annexation area present a threat to public or private water supplies, the parties hereto may revise the annexation schedule otherwise set forth in paragraph (2).

BE IT FURTHER jointly resolved that the remaining provisions of the previously adopted joint resolution shall remain in full force and effect.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE
TOWN OF ROCHESTER, MINNESOTA, THIS 11th DAY OF JULY, 1985.

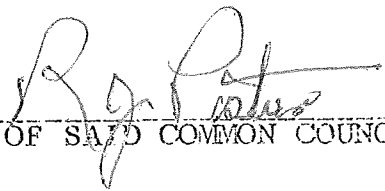
by

by

by

Attest:

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 15TH DAY OF JULY, 1985.



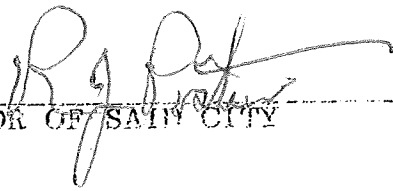
PRESIDENT OF SAID COMMON COUNCIL

ATTEST:



CITY CLERK

Approved this 16TH day of JULY, 1985.



MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

JUL 23 1985

A JOINT RESOLUTION OF THE CITY OF
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- (b) Thereafter, an annexation shall be accomplished by the City by means of adoption of resolution. At the time said resolution is passed and adopted by the City, the City shall also adopt a resolution providing for an extension of water and sanitary sewer service to serve the annexed area, to be installed in the annexed area not later than the next year after the annexation, unless unforeseen circumstances make it impossible to provide said services within said time.

It is the intent of the parties to this resolution that prior to adoption of such resolution providing for an annexation no review of or recommendation regarding the annexation will be necessary by the Rochester Planning and Zoning Commission. The resolution shall be filed with the Minnesota Municipal Board, the Town, the Olmsted County Auditor, the Minnesota Secretary of State, and is effective when approved by the Minnesota Municipal Board. No hearing before the Minnesota Municipal Board, shall be required in order for the Municipal Board to approve the annexation provided for in said resolution.

VI. Paragraph 4 of said joint resolution is amended to read as follows:

4. Accelerated Annexation: Notwithstanding the schedule set forth in paragraph (2), any lands contained in the orderly annexation area may be annexed to the City by resolution prior thereto whenever:

- (a) A majority of the property owners in any enumerated area submit a petition for annexation or otherwise indicate their interest to the City or Town in being annexed and receiving sanitary sewer and water service. The City may consider annexation of said lands after first having the proposal reviewed by the City Planning and Zoning Commission and receiving a recommendation from that body.
- (b) A landowner abuts the City limits and said landowner files a petition for annexation. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition.

No hearing before the Minnesota Municipal Board shall be required in order for the Municipal Board to approve the annexation provided for in said resolution.

Provided further, that upon the recommendation of the Olmsted County Health Department that the continued maintenance of private sewer systems in the orderly annexation area present a threat to public or private water supplies, the parties hereto may revise the annexation schedule otherwise set forth in paragraph (2).

BE IT FURTHER jointly resolved that the remaining provisions of the previously adopted joint resolution shall remain in full force and effect.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE
TOWN OF ROCHESTER, MINNESOTA, THIS 11th DAY OF JULY, 1985.

by

by

by

Attest:

Louise Halling

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 15TH DAY OF JULY, 1985.



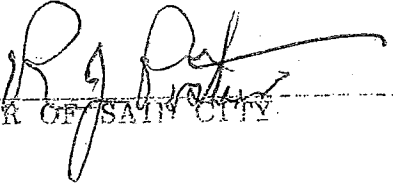
PRESIDENT OF SAID COMMON COUNCIL

ATTEST:



CITY CLERK

Approved this 16TH day of July, 1985.



MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

REC'D BY JUL 24 1985

Orderly Annexation Agreement--Rochester Township
Area 2

PLATTED LANDS

West $\frac{1}{2}$ of lot 1 and all of lots 2 and 3, Block 1; Lots 2, 3, 5, and 6 less the East 100 feet of lot 5, Block 2; Lots 1-3, Block 7; Lots 1-5, Block 8; Lots 1-4 and the North $\frac{1}{2}$ of lot 5 Block 9; Lots 1 and 2, Block 13; Lots 1, 2, 4, and 5, Block 14; and Lot 2, Block 15 in Golden Hill Addition.

Lots 3, 6-10 and 12-15 in Toogood's Subdivision.

Lots 1-26 in the plat of Toogood Plaza.

Lot 7 in the plat of Toogood Terrace.

Lots 1-9 Block 1; 1-8 Block 2; 1-3 Block 4 in Hilmer's High View Acres.

Together with the public right of ways dedicated by the plat of the Golden Hill Addition, Toogood's Subdivision, Toogood Plaza, Toogood Terrace and Hilmer's High View Acres.

Together with the public right of way for County Road 25 (16th Street SW) adjacent to the W $\frac{1}{2}$ Lot 1, Block 1, Golden Hill Addition, Lot 7, Toogood Terrace and Lot 3, Toogood's Subdivision.

Area 2
UNPLATTED LAND

The North 100 feet of the west 212.33 feet of the $S\frac{1}{2}$, $NE\frac{1}{4}$, $SW\frac{1}{4}$, Section 11 Township 106 North, Range 14 West.

Commencing for a place of beginning at a point in the East line of the Northwest Quarter of the Southwest Quarter of Section 11, Township 106 North, Range 14 West, which is 440 feet South of the northeast corner thereof and running thence South along said East line 303.3 feet; thence West parallel with the North line of said Southwest Quarter a distance of 427 feet; thence deflecting to the right 60 degrees 0 minutes for a distance of 195.4 feet, more or less, to the center of County Road D; thence northeasterly along the center of said road to a point which is 440 feet South of the North line of said Southwest Quarter; thence East parallel with the North line of said Southwest Quarter a distance of 422 feet; more or less, to the place of beginning. Containing 3.15 acres, more or less.

Commencing at the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 11, Township 106 North, Range 14 West, for a place of beginning, and running thence North 20.9 feet to the center of County Road D; thence South 89 degrees 22 minutes West 54.5 feet; thence deflecting to the left along said center line on a 29 degree curve delta angle 63 degrees 17 minutes for a distance of 218.2 feet; thence along said centerline tangent to said curve South 26 degrees 05 minutes West to a point which is 440 feet South of the North line of said Southwest Quarter; thence East parallel with said North line 422 feet more or less to the East line of said Northwest Quarter of the Southwest Quarter of said section; thence North along the East line of said Northwest Quarter a distance of 440 feet to the place of beginning. Containing 3.06 acres of land, more or less.

Area 3
PLATTED LAND

Lots 1-10 of Kleist Replat.

Lots 1, 2, 4, 9-22 and 24-33 less the north 178 feet of lot 14 in Oak Hills Subdivision.

Together with the public right of way dedicated by the plat of Oak Hills Subdivision and Kleist Replat lying adjacent to the described lots.

Area 3
UNPLATTED LAND

Highway 63 right-of-way lying between the North Line of the SE $\frac{1}{4}$, Section 14, Township 106 North, Range 14 West and the South Line of the North $\frac{1}{2}$ of the SE $\frac{1}{4}$ Section 14 Township 106 North, Range 14 West, except U.S. Highway 63 right-of-way East of Lot 23, Oak Hills Subdivision.

Area 4
PLATTED LANDS

Lots 2-8 in Elmcroft Subdivision.

Lots 9-14 in Elmcroft Subdivision No. 2.

Lots 1-22 and Out lot No. 1, in Elmcroft Third Addition.

Together with public right of way dedicated by the plat of Elmcroft Subdivision, Elmcroft Subdivision No. 2 and Elmcroft Third Addition lying adjacent to the described lots.

Area 4
UNPLATTED LANDS

Commencing at the Northeast corner of said Northwest Quarter and running thence West along the North line thereof a distance of 216 feet; thence South parallel with the East line thereof a distance of 173 feet; thence West parallel with said North line a distance of 150 feet; thence North parallel with the East line thereof a distance of 173 feet, to the North line of said Southwest Quarter (SW $\frac{1}{4}$); thence West along the North line thereof to the East right-of-way line of U.S. Trunk Highway No. 52; thence Southeasterly along said right-of-way line to the East line of said Northwest Quarter (NW $\frac{1}{4}$); thence North along the East line thereof to the place of beginning.

The West One Hundred Fifty (W. 150) feet of the East Three Hundred Sixty-six (366) feet of the North One Hundred Seventy-three (N. 173) feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Fourteen (14), Township One Hundred Six (106), Range Fourteen (14), Olmsted County, Minnesota, subject to the rights of the public in the North 33 feet thereof, now being used as a township road.

Area 5
PLATTED LANDS

Lots 108 in Friedrich's First Subdivision,
Lots 1-8 in Schwanke's First Subdivision,
Lots 1-17 in Schwanke's Second Subdivision,
and

Lots 1-9 in Paradise Acres Subdivision.

Together with public right of way dedicated by the plats of Friedrich's First Subdivision, Schwanke's First and Second Subdivisions, and Paradise Acres Subdivision lying adjacent to the described lots.

Area 5

UNPLATTED LANDS

The West 107 feet of the East 515 feet of the North 187 feet of the Southwest Quarter of the Southeast Quarter of Section 14, Township 106 North, Range 14 West.

A parcel of land located in the County of Olmsted, State of Minnesota, described as follows: Commencing at the Northeast corner of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Fourteen (14), and running thence West along the North line of said Quarter, i.e. Southwest Quarter (SW $\frac{1}{4}$), a distance of Two Hundred Eight-two (282) feet for a place of beginning, thence South parallel with the East line of said Southwest Quarter (SW $\frac{1}{4}$) a distance of Two Hundred Twenty (220) feet, thence West parallel with the North line One Hundred Twenty-six (126) feet, thence North Two Hundred Twenty (220) feet to the North line of said Southwest Quarter (SW $\frac{1}{4}$) thence East along the North line thereof One Hundred Twenty-six (126) feet to beginning, containing

The West 107 feet of the East 282 feet of the North 220 feet of the Southwest Quarter of the Southeast Quarter of Section 14, Township 106, Range 14.

The North One Hundred Eighty-seven (187) feet of that part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Fourteen (14) in Township One Hundred Six (106) North of Range Fourteen (14) West, which lies West of the center line of Trunk Highway No. 63, subject to the rights of the State of Minnesota in that part taken for highway purposes.

Commencing at the northeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 14, Township 106 North of Range 14 West, thence West along the north line of said Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said section, a distance of 515 feet for a place of beginning, thence south parallel with the east line thereof a distance of 187 feet, thence west parallel with the north line thereof a distance of 233 feet, thence north parallel with the east line thereof a distance of 187 feet to the north line thereof, thence east along the north line thereof a distance of 233 feet to the place of beginning.

Area 5
UNPLATTED LANDS CON'T.

Commencing at the Northeast corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section Fourteen (14), Township One Hundred Six (106), Range Fourteen (14); thence west along the north line of said Southwest Quarter (SW 1/4) a distance of 175 feet; thence south parallel with the east line of said Southwest Quarter (SW 1/4) a distance of 220 feet for a place of beginning; thence south parallel with the east line of said Southwest Quarter (SW 1/4) a distance of 467.8 feet; thence deflect to the right 90°15' in a westerly direction, a distance of 100 feet; thence north parallel with the east line of said Southwest Quarter (SW 1/4) a distance of 469.3 feet; thence east a distance of 100 feet to the place of beginning.

Commencing at the Northeast corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section Fourteen (14), Township One Hundred Six (106), Range Fourteen (14), Olmsted County, Minnesota; thence West along the North line of said Southwest Quarter (SW 1/4) a distance of 275 feet; thence south parallel with the east line of said Southwest Quarter (SW 1/4) a distance of 220 feet for a place of beginning; thence south 469.3 feet; thence deflect to the right 90°15' in a westerly direction a distance of 100 feet; thence north parallel with the east line of said Southwest Quarter (SW 1/4) a distance of 470.8 feet; thence east a distance of 100 feet to the place of beginning.

That part of the Southeast 1/4 of the Southwest 1/4 and of the Southwest 1/4 of the Southeast 1/4 of Section 14, Township 106, North of Range 14 West in Olmsted County, Minnesota, described as follows: Commencing for a place of beginning at the Southeast corner of Lot 1, Schwanke's Second Subdivision and running South along the West line of Lots 5 and 4 of Schwanke's First Subdivision to the easterly right of way line of U S Trunk Highway No. 52, thence Northwesterly along the said right of way line to point in the Southwesterly line of Lot 3, Schwanke's Second Subdivision, thence Easterly along the Southerly line of Lots 3, 2, and 1 of Schwanke's Second Subdivision a distance of 323 feet more or less to the place of beginning. Intending to convey the lands lying South of Schwanke's Second Subdivision West of Schwanke's First Subdivision and Easterly of the Easterly right of way line of Trunk Highway No. 52.

Area 5

UNPLATTED LANDS CON'T.

A tract of land described by metes and bounds as follows: Commencing at the Northeast Corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section Fourteen (14), Township One Hundred Six (106), Range Fourteen (14), Olmsted County, Minnesota, thence running South on the East line of said Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) a distance of 187 feet, thence running West parallel with the North line of said Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) a distance of 175.6 feet, thence running North a distance of 187 feet to the North line of said Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), thence East along said North line of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) a distance of 175 feet to the place of beginning.

That part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 106, North of Range 14 West in Olmsted County, Minnesota, described as follows: The South 150 feet of the North 609.8 feet of the East 175 feet thereof, and also that part of the Southeast Quarter of the Southeast Quarter of said section described as follows: The South 150 feet of the North 609.8 feet of that part lying West of the West right of way line of Trunk Highway No. 63.

That part of the Southwest Quarter of the Southeast Quarter of Section 14, Township 106, Range 14, described as follows: The south 65.8 feet of the north 684.8 feet of the east 175 feet thereof; and also that part of the Southeast quarter of the Southeast Quarter of Section 14, Township 106, Range 14 described as follows: Commencing at the northwest corner and running thence south along the west line thereof, 619.0 feet for a place of beginning; thence east parallel with the north line thereof 100.2 feet to the west right of way line of U. S. Trunk Highway No. 63; thence southerly along said right of way line, 65.07 feet; thence westerly 95.9 feet; thence north 65.80 feet to the place of beginning; also that part of the Southwest Quarter of the Southeast Quarter of said Section 14 described as follows: The North 9.2 feet of the South 75 feet of the North 684 feet of the East 175 feet thereof; and also that part of the Southeast Quarter of the Southeast Quarter of said Section 14 described as follows: Commencing at the northwest corner and running thence south along the west line thereof, 619 feet for a place of beginning; thence east parallel with the north line thereof 100.2 feet to the west right of way line of U. S. Trunk Highway No. 63; thence northerly along said right of way line, 9.3 feet; thence westerly 100.2 feet; thence southerly 9.2 feet to the place of beginning; subject to easements, covenants and restrictions which of record appear;

Area 5

UNPLATTED LANDS CON'T.

The South 272.8 feet, except the North 33 feet thereof for roadway purposes, of the North 459.8 feet of the East 175 feet of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section Fourteen (14), Township One Hundred Six (106) North, Range Fourteen (14) West; and also the South 272.8 feet, except the North 33 feet thereof for roadway purposes, of the North 459.8 feet of that part of the Southeast Quarter of the Southeast Quarter (SE 1/4 of SE 1/4) of Section Fourteen (14), Township One Hundred Six (106) North, Range Fourteen (14) West which lies West of the West line of U.S. Trunk Highway No. 63, Olmsted County, Minnesota.

That part of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Fourteen (14), Township One Hundred Six (106), Range Fourteen (14), lying West of Schwanke's Second Subdivision and East of U.S. Trunk Highway No. 52 described as follows; to-wit: Commencing at the Northwest corner of Lot Thirteen (13), Schwanke's Second Subdivision for a place of beginning and running thence South along the West line of said lot a distance of 206.9 feet to the Easterly right-of-way line of U.S. Trunk Highway No. 52, thence Northwesterly along said right-of-way line a distance of 303.91 feet to a point in the North line of said Southeast Quarter (SE 1/4), thence East along the North line thereof a distance of 222.69 feet to the place of beginning. Also an Easement for ingress and egress to the above described real estate over a strip of land twelve (12) feet in width lying on the Northerly side of the following described line: Commencing at the Southeast corner of Lot Thirteen (13), Schwanke's Second Subdivision, and running thence West along the South line of said Lot Thirteen (13) a distance of 129.0 feet, thence deflecting to the right in a Northwesterly direction 26°38' a distance of 80 feet to a point in the West line of said Lot Thirteen (13) which is 358.0 feet North of the Southwest corner thereof.

That part of the SE 1/4-SW 1/4, Section 14, Township 106, Range 14, Olmsted County, Minnesota, described as follows: Commencing for a place of beginning at the Northeast corner of Lot Ten (10), Schwanke's Second Subdivision, and running thence East a distance of 30.34 feet to the Northwest corner of Lot Nine (9) of said Subdivision, thence Southerly along the West line of said Lots 9 and 8 a distance of 241.87 feet, thence Southeasterly along the Westerly line of Lots 8 and 7 a distance of 116.90 feet to the Southwesterly corner of said Lot 7, thence Southeasterly along the Westerly line of Lots 6 and 5 of said Subdivision to a point in the Southwesterly line of Lot 5 which is a distance of 92.2 feet from the Northwesterly corner of said Lot 5, and the Easterly right of way line of U. S. Trunk Highway No. 52, thence Northwesterly along said right of way line a distance of 511.95 feet to a point in the South line of Lot 12 in said subdivision, thence Easterly along the South line of Lots 12, 11 and 10 a distance of 211.77 feet to the Southeasterly corner of said Lot 10, thence Northerly along the Easterly line of Lot 10 a distance of 202.24 feet to the place of beginning. Intending to convey that part of said SE 1/4-SW 1/4 lying Easterly of the Easterly right of way line of U. S. Trunk Highway No. 52 and Westerly of that part of Schwanke's Second Subdivision above described. Subject to covenants, easements and restrictions of record.

Together with the public right of way for U.S. Trunk Highway 63 between the North line of S 1/2, SE 1/4, Section 14 Township 106 North, Range 14 West and the South line Section 14, Township 106 North, Range 14 West.

Area 6
PLATTED LANDS

Lots 1-3 in Schulz First Subdivision.

Lots 1-13 in Forest Hills Subdivison.

Lots 1-30 in Forest Hills Second Subdivison

Lots 1-12 in Forest Hills Third Subdivision

Lots 1-8 in Forest Hills Fourth Subdivision

Lots 1-4 and Outlots A, B, and C in Forest Hills Fifth Subdivision

Together with public right of ways dedicated by the plats of Schulz First Subdivision, Forest Hills Subdivision, and Forest Hills Second, Third, Fourth and Fifth Subdivisions.

Area 6
UNPLATTED LANDS

U.S. Trunk Highway 52 right of way from the North line of 20th Street SW extended to the East line of the W $\frac{1}{2}$ Section 24 Township 106 North Range 14 West.

U.S. Trunk Highway 63 right of way from the North line Section 23, to the South line of the Northeast $\frac{1}{4}$, Section 23, Township 106 North, Range 14 West.

A part of the South One-Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Fourteen (14), Township One Hundred Six (106), Range Fourteen (14), Olmsted County, Minnesota, described as follows: Commencing at a point on the East line of said Quarter Section where the center line of Twenty-third (23rd) Street Southwest as platted in Hilmer's Highview Acres Number Two (2) intersects the East line of said Quarter Section, thence West at right angles to the East line of said Quarter Section a distance of 1203.6 feet, thence South at right angles a distance of 33 feet for a point of beginning, thence West at right angles a distance of 495 feet, thence South at right angles a distance of 440 feet, thence East at right angles a distance of 495 feet, thence North at right angles a distance of 440 feet to the place of beginning.

Commencing at a point in the East line of said Quarter Section where the center line of 23rd Street S. W., as platted in Hilmer's Highview Acres, Olmsted County, Minnesota, intersects the East line of said Quarter Section; thence West at right angles to the East line of said Quarter Section a distance of 213.6 feet; thence South at right angles a distance of 33.0 feet for a point of beginning; thence West at right angles a distance of 990.0 feet; thence South at right angles a distance of 440.0 feet; thence East at right angles a distance of 990.0 feet; thence North at right angles a distance of 440.0 feet to the point of beginning. Also an easement for ingress and egress by pedestrian and vehicular traffic over and across a strip of land 66 feet in width being 33 feet on each side of the following described centerline:

Beginning at a point in the East line of the Southeast Quarter of the Northwest Quarter of Section 14, Township 106 North, Range 14 West, where the centerline of 23rd Street S.W. as platted in Hilmer's Highview Acres, Olmsted County, Minnesota, intersects the East line of said quarter section; thence West at right angles to said quarter section a distance of 1203.6 feet and there terminating, which grantors hereby dedicate for public road purposes

Except the following:

Commencing at the southeast corner of said Northwest Quarter; thence northerly on a Minnesota State Plane Grid Azimuth from north of 358 degrees 23 minutes 35 seconds along the east line of said Northwest Quarter 695.37 feet; thence westerly 268 degrees 23 minutes 35 seconds azimuth 213.60 feet to the point of beginning; thence continuing westerly 268 degrees 23 minutes 35 seconds azimuth 49.40 feet; thence southwesterly on a tangential curve concave to the southeast having a radius of 133.00 feet and a central angle of 90 degrees 00 minutes 00 seconds 268.92 feet; thence southerly 178 degrees 23 minutes 35 seconds azimuth 5.64 feet; thence easterly 88 degrees 23 minutes 35 seconds azimuth 182.40 feet; thence northerly 358 degrees 23 minutes 35 seconds azimuth 138.64 feet to the point of beginning.

**A JOINT RESOLUTION OF THE CITY
OF ROCHESTER AND TOWN OF
ROCHESTER RELATING TO ORDERLY
ANNEXATION**

WHEREAS, certain lands contained in the Town of Rochester (hereinafter "Town") described in "Exhibit A" appended hereto and made a part hereof, are urban or suburban in character or about to become so; and

WHEREAS, the establishment of a process of orderly annexation of said lands will be of benefit to the residents and owners of said lands, and permit the City of Rochester (hereinafter "City") to extend necessary municipal services in a planned and efficient manner; and

WHEREAS, Minnesota Statutes §414.0325 (1984) provides a procedure whereby the City and Town may agree on a process of orderly annexation of a designated area of a town; and

WHEREAS, the City and Town have determined that no alteration of the stated boundaries of the area identified in "Exhibit A" hereto is appropriate, and that no consideration by the Minnesota Municipal Board is necessary prior to any annexation under the procedure established by this joint resolution.

NOW, THEREFORE, BE IT RESOLVED jointly by the Common Council of the City of Rochester and the Board of Supervisors of the Town of Rochester as follows:

1. Orderly Annexation Area Described: The lands designated as Areas 1 through 6 in "Exhibit A" appended hereto shall be subject to future annexation to the City pursuant to the terms and conditions of this resolution, and constitute the "orderly annexation area" otherwise described in this resolution.

The quantity of land contained in the parcels described as Areas No. 1 through No. 6, inclusive, are as follows:

Area No. 1	62 Acres
Area No. 2	74 Acres
Area No. 3	50 Acres
Area No. 4	53 Acres
Area No. 5	62 Acres
Area No. 6	201 Acres

2. Schedule: It is the intent of the parties that the lands contained in the orderly annexation area may be annexed by the City on or before July 1 in the year set forth further herein, according to the procedures established by paragraphs (3) and (4) of this resolution:

<u>Area</u>	<u>Year</u>
No. 1	1985
No. 2	1986
No. 3	1987
No. 4	1988
No. 5	1989
No. 6	1990

3. Procedure:

- (a) It is the intent of the parties that the lands contained in Area No. 1 shall be annexed to the City as soon as possible. Therefore, the Minnesota Municipal Board may immediately order said annexation following receipt and review of this joint resolution. A legal description of the lands contained in Area No. 1 is contained in "Exhibit B" attached hereto and made a part hereof.
- (b) Except for the lands contained in Area No. 1, an annexation shall be accomplished by the City by means of adoption of an ordinance. At the time the ordinance is passed and adopted by the City, the City shall also adopt a resolution providing for an extension of water and sanitary sewer service to serve the annexed area, to be installed in the annexed area not later than the next year after the annexation, unless unforeseen circumstances make it impossible to provide said services within said time.

It is the intent of the parties to this resolution that prior to adoption of such an ordinance, no review or recommendation of the annexation will be necessary by the Rochester Planning and Zoning Commission. The ordinance shall be filed with the Minnesota Municipal Board, the Town, the Olmsted County Auditor, the Minnesota Secretary of State, and is effective when approved by the Minnesota Municipal Board. No hearing before the Minnesota Municipal Board, pursuant to Minnesota Statutes §414.0325, Subd. 2, shall be required in order for the Municipal Board to approve the ordinance.

4. Accelerated Annexation: Notwithstanding the procedure set forth in paragraph (3), any lands contained in the orderly annexation area may be annexed by the City prior to the date set forth in paragraph (2) whenever:

- (a) a majority of the property owners in any enumerated area submit a petition for annexation or otherwise indicate their interest to the City or Town in being annexed and receiving sanitary sewer and water service. The City may consider annexation of said lands after first having the proposal reviewed by the City Planning and Zoning Commission and receiving a recommendation from that body.
- (b) a landowner abuts the City limits and said landowner files a petition for annexation. Any such petition for annexation shall proceed in the same manner as any other annexation petition elsewhere in the City.

Provided further, that upon the recommendation of the Olmsted County Health Department that the continued maintenance of private sewer systems in the orderly annexation area present a threat to public or private water supplies, the parties hereto may revise the annexation schedule otherwise set forth in paragraph (2).

5. Mill Rate Adjustment: Following annexation of any of the lands subject to this resolution, if the mill rate is higher in the City than in the Town, it shall be increased in equal increments over a period of three years, commencing in the first year the City is entitled to receive the tax revenues collected for the lands annexed. This shall continue over the three year period until the mill rate in the area so annexed is equal to the mill rate for the City. The amount of the annual mill rate increase shall be determined each year once the mill rates for the Town and the City have been determined.

6. Minimum Public Services: For already developed lands annexed pursuant to this resolution, it is the City's intention to provide only sanitary sewer and water service following annexation. Thereafter, any additional local improvement would be installed by the City in an annexed area:

- (a) upon a petition brought pursuant to Minnesota Statutes, Chapter 429, by the benefited property owner or owners; or,
- (b) in such instance as three-fourths (3/4) of the Common Council may determine it is in the public interest

of the citizens of the City and any lands to be assessed to construct such local improvement.

7. Subdivision Regulations and Zoning Ordinance: Following adoption of this resolution, the City shall extend coverage to the orderly annexation area of the subdivision regulations and zoning ordinance of the City.
8. Urban-Rural Service District: Following adoption of this resolution, the City shall designate, where appropriate, such annexed lands as a part of the rural service district, in order that such may be taxed at a lower mill rate.
9. Financial Assistance: The City will consider providing financial assistance to low income families to reduce the assessments for sewer and water installations in newly annexed areas, to the extent that funding for such purposes may be available. However, the general practice of the City is to assess the full costs of sewer and water installations against benefited property.
10. Attachment to City Water: The City shall not compel any individual parcel in an annexed area to be attached to the City water system for a period of two years after City water is made available to said parcel. This provision shall not signify any intent on the part of the City to defer the assessment for said water system merely because an annexed property is not immediately attached to said system when it is available.
11. This resolution shall be effective immediately upon its adoption by the parties and its filing, by the City and Town, with the Minnesota Municipal Board. The obligations of the parties to one another according to the terms of this resolution shall terminate on January 1, 1993, unless thereafter extended by the parties.

Passed and adopted by the Common Council of the City of Rochester this 17 day of June, 1985.



President of Said Common Council

Attest:



City Clerk

Approved this 18 day of June, 1985.

Chuck Hazen

Mayor of Said City

Passed and adopted by the Board of Supervisors of the Town of Rochester this 11th day of June, 1985.

by

David Hertz

by

Bill Rabehl

by

William J. Summit

Attest

Louise Halling

JUN 26 1985

"EXHIBIT B"

LEGAL DESCRIPTION OF AREA NO. 1

ROCHESTER TOWNSHIP-CITY OF ROCHESTER ORDERLY ANNEXATION AGREEMENT

Platted Lands

Lot 3, Block 13; Lots 3 and 6, Block 14; Lot 3, Block 15; Lots 1, 2, 3, and South 2/3 (two-thirds) of lot 5, Block 21; Lots 1, 2, and 3 block 19 - in Golden Hill Addition. Together with the public right of way dedicated by the plat of Golden lying adjacent to the described lots.

All of (Lots 1-10) Spicer's Replat of Block 20 of Golden Hill Addition together with the public right of way dedicated by the plat lying adjacent to the described lots.

Block 5 & Lots 1-6, Block 3 - in Hilmer's High View Acres. Together with the public right of way dedicated by the plat and lying adjacent to the above described lots and that area shown in the above described plat as "future road."

Outlot No. 1 and Lots 2, 8, and 9, Block 3 in Knollwood Acres. Together with the public right of way dedicated by this plat lying adjacent to the described lots.

Lots 1, 2, 7, 8, and the West 83.22 feet of Lot 6 in Neill's Subdivision of Outlot No. 2 Knollwood Acres. Together with the public right of way dedicated by this plat lying adjacent to the described lots.

Lots 1, 2, and 3 Block 2; Lots 1 and 2, Block 3; Lots 1, 2, 3, 4, 5, and 6, Block 5; and Lots 2, 3, and 4, Block 6 in Hilmer's High View Acres No. 2 together with the public right of way dedicated by this plat lying adjacent to the described lots.

Unplatted Lands

All that part of the Southeast quarter of the Southwest quarter of Section 11, Township 106 North, Range 14 West less lands in said quarter quarter platted as Hilmer's High View Acres.

That part of the Northeast quarter of the Northwest quarter of Section No. Fourteen (14) in Township One Hundred Six (106) North of Range No. Fourteen (14) West, described as follows: Commencing at the Northwest corner of said Northeast quarter, running thence due East along the North line of said Section a distance of One Hundred Twenty (120) feet for a place of beginning; running thence due South at a right angle to said North line a distance of Two Hundred (200) feet; thence due East a distance of One Hundred Twenty (120) feet; thence due North a

distance of Two Hundred (200) feet to the North line of said Section; thence West along said North line a distance of One Hundred Twenty (120) feet to the place of beginning; subject to an easement over the North Thirty-Three (33) feet thereof for a public roadway.

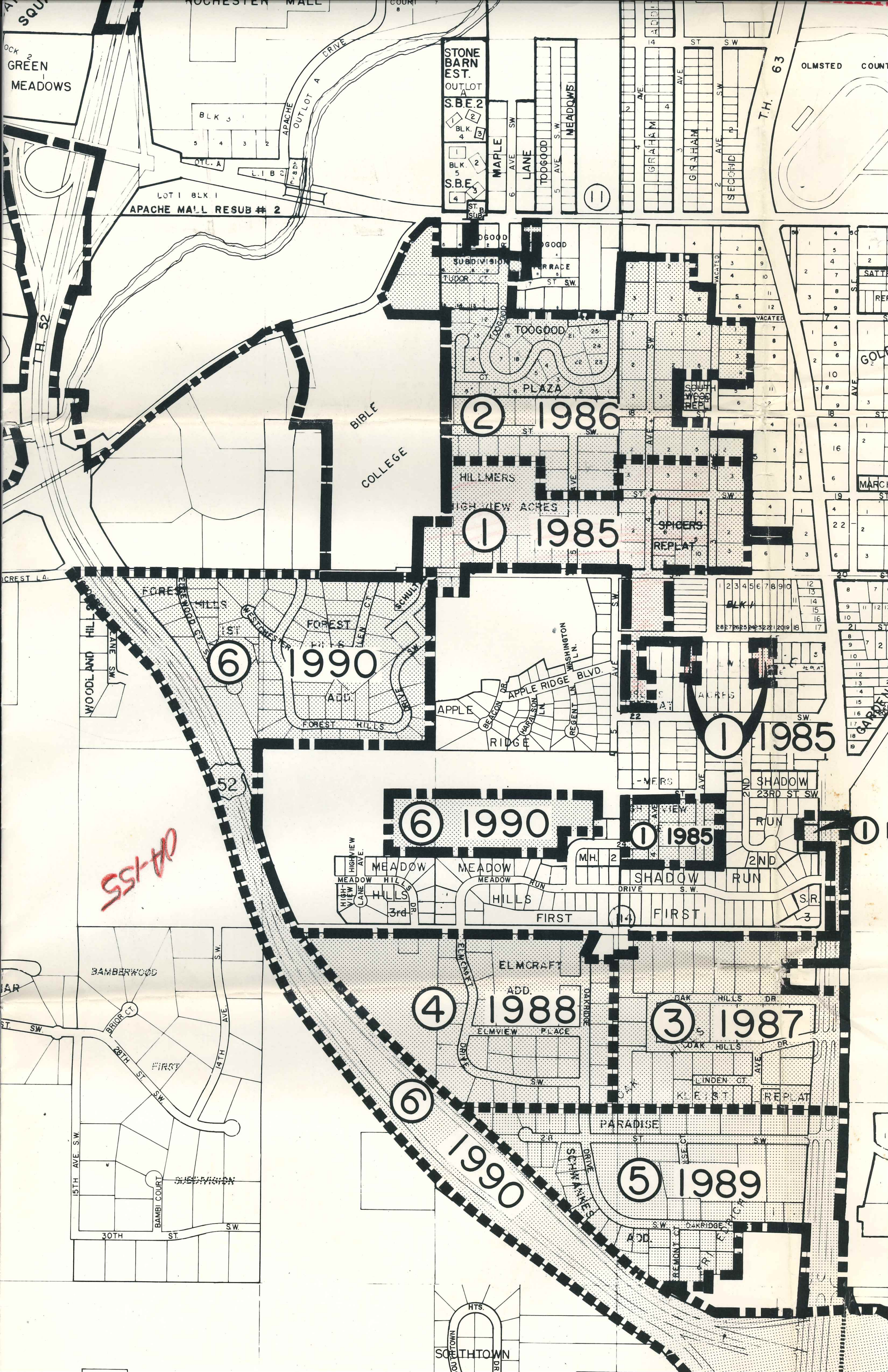
Commencing at the northwest corner of the Northeast quarter of the Northwest quarter of Section No. Fourteen (14) in Township No. One Hundred Six (106) North of Range No. Fourteen (14) West, running thence east along the north line thereof a distance of One Hundred Twenty (120) feet, running thence south at right angles to said north line a distance of Two Hundred (200) feet, running thence west a distance of One Hundred Fifteen and 90/100 (115.90) feet to the west line of said Northeast quarter, running thence north along said west line a distance of Two Hundred (200) feet to the place of beginning; subject to the easement of existing highways.

That part of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 11, Township 106 North of Range 14 West, described as follows: Commencing for a place of beginning at a point in the South line of said Section which is 1305.7 feet East of the Southwest corner thereof, and running thence West along the south line of said Section 208.71 feet, thence North 20' West 415.42 feet, thence East parallel with the South line of said Section 208.71 feet to a point in the fence line which runs North and South across said Southwest Quarter of the Southwest Quarter, thence South 20' East along said fence 415.42 feet to the place of beginning.

Commencing at the Southwest corner of the NE $\frac{1}{4}$ Section 14, Township 106, Range 14, Olmsted County, Minnesota, and running thence East along the South line of said NE $\frac{1}{4}$ a distance of 1599 feet to the center line of Trunk Highway No. 63, thence running North 2'4" East along the center line of said Trunk Highway No. 63, a distance of 593 feet for a place of beginning, continuing thence North 2'4" East a distance of 225 feet, thence West parallel with the south line of said NE $\frac{1}{4}$ a distance of 290.4 feet, thence South 2'4" West a distance of 225 feet, thence East parallel with the South line of said NE $\frac{1}{4}$ a distance of 290.4 feet to the place of beginning.

Unplatted Right of Way

All the right of way for Trunk Highway No. 63 lying north of the centerline of 25th Street SW extended easterly, being the North line of the Southeast quarter of Section 14, Township 106 North, Range 14 West, to the South line and the easterly and westerly extension of Garden Acres subdivision.



GREEN MEADOWS

APACHE MALL RESUB # 2

STONE BARN EST.
OUTLOT A
SBE 2
BLK. 4
SBE 3
BLK. 5

② 1986

① 1985

⑥ 1990

① 1985

⑥ 1990

① 1985

④ 1988

③ 1987

⑥ 1990

⑤ 1989

A-155

SOUTH TOWN