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By: OAH on November 12, 2021

, City of Rochester  
, Cascade Township Clerk/ Treasurer

BEFORE THE  
MINNESOTA BOUNDARY ADJUSTMENTS OFFICE  
OF THE DEPARTMENT OF ADMINISTRATION

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IN THE MATTER OF THE DESCRIPTION OF	)	
AN UNINCORPORATED AREA IN <u>CASCADE</u>	)	
TOWNSHIP AS IN NEED OF ORDERLY	)	JOINT RESOLUTION FOR
ANNEXATION AND CONFERRING JURISDICTION	)	ORDERLY
ANNEXATION		
OVER SAID AREA ON MINNESOTA	)	
BOUNDARY ADJUSTMENTS OFFICE	)	
OF THE DEPARTMENT OF ADMINISTRATION	)	
PURSUANT TO MINNESOTA STATUTES	)	
SECTION 414.0325, Subd. 1	)	

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**JOINT RESOLUTION/ ORDERLY ANNEXATION AGREEMENT**

THIS ORDERLY ANNEXATION AGREEMENT is entered into this 4<sup>th</sup> day of November, 2021 by and between the CITY OF ROCHESTER, MINNESOTA (the "City") and CASCADE TOWNSHIP (the "Township")

*WHEREAS, on October 16, 2021, a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and*

WHEREAS, the City of Rochester and Cascade Township jointly agree to designate and request the immediate annexation of the following described land located within Cascade Township to the City of Rochester, County of Olmsted, Minnesota.

THE FOLLOWING LEGAL DESCRIPTIONS OF PROPERTY TO BE ANNEXED ARE IDENTIFIED BY PARCELS NUMBERED 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, AND 20. THE ATTACHED SET OF DRAWINGS SHOW THEIR RELATIONSHIP TO THE PROPERTIES ALONG 65<sup>TH</sup> STREET.

LEGAL DESCRIPTIONS:

The South 70.00 feet of the Southwest Quarter of Section 6, Township 107 North, Range 14 West, Olmsted County, Minnesota.

and

The North 3.00 feet of the South 73.00 feet of the West 493.00 feet of the Southwest Quarter of the Southwest Quarter of said Section 6.

and

The North 14.00 feet of the South 87.00 feet of the East 460.00 feet of the West 493.00 feet of the Southwest Quarter of the Southwest Quarter of said Section 6.

CONTAINING: 4.19 ACRES (182,703 SQ. FT.)

and

The South 60.00 feet of that part of the Southeast Quarter of Section 6, Township 107 North, Range 14 West, Olmsted County, Minnesota described as beginning at the southeast corner of said Section 6; then North 904.38 feet; thence West 962.38 feet; then South 904.38 feet to the south line of said Southeast Quarter; thence East 962.38 feet to the point of beginning.

and

The North 43.00 feet of the South 103.00 feet of the East 95.00 feet of said Southeast Quarter.

CONTAINING: 1.42 ACRES (61,811 SQ. FT.)

and

The South 60.00 feet of the Southwest Quarter of Section 5, Township 107 North, Range 14 West, Olmsted County, Minnesota.

and

The North 43.00 feet of the South 103.00 feet of the West 100.00 feet of said Southwest Quarter.

CONTAINING : 3.73 ACRES (162,282 SQ. FT.)

and

The South 60.00 feet of the Southeast Quarter of Section 5, Township 107 North, Range 14 West, Olmsted County, Minnesota.

and

That part of said Southeast Quarter described as beginning at the northeast corner of the South 77.00 feet of said Southeast Quarter; thence South 89 degrees 30 minutes 57 seconds West, assumed bearing, along the north line of said South 77.00 feet a distance of 416.68 feet; thence South 00 degrees 12 minutes 38 seconds East a distance of 6.28 feet to the intersection with the following described "Line A"; thence South 86 degrees 34 minutes 15 seconds West, along said "Line A", a distance of 72.95 feet to the north line of the South 67.00 feet of said Southeast Quarter; thence South 89 degrees 30 minutes 57 seconds West, along said north line, a distance of 212.67 feet; thence South 00 degrees 12 minutes 37 seconds East a distance of 7.00 feet to the north line of the South 60.00 feet of said Southeast Quarter; thence North 89 degrees 30 minutes 57 seconds East, along said north

line, a distance of 701.67 feet to the east line of said Southeast Quarter; thence North 00 degrees 09 minutes 21 seconds West, along said east line, a distance of 17.00 feet to the point of beginning.

Said "Line A" is described as beginning at the northeast corner of the South 75.00 feet of said East Half of the Southeast Quarter; thence westerly along the north line of said South 75.00 feet a distance of 333.55 feet; thence southwesterly deflecting to the left 02 degrees 56 minutes 42 seconds a distance of 389.27 feet to the north line of the South 55.00 feet of said East Half of Southeast Quarter and there terminating.

CONTAINING: 3.84 ACRES (167,216 SQ. FT.)

and

The North 53.00 feet of that part of the East Half of the Northeast Quarter of Section 8, Township 107 North, Range 14 West, Olmsted County, Minnesota described as beginning at the northeast corner of said Northeast Quarter; thence South 410 feet; thence West 637.5 feet; thence North 410 feet; thence East 637.5 feet to the point of beginning.

and

The South 5.00 feet of the North 58.00 feet of the West 240.00 feet of said described property.

and

The South 10.00 feet of the North 68.00 feet of the West 140.00 feet of said described property.

and

The South 10.00 feet of the North 63.00 feet of the East 148.00 feet of said described property.

and

Together with that part of said Northeast Quarter described as beginning at the southeast corner of the North 73.00 feet of said Northeast Quarter; thence westerly, along the south line of said North 73.00 feet, a distance of 100.50 feet; thence northwesterly to the southwest corner of the North 63.00 feet of the East 148.00 feet of said Northeast Quarter; thence easterly, along the south line of said North 63.00 feet, to the east line of said Northeast Quarter; thence southerly along said east line to the point of beginning.

CONTAINING: 0.90 ACRE (39,111 SQ. FT.)

and

The North 48.00 feet of that part of the North Half of the Northeast Quarter of Section 7, Township 107 North, Range 14 West, Olmsted County, Minnesota described as beginning at the northeast corner of said Section 7; thence south along the east line thereof a distance of 241.71 feet; thence west parallel with the north line of said section a distance of 241.71 feet; thence north parallel with the east line of said section a distance of 241.71 feet to the north line thereof; thence east along the north line of said section a distance 241.71 feet to the point of beginning. EXCEPT the East 60.00 feet thereof.

Together with the South 12.00 feet of the North 60.00 feet of the East 26.00 feet of said described property.

CONTAINING: 0.21 ACRE (9,038 SQ. FT.)

and

The North 33.00 feet of the Northwest Quarter of Section 7, Township 107 North, Range 14 West, Olmsted County, Minnesota.

and

That part of the South 17.00 feet of the North 50.00 feet of said Northwest Quarter lying easterly of a line run parallel with and distant 250.00 feet easterly of a line described as commencing at the northwest corner of said Northwest Quarter; thence southerly on a Minnesota State Plane Grid Azimuth from North of 179 degrees 40 minutes 56 seconds, along the west line of said Northwest Quarter, a distance of 426.60 feet; thence easterly 89 degrees 42 minutes 36 seconds azimuth a distance of 245.00 feet to the point of beginning of the line to be described; thence northerly 359 degrees 40 minutes 56 seconds azimuth a distance of 426.60 feet to the north line of said Northwest Quarter and there terminating.

and

The South 3.00 feet of the North 36.00 feet of the West 33.00 feet of said Northwest Quarter.

CONTAINING: 2.68 ACRES (116,577 SQ. FT.)

and

WHEREAS, The City of Rochester is expected to experience population growth with the addition of a new middle school near the intersection of 55<sup>th</sup> Avenue NW and 65<sup>th</sup> Street NW, leading to an increase in traffic volumes, including pedestrian and bicycle traffic; and

WHEREAS, the existing 65<sup>th</sup> Street roadway is not currently designed and constructed to safely accommodate the expected traffic growth; and

WHEREAS, the City of Rochester will complete a urban reconstruction project of 65<sup>th</sup> Street NW from 37<sup>th</sup> Avenue NW to 60<sup>th</sup> Avenue NW to safely carry the vehicular and pedestrian traffic along this corridor; and

WHEREAS, the City of Rochester will bear all the expense for the 65<sup>th</sup> Street reconstruction right-of-way acquisition, paving, and driveway and field access replacement; and

WHEREAS, the City of Rochester will become responsible for all ongoing maintenance and repairs of the annexed roadway right-of-way upon the City of Rochester and Cascade Township approval of this Agreement; and

WHEREAS, the reconstruction of the 65<sup>th</sup> Street NW will entail grading and expansion of the roadway right-of-way area, the City of Rochester and its contractors will ensure that driveway and farm land access will be provided throughout the project for residents and farmers. Upon their completion of the project, driveway and farm accesses will be restored with equivalent or better surfacing of subject accesses; and

WHEREAS, there was a 75-foot-wide easement identified as part of the ISD 535 Middle School metes and bounds agreement (on the west end of that 40-acre parcel) to accommodate access to the farm parcel north of the ISD 535 property, the City of Rochester will work with ISD 535 to provide such access to said easement; and

WHEREAS, the City of Rochester and Cascade Township entered a “65<sup>th</sup> Street NW Roadway Improvements 34<sup>th</sup> Avenue NW to 50<sup>th</sup> Avenue NW” agreement on 11 July 2011, therefore pursuant to the terms of that Agreement, the City of Rochester will reimburse Cascade Township according to the terms identified in Item 4 of said Agreement; and

WHEREAS, upon annexation of the property described herein, Cascade Township will be paid a tax reimbursement to compensate for loss of revenue from said property in accordance with MN Statutes. and

WHEREAS, the City of Rochester and Cascade Township are in agreement as to the orderly annexation of the unincorporated land described; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City of Rochester and Cascade Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City of Rochester and Cascade Township have agreed to all the terms and conditions for the annexation of the above-described lands; and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Rochester and the Township Board of Cascade Township as follows:

1. **(Property.)** That the following described land is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate the area for orderly annexation; and agree that the land be immediately annexed:

THE FOLLOWING LEGAL DESCRIPTIONS OF PROPERTY TO BE ANNEXED ARE IDENTIFIED BY PARCELS NUMBERED 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 19, AND 20. THE ATTACHED SET OF DRAWINGS SHOW THEIR RELATIONSHIP TO THE PROPERTIES ALONG 65<sup>TH</sup> STREET.

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CONTAINING: 2.68 ACRES (116,577 SQ. FT.)

**2. (Acreage/Population/Usage.)** That the orderly annexation area consists of approximately 16.97 acres, the population in the area is zero (0), and the land use type is A-2 Agricultural Protection District, and six (6) parcels of land use type 1a/4bb Residential Single Unit.

**3. (Reimbursement)** The City confirms that it will reimburse Cascade Township according to the terms identified in Item 4 of the “65<sup>th</sup> Street NW Roadway Improvements 34<sup>th</sup> Avenue NW to 50<sup>th</sup> Avenue NW” Agreement of 11 July 2011, and that such agreement is an enforceable component of this contract, and that the Township has specifically required this provision as a condition of signing this Agreement.

**4. (Jurisdiction.)** That Cascade Township and the City of Rochester, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.

**5. (Municipal Reimbursement).** Minnesota Statutes § 414.036.

#### **Assessments and Debt.**

That pursuant to Minnesota Statutes § 414.036 with respect to any special assessment assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described (herein or attached exhibit) there are no special assessments or debt.

**6. (Review and Comment).** The City of Rochester and Cascade Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

Adopted by affirmative vote of all the members of the Cascade Township Board of Supervisors this 25th day of October 2021.

CASCADE TOWNSHIP

By: [Signature]  
Chairperson  
Board of Supervisor

ATTEST:

By: Sara Rudquist  
Township Clerk



Adopted by affirmative vote of the City Council of Rochester this 4 day of  
Nov 2021

CITY OF ROCHESTER

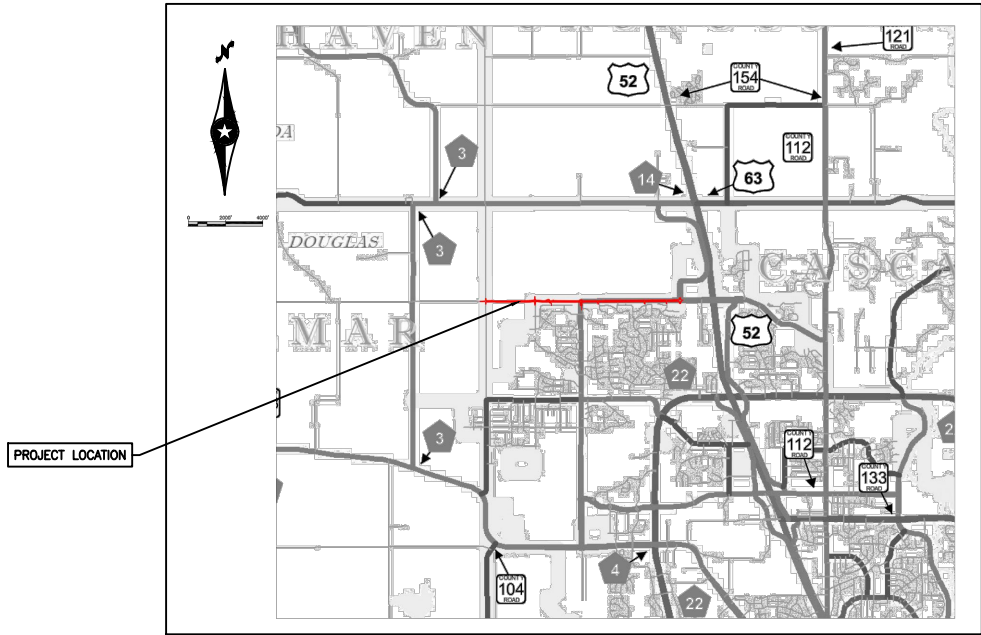
By: [Signature]  
Mayor

ATTEST:

By: [Signature]  
City Clerk

Approved this 4 day of Nov 2021





LEGEND

POTENTIAL STORMWATER BMP LOCATION

EXISTING RIGHT OF WAY

EXISTING EASEMENT

PROPOSED RIGHT OF WAY

PROPOSED PERMANENT EASEMENT

PROPOSED TEMPORARY EASEMENT

WETLAND BOUNDARY

EXISTING CITY OF ROCHESTER BOUNDARY

PROPOSED CITY OF ROCHESTER BOUNDARY

PROPOSED: D&U EASEMENT

PE

R/W (FEE) ENCUMBERED

R/W (FEE) UNENCUMBERED

TE

RPU PURCHASED EASEMENT

NOTE:

1.

ALL PEDESTRIAN FACILITIES ARE TO MEET ADA/PROVAG REQUIREMENTS.

2.

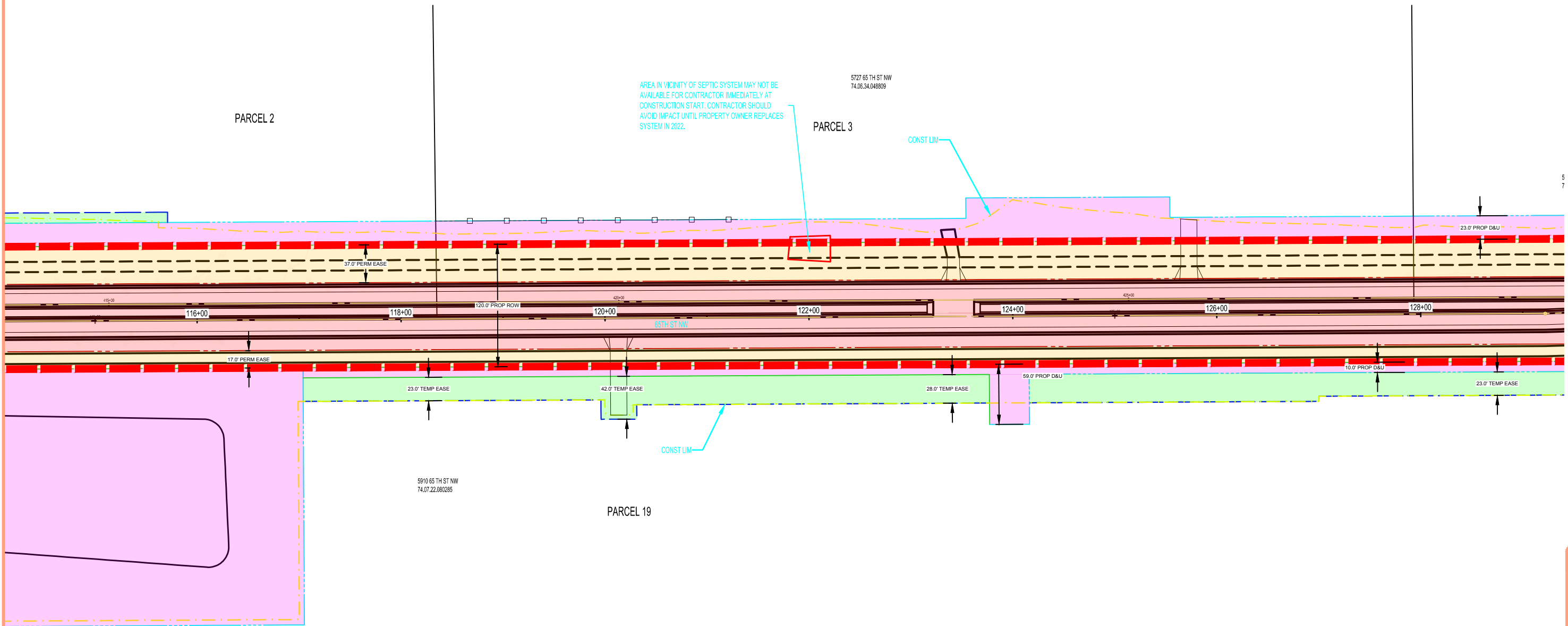
NO DESIGN EXCEPTIONS.

3.

65TH STREET IS NOT AN OSOW OR SUPER LOAD CORRIDOR.

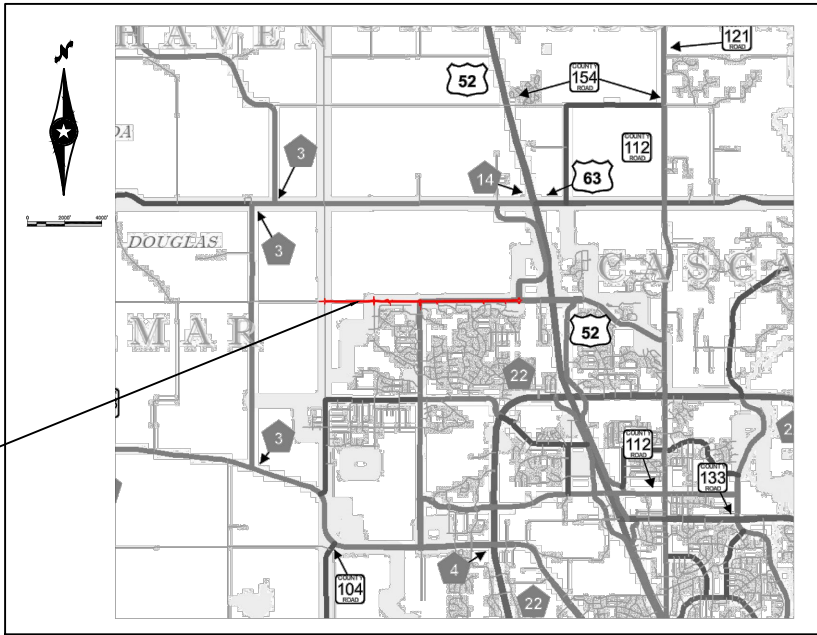
4.

65TH STREET IS NOT A HOUSE MOVING ROUTE.



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

PROJECT LOCATION



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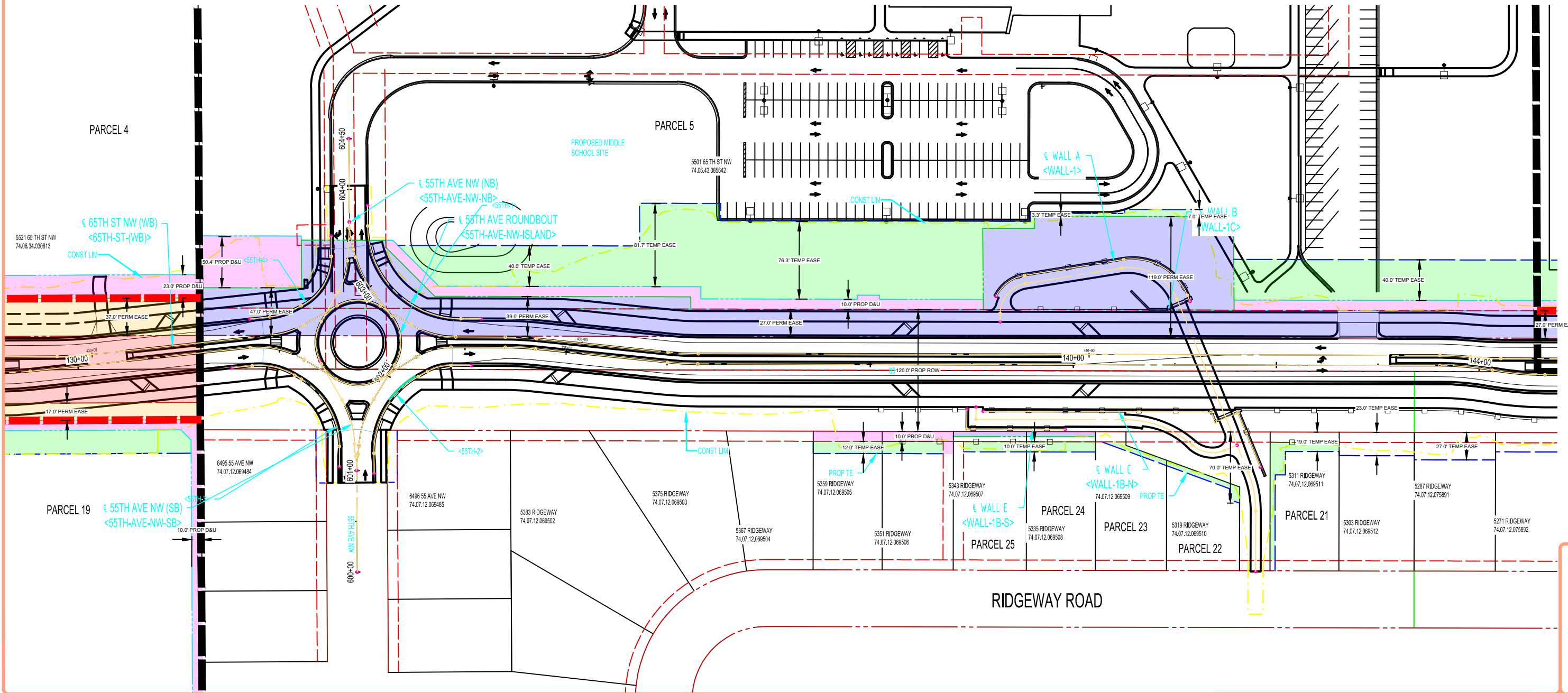
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SRF Consulting Group, Inc.  
Minneapolis, Minnesota

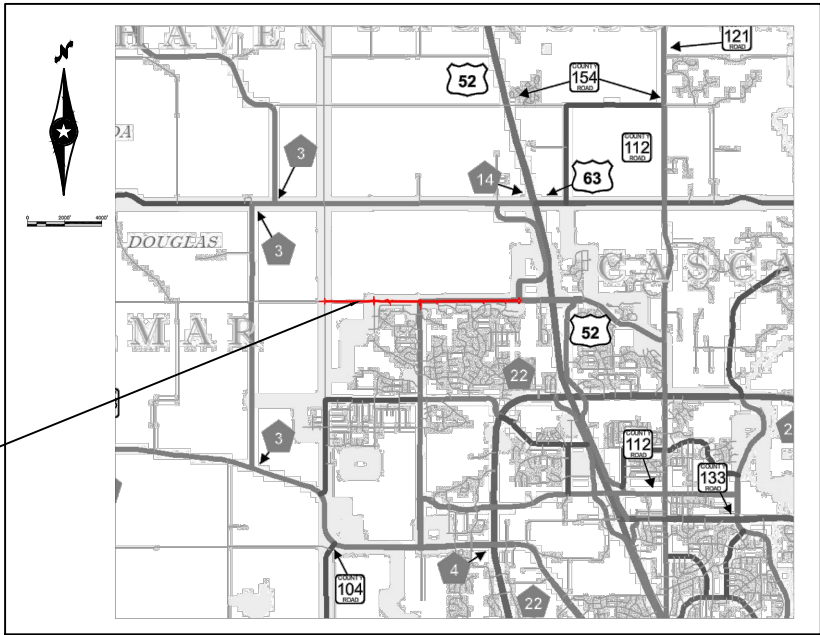
65TH ST ROCHESTER, MN  
ANNEXATION MAP

Drawn By  
Designer  
Checker

S.A.P 159-080-021  
City Job# J9852, J9853  
Sheet 3 of 8 Sheets



PROJECT LOCATION



LEGEND

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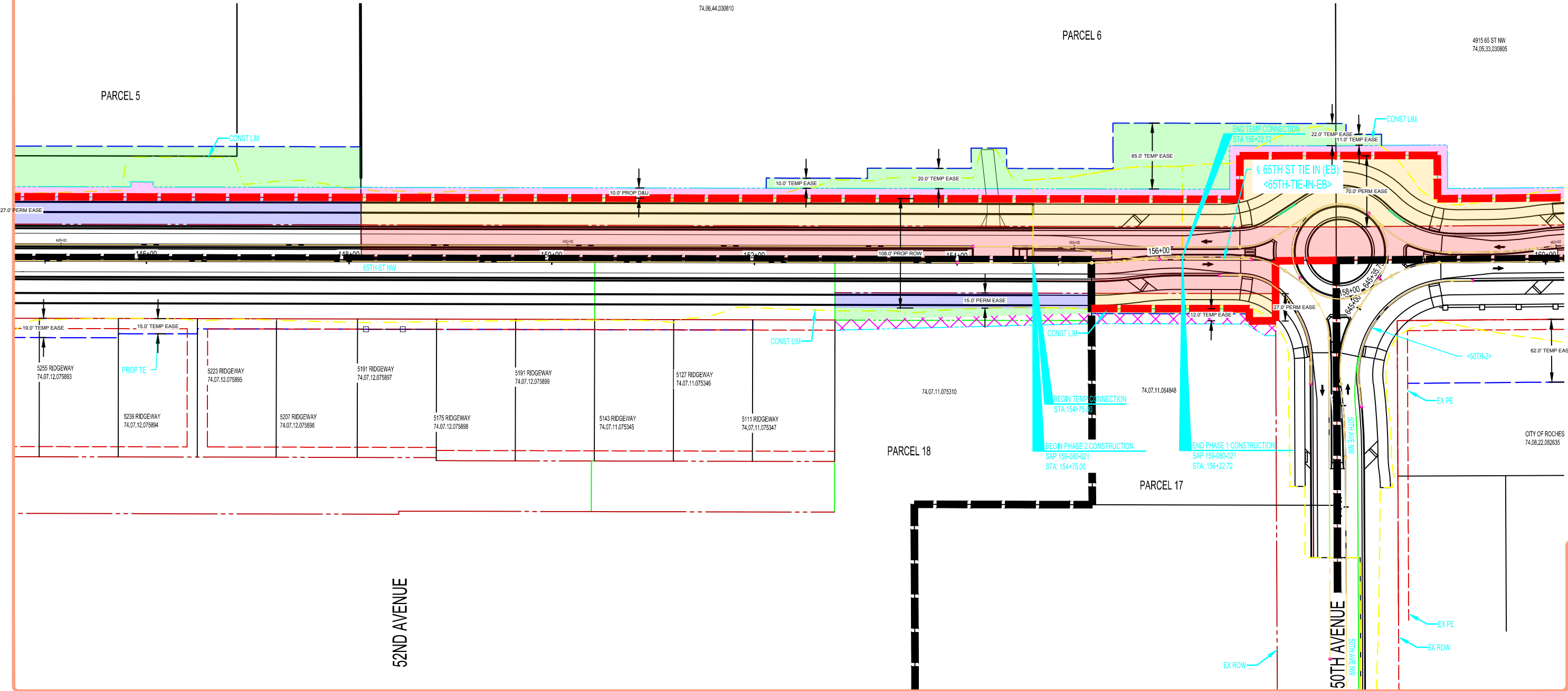
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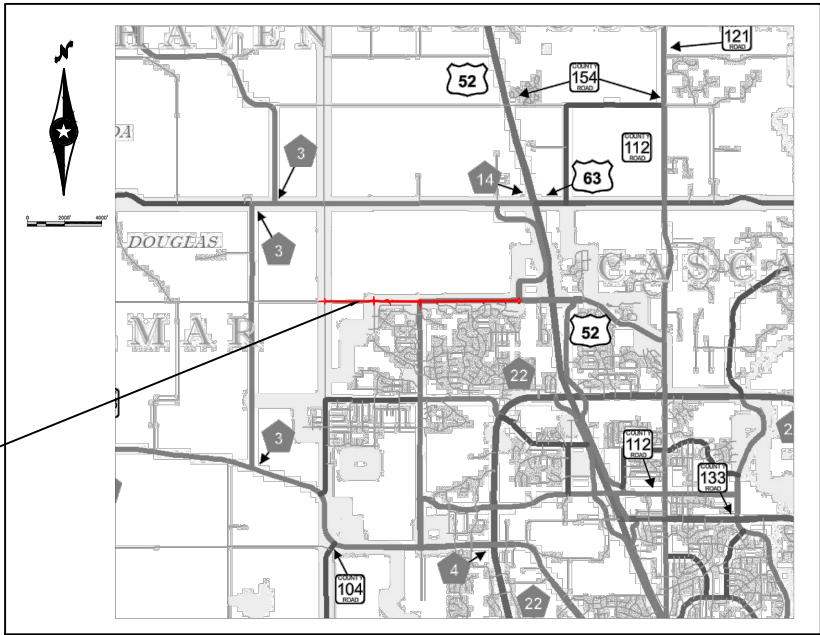
SRF Consulting Group, Inc.  
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65TH ST ROCHESTER, MN  
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Designer  
Checker

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City Job# J9852, J9853  
Sheet 4 of 8 Sheets

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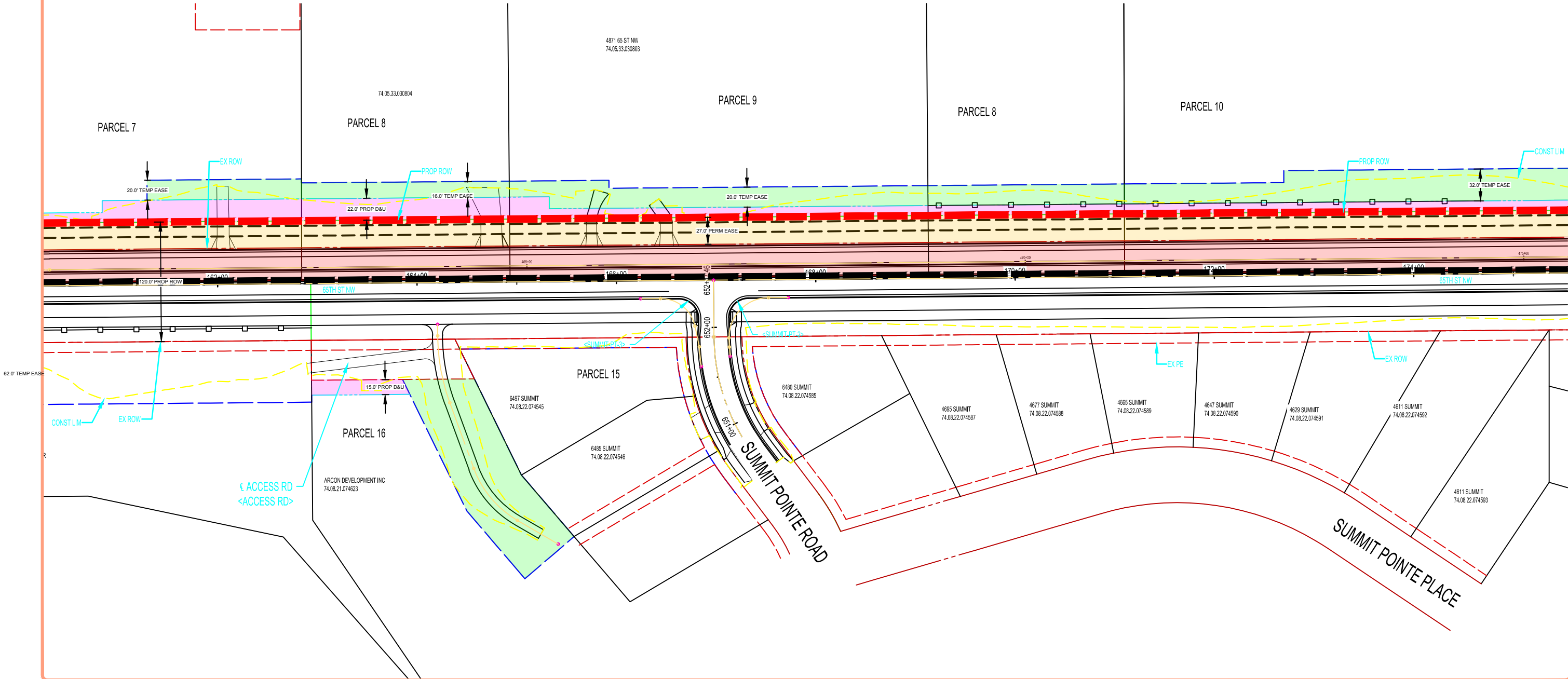
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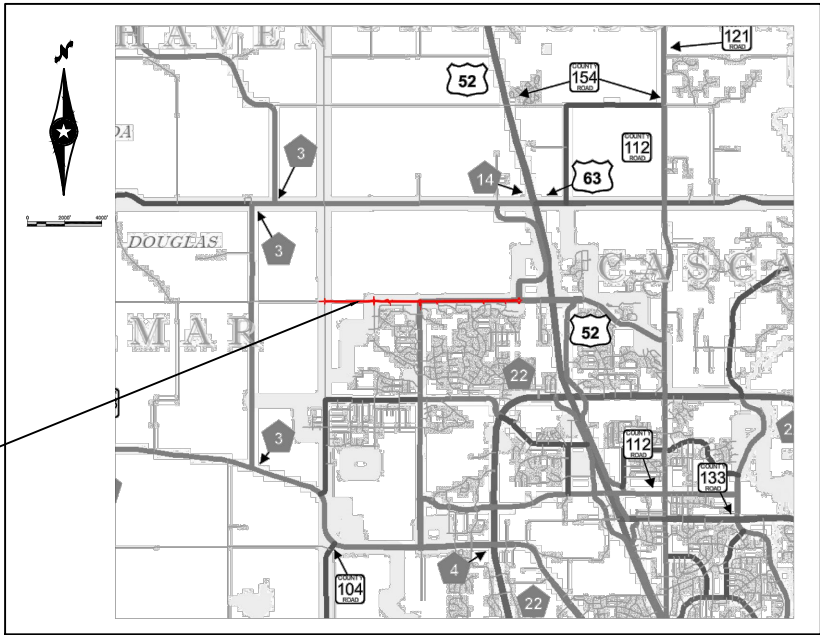
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Sheet 5 of 8 Sheets

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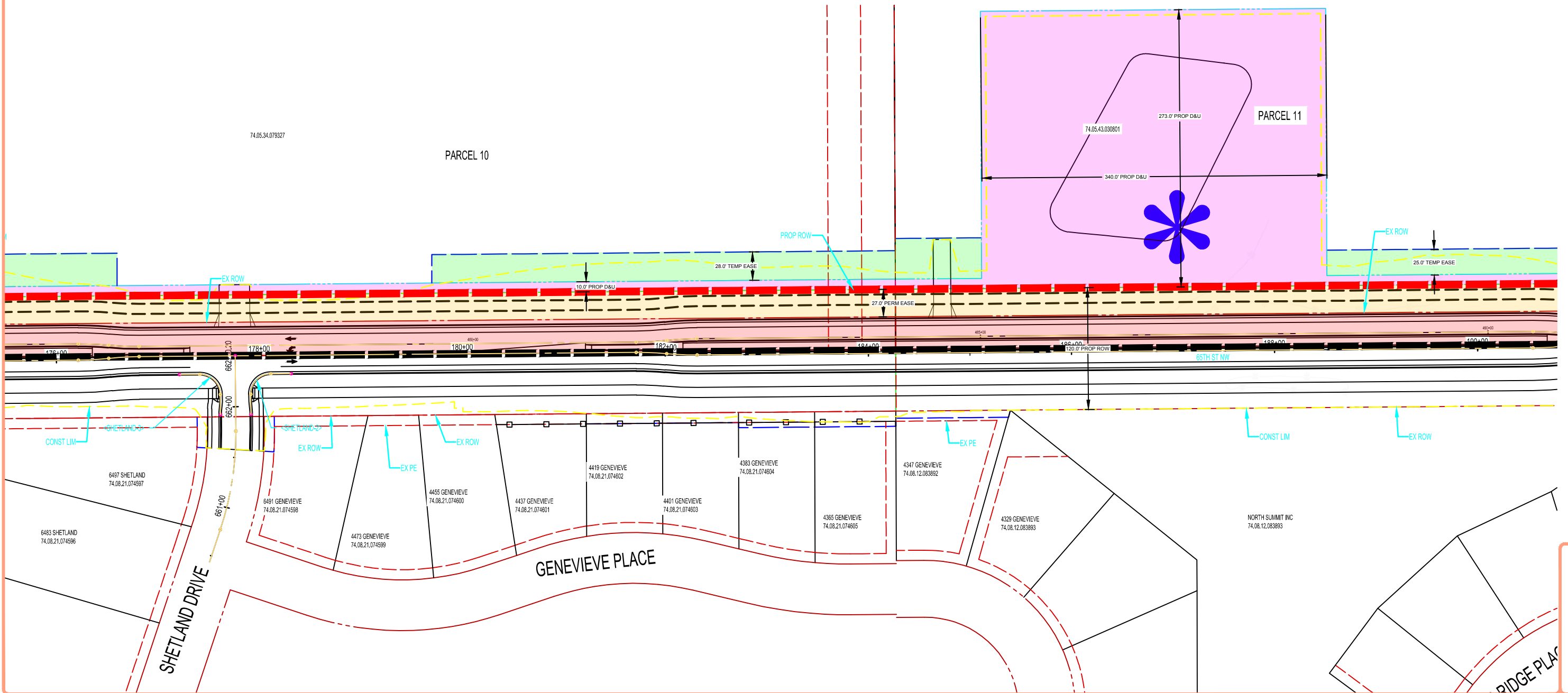
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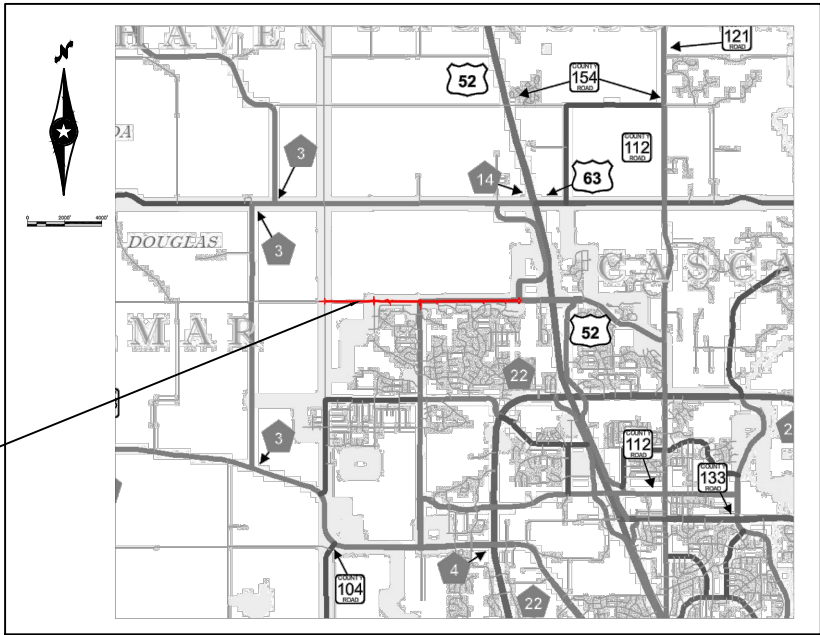
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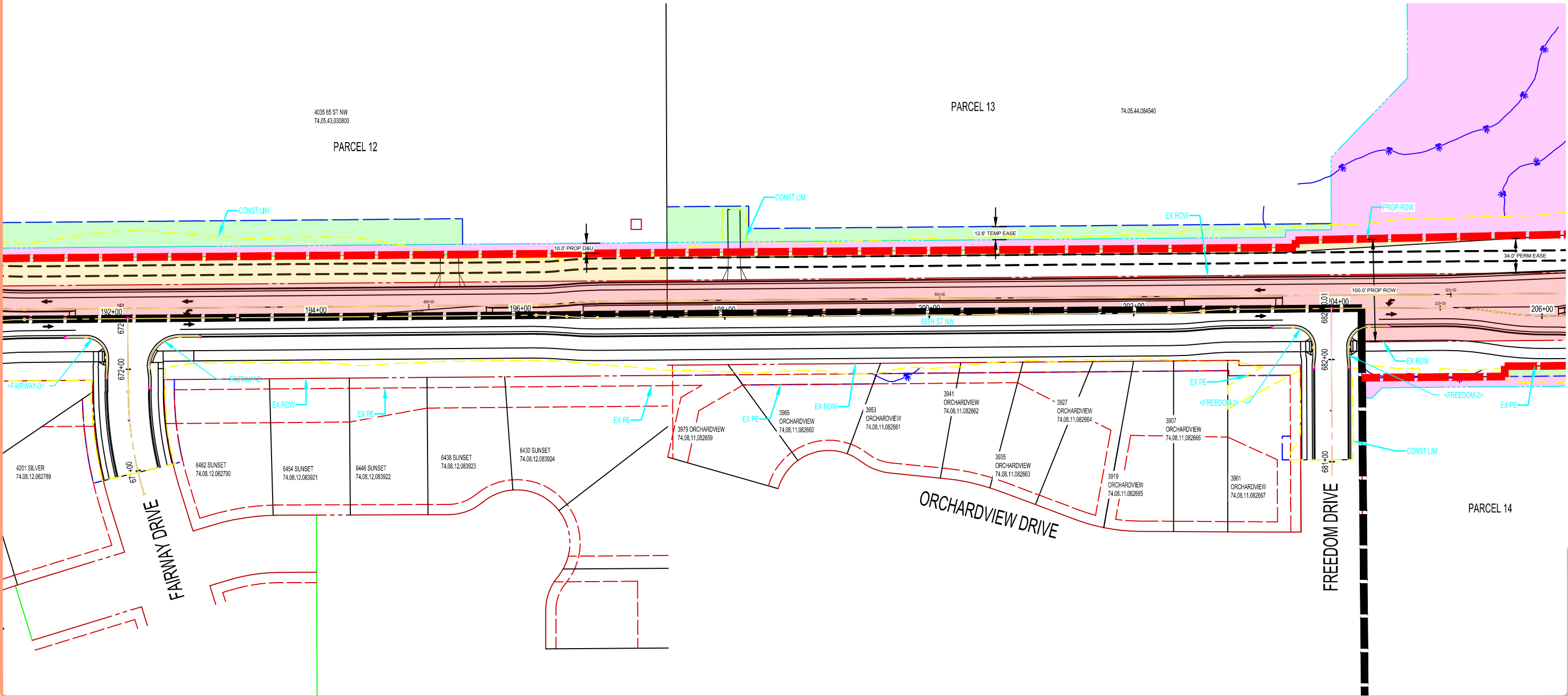
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S.A.P 159-080-021  
City Job# J9852, J9853  
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