

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF ROCHESTER)
AND THE TOWN OF MARION PURSUANT TO) ORDER
MINNESOTA STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Rochester and the Town of Marion; and

WHEREAS, a resolution was received from the City of Rochester indicating their desire 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, on December 9, 2004, the Director 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:

Lot 58, Auditor's Plat "E", Olmsted County, Minnesota.

ALSO:

Lot 54, Auditor's Plat "E", Olmsted County, Minnesota.

EXCEPTING the following two (2) parcels of real estate described as follows:

A:

Commencing at the northwest corner of said Lot 54 for a point of beginning, running thence South a distance of 195.82 feet, running thence South 67 degrees 50 minutes East a distance of 88 feet, running thence North 195.62 feet, running thence North 67 degrees 50 minutes West a distance of 88 feet to the place of beginning.

B:

Beginning at the southeast corner of said Lot 54, thence North 02 degrees 21 minutes 00 seconds West, assumed bearing, along the east line of said Lot 54 a distance of 190.16 feet; thence North 89 degrees 36 minutes 00 seconds West, 30.00 feet; thence South 02 degrees 21 minutes 00 seconds East, 190.16 feet to the south line of said Lot 54; thence South 89 degrees 36 minutes 00 second East along said south line 30.00 feet to the point of beginning.

Containing 10.01 acres more or less.

Dated this 9th day of December, 2004.

For the Director
658 Cedar Street, Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-622-1, the Director 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 references the parties' election to allow the City to extend its municipal planning and land use controls.

Section 414.0325 Subd. 5 (d) (1), of Minnesota Statutes, requires the township **and** the county to agree to extra-territorial zoning and subdivision regulation by the municipality. The agreement is silent as to the county's position on the conditions of paragraph 8 of the parties' agreement.

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.

CMS