

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

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

ORDER

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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on January 11, 2006, the Chief Administrative Law Judge 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:

All of SCHOENFELDER'S FIRST SUBDIVISION, except lots 2 and 4; all of SCHOENFELDER'S SECOND SUBDIVISION; all of SCHOENFELDER'S THIRD SUBDIVISION; all of CORRECTION PLAT OF DORNACKS FIRST SUBDIVISION EXCEPTING LOTS 1 AND 2; all of DORNACK'S SECOND SUBDIVISION; all of ENGSTROM'S FIRST SUBDIVISION; all of MURPHY'S REPLAT; all of FAIRVIEW ACRES, except lots 1 through 5; Lots 3 and 4, SONNENBERG'S REPLAT; Lots 22 and 63, AUDITOR'S PLAT "E"; the East 2.5 feet of Lot 4, PLEASANT ACRES; all being in Olmsted County, Minnesota.

ALSO:

That part of the West Half of the Southeast Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southwest corner of said West Half of the Southeast Quarter; thence NORTH, assumed bearing, along the west line of said West Half, 1445 feet to the southwest corner of Lot 22, CORRECTION PLAT OF DORNACKS FIRST SUBDIVISION EXCEPTING LOTS 1 AND 2 (the next 3 courses are along the southerly and westerly lines of said subdivision); thence EAST, 330.00 feet; thence SOUTH, 75.84 feet; thence South 18 degrees 56 minutes East, 597.32 feet to the westerly line of DORNACK'S SECOND SUBDIVISION (the next 2 courses are along the westerly and southerly lines of said subdivision); thence SOUTH, 66.00 feet; thence EAST, 598.20 feet to the southwest corner of Lot 1, Block 1, MURPHY'S REPLAT (the next 5 courses are along the boundary lines of said MURPHY'S REPLAT); thence East, 163.83 feet; thence northerly, 860.00 feet; thence WEST, 165.77 feet; thence SOUTH, 460.15 feet; thence WEST, 165.30 feet to the east line of 26th Avenue Southeast; thence NORTH, along said east line, 1112.10 feet to the southerly line of the public road as shown on DORNACK'S SECOND SUBDIVISION; thence southeasterly, along said southerly line, 391 feet to the east line of said West Half of the Southeast Quarter; thence southerly, 2120 feet, more or less, to the south line of said West Half; thence westerly, along said south line, 1317 feet, more or less to the point of beginning.

ALSO:

That part of the Northeast Quarter of the Southeast Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 18; thence South along the East line of said Southeast Quarter a distance of 780.13 feet; thence North 82° 02' West 558.02 feet; thence North 4° 38' 55" East 334.85 feet to the center of a township road running in an Easterly and Westerly direction through said Section; thence North 81° 27' West along the center of said road a distance of 154.44 feet for the point of beginning; thence South 1° 10' West a distance of 871.2 feet; thence North 80° West a distance of 466.98 feet; thence North 01° 10' East 871.2 feet to the center of said township road; thence southeasterly along the center of said road 466.98 feet to the point of beginning.

ALSO:

That part of the Northeast Quarter of the Southeast Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 18; thence SOUTH, along the east line of said Southeast Quarter, 439.8 feet to the center of the township road for the point of beginning; thence continue SOUTH, along said east line, 340.33 feet; thence North 82 degrees 02 minutes 00 seconds West, 483.02 feet; thence North 04 degrees 38 minutes 55 seconds East, 334.85 feet; thence North 07 degrees 13 minutes 00 seconds East, 334.0 feet to the center of said township road; thence southeasterly, along the center of said road, 440.0 feet to the point of beginning. Except the northerly 33.00 feet thereof.

ALSO:

That part of the South Half of the Northeast Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, lying northerly of the north line of Pinewood Road Southeast.

ALSO:

That part of the Northeast Quarter of the Southeast Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, lying northerly of the center line of Pinewood Road Southeast, and lying easterly of the east line of FAIRVIEW ACRES.

ALSO:

That part of the Northwest Quarter of the Southeast Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, lying northerly of the north line of Pinewood Road Southeast.

ALSO:

All that part of 30th Avenue Southeast lying southerly of the north line of the Southwest Quarter of the Northwest Quarter of Section 17, Township 106 North, Range 13 West, Olmsted County, Minnesota, and lying north of Pinewood Road Southeast.

ALSO:

That part of 26th Avenue Southeast lying southerly of Pinewood Road Southeast and northerly of the north line of Lot 1, DORNACK'S SECOND SUBDIVISION, Olmsted County, Minnesota.

ALSO:

That part of the Southeast Quarter of the Northwest Quarter of Section 18, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Northwest Quarter; thence South 31 degrees 51 minutes East, 109.3 feet; thence SOUTH 129.74 feet to a point in the center of the township road; thence South 61 degrees 50 minutes East, 100.00 feet; thence South 57 degrees 50 minutes East, 114 feet; thence South 0 degrees 15 minutes

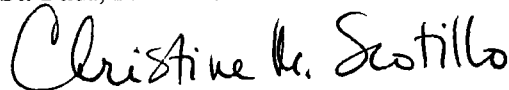
East, 93.13 feet for the point of beginning; thence South 89 degrees 45 minutes West, 184.23 feet; thence South 0 degrees 15 minutes East, 210.88 feet to the northwest corner of Lot 9, SCHOENFELDER'S FIRST SUBDIVISION; thence North 89 degrees 45 minutes East, along the north line of said Lot 9, a distance of 184.23 feet to the northeast corner of said Lot 9; thence North 0 degrees 15 minutes West, 210.88 feet to the point of beginning.

Containing in all, 291 acres, more or less.

This proposed annexation area is to include all public right-of-ways and easements within the above described areas.

Dated this 11th day of January, 2006.

For the Chief Administrative Law Judge
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-622-2 Rochester

MEMORANDUM

In ordering the annexation contained in Docket No. OA-622-2, 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.

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