

RECEIVED

By: OAH on August 21, 2023

RESOLUTION

Approving Annexation Application No. CD2023-004ANX, to Annex Approximately 3.88 Acres, Generally Situated North of 20th St SE, South of Hillview Ln SE and East of the Terminus of Whynaught Ct SE, in Section 7, Township 106 North, Range 13 West, in Accordance with “Joint Resolution for Orderly Annexation for Marion Area #2”, approved September 20, 1999.

WHEREAS, a joint Resolution for orderly annexation was adopted by the City of Rochester and Marion Township, known as “Joint Resolution for Orderly Annexation for Marion Area #2” (“Joint Resolution”); on September 20, 1999; and

WHEREAS, on November 3, 2008, in accordance with the Joint Resolution for Orderly Annexation, the Common Council adopted Resolution No. 509-08 (attached and incorporated herein as Addendum A); annexing lands into the City of Rochester as identified via a written legal description and incorporated into said Resolution No. 509-08 as Exhibit “A”; and

WHEREAS, Resolution No. 509-08 was forwarded by the City of Rochester to the State of Minnesota Office of Administrative Hearings requesting certain property be annexed to the City of Rochester pursuant to M.S. 414.0325; and

WHEREAS, on January 24, 2008, the State of Minnesota Chief Administrative Law Judge reviewed and accepted Resolution 509-08 for orderly annexation, in which said acceptance documentation is attached and incorporated to this Resolution herein as Exhibit “A”; and

WHEREAS, it has recently come to the Council's attention there is error in said legal description identifying the land area to be annexed by through Resolution No. 509-08; and

WHEREAS, a portion of land intended to be annexed through adoption of Resolution 509-08, and assumed to be part of the City of Rochester incorporated boundaries since January 24, 2008, presently remain within Marion Township through an inadvertent omission in the legal description; and

WHEREAS, the subject Resolution provides a legal description encompassing the approximate 3.88 acre land area inadvertently omitted by Exhibit “A” of Resolution No. 509-08; and

WHEREAS, the Council now wishes to correct this error and adopts this Resolution to accomplish this task to complete the annexation of lands encompassed by the Joint Resolution for Orderly Annexation for Marion # 2.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the area of land inadvertently omitted by Resolution No. 509-08, located in the Southeast Quarter of Section 7, Township 106 North, Range 14 West, Olmsted County,

Minnesota, be annexed into the City of Rochester Incorporated Limits in accordance with the Joint Resolution, more particularly described herein by the following legal description:

Annexation of Land Legal Description:

That part of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 7, Township 106 North, Range 13 West, not currently located within the City of Rochester Incorporated Boundary, Olmsted County, Minnesota.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be maintained in the office of the Community Development Department of the City of Rochester and shall be available for public inspection.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to file a certified copy of this Resolution in the office of the County Recorder in and for Olmsted County, Minnesota.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 24th DAY OF July, 2023.

ATTEST:


CITY CLERK


RESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 26th DAY OF July, 2023.

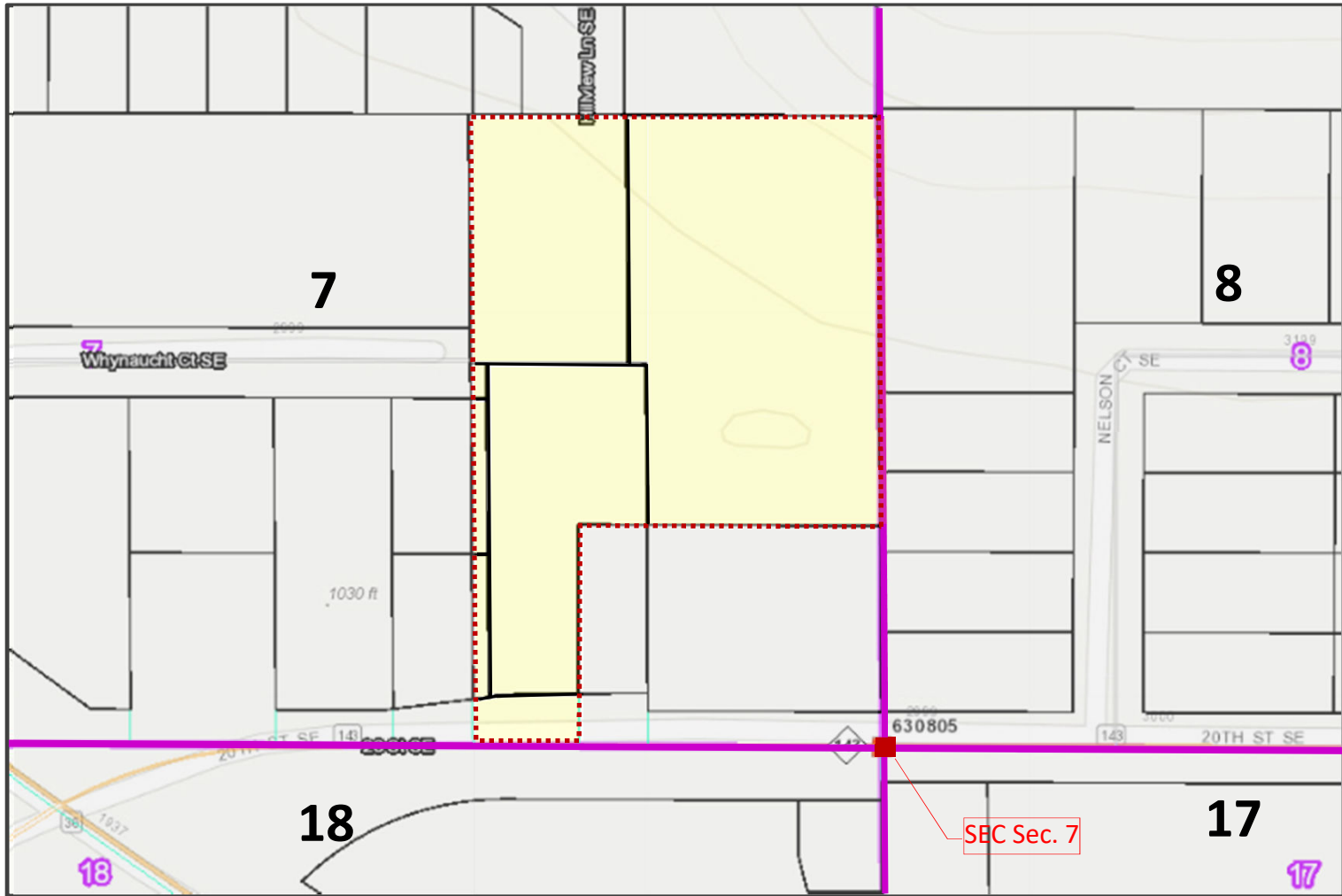



MAYOR OF SAID CITY

ADDENDUM A

See next page for Addendum A...

ANNEXATION CONTIGUITY BOUNDARY MAP
CD2023-004ANX



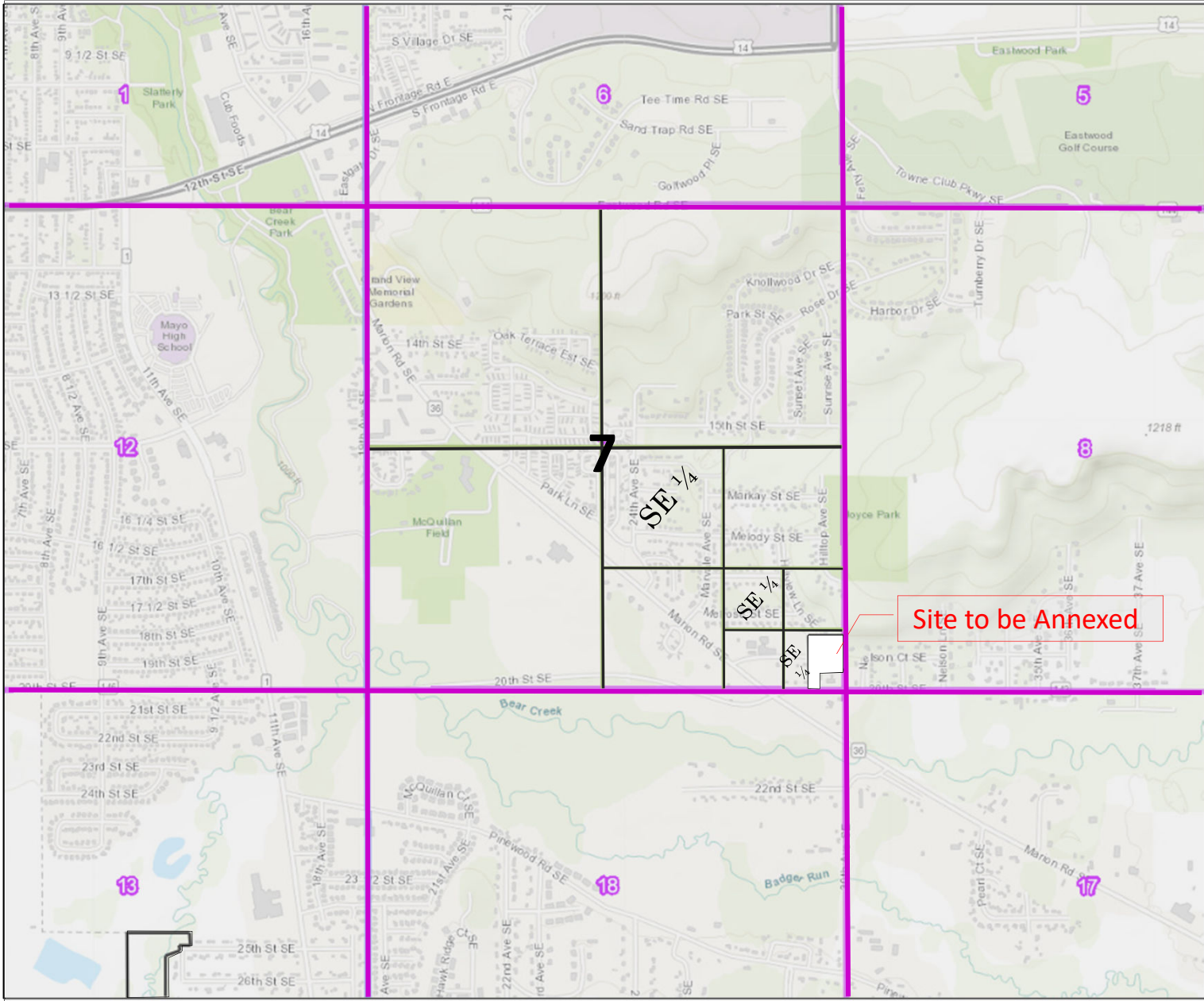
Area To Be Annexed



City of Rochester Incorporated Area

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$
Section 7, T. 106 N., R 13 W.

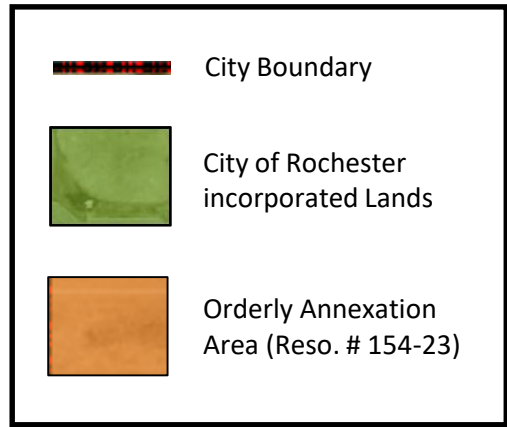
ANNEXATION CONTIGUITY BOUNDARY MAP
CD2023-004ANX



City of Rochester

SE¹/₄ SE¹/₄, SE¹/₄
Section 7, T. 106 N., R 13 W

Olmsted County



Annexation Site City Boundary Contiguity Map (Reso. # 154-23)

509-08

RESOLUTION

WHEREAS, on December 4, 2007, the Common Council of the City of Rochester adopted Resolution No. 576-07 annexing lands to the City of Rochester as provided in the September 20, 1999, Joint Resolution for Orderly Annexation for Marion Area #2 (a copy of Resolution No. 576-07 is attached and incorporated herein); and,

WHEREAS, Resolution No. 576-07 contained a legal description of the lands to be annexed and identified that legal description as Exhibit A; and,

WHEREAS, it has come to the Council's attention that there are two errors in Exhibit A's legal description; and,

WHEREAS, the Council now wishes to amend Resolution No. 576-07 in order to correct the errors and adopts this resolution to accomplish that task,

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the fifth "WHEREAS" paragraph in Resolution No. 576-07 be amended so as to read as follows:

WHEREAS, the legal description for the lands described in Exhibit A attached to the 1999 Joint Resolution for Orderly Annexation for Marion Area #2 ("Exhibit A") is as follows:

That part of the Southwestern Quarter of Section 6 Marion Twp described as follows: Commencing at the southeastern corner of the southwestern quarter thence westerly 269 degrees 48 minutes 9 seconds 1044.37ft to the point of beginning, thence westerly 270 degrees 1 minute 31 seconds 902.22ft, thence northerly 359 degrees 28 minutes 38 seconds 149.99ft, thence westerly 269 degrees 47 minutes 32 seconds 160.06ft, thence northerly 359 degrees 31 minutes 1 second 10.07ft, thence northwesterly 323 degrees 28 minutes 48 seconds 142.0ft, thence northwesterly 355 degrees 28 minutes 43 seconds 160.01ft, thence northeasterly 14 degrees 23 minutes 41 seconds 331.24, thence northeasterly 70 degrees 25 minutes 3 seconds 155.86ft, thence northeasterly 78 degrees 01 minute 25 seconds 92.41ft, thence northeasterly 86 degrees 47 minutes 2 seconds 147.46ft, thence northeasterly 69 degrees 52 minutes 14 seconds 385.06ft, thence northerly 359 degrees 17 minutes 34 seconds 55.8ft, thence northeasterly 69 degrees 56 minutes 32 seconds 81.81ft, thence northwesterly 339 degrees 44 minutes 16 seconds 181.51ft to the southerly right-of-way of Hwy 14 SE, thence northeasterly 70 degrees 8 minutes 47 seconds 171.85ft, thence southeasterly 103 degrees 18 minutes 38 seconds 115.57ft, thence northeasterly 65 degrees 14 minutes 16 seconds 35.23ft, thence southerly 179 degrees 22 minutes 55 seconds 1263.68ft to the point of beginning.

Northeast Quarter Section 7 Marion Twp

That part of said Northeast Quarter described as follows: Commencing at the NW Corner of the Northeast Quarter thence south 179 degrees 33 minutes 16 seconds 1751.6ft to the point of beginning, thence easterly 89 degrees 37 minutes 30 seconds 987.93ft, thence northerly 359 degrees 36 minutes 18 seconds 441.48ft, thence easterly 89 degrees 36 minutes 6 seconds 332.06ft, thence southerly 179 degrees 30 minutes 35 seconds 675.57ft, thence westerly 269 degrees 44 minutes 4 seconds 146.33ft, thence southerly 179 degrees 45 minutes 21 seconds 97.17ft, thence westerly 269 degrees 28 minutes 39 seconds 186.76ft, thence southerly 179 degrees 26 minutes 5 seconds 105.72ft, thence westerly 269 degrees 43 minutes 54 seconds 202.89ft, thence northerly 359 degrees 45 minutes 36 seconds 222.5ft, thence westerly 269 degrees 44 minutes 36 seconds 791.59ft, thence northerly 359 degrees 33 minutes 15 seconds 201.89 ft to the point of beginning.

Also

That part of the northeast quarter described as follows: Commencing at the NE Corner of the Northeast Quarter section 7 thence westerly 269 degrees 21 minutes 45 seconds 300.0ft to the point of beginning, thence southerly 179 degrees 23 minutes 29 seconds 182.86ft, thence easterly 89 degrees 23 minutes 27 seconds 299ft, thence southerly 179 degrees 41 minutes 48 seconds 414.01ft to the northerly right-of-way line of Knollwood Dr SE, thence southwesterly 247 degrees 47 minutes 29 seconds 388.76ft, thence northwesterly 337 degrees 2 minutes 37 seconds 150.05ft to the most northerly corner of lot 9 block 1 Rose Harbor Estates 2nd Sub, thence southwesterly along the north line of said subdivision 255 degrees 14 minutes 16 seconds 242.7ft, thence west 270 degrees 0 minutes 0 seconds 389.99 ft, thence southwesterly 244 degrees 34 minutes 7 seconds 299.94ft, thence northerly 359 degrees 30 minutes 39 seconds 780.06ft, thence easterly 89 degrees 21 minutes 38 seconds 1019.39ft to the point of beginning.

Also

Platted areas in Sections 7 and 8 described as follows: In Rose Harbor 1st Subdivision Lots 1, 2, and 3 Block 1. Lot 6 Block 2. Lot 1 Block 3. Lot 3 block 4.

In Rose Harbor 2nd Subdivision Lots 4, 5, 6, 7, 8, 9, and 15 Block 1. Lots 2, 3, 4, 11, 12, 13, 14, 18, 19, 20, 21, 22, and 23 Block 2. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, and 21 Block 3.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Block 4. Lots 1, 2, 3, 4, 14, 15, 16, and 17 Block 5.

Lots 1 and 2 Block 6. Lots 1, 2, 3, 4, 5, and 6 Block 7. Lots 1, 2, and 3 Block 8.

In Rose Harbor 4th Subdivision Lots 8, 9, 10, 11, 12, and 13 Block 2. Lots 3, 4, 6, and 7 Block 3. Lot 1 Block 5. Lot 1 Block 6, including all adjacent platted right-of-way.

Also

The southern half of the southwestern quarter Section 7 Marion Twp.

Also

All that part of the southeastern quarter Section 7 Marion Twp south and west of the northeasterly Marion Rd SE right-of-way.

Also

All that part of the southeast quarter section 7 platted as Marvale Addition, Marvale No 3, Marvale No 4, Marvale No 5, Marvale No 6 less Outlot 1, Marvale No 7 less Outlot 1, Replat Block 6 Marvale No 4, and Whynaughts Sub.

Also

That part of the northwestern quarter of section 8 Marion Twp described as follows: the southern half of the southwest quarter of the northwest quarter section. And the northwest quarter of the southwestern quarter of the northwest quarter. And also The southern half of section 8.

Also

All that part of the northwest quarter of section 17 Marion Twp north of the southwesterly right-of-way of Marion Rd SE and northerly and westerly right-of-way of Marion Ln SE less that part of the northwestern quarter platted as Cedar Park First Subdivision, also less the Marion Rd SE right-of-way south of Cedar Park First Subdivision, also less Lot 44 of Auditors Plat E.

Also

The northern half of the northeast quarter section 18 less commencing at the northeast corner section 8 thence southerly 179 degrees 12 minutes 31 seconds 289.58ft to the point of beginning, thence continue southerly 179 degrees 11 minutes 6 seconds

180.37ft, thence northwesterly 301 degrees 10 minutes 31 seconds
180.37ft, thence northeasterly 31 degrees 10 minutes 32 seconds
100.0ft, thence easterly 89 degrees 11 minutes 6 seconds 100ft to
the point of beginning.

Also

The northeastern quarter of the northwest quarter of section 18.

Containing 810.18 acres more or less.

BE IT FURTHER RESOLVED that the remainder of Resolution No. 576-07 be reaffirmed.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 3RD DAY OF NOVEMBER, 2008.

ATTEST:

Trudy Kay Eklund
CITY CLERK

James L. Hansen
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 4th DAY OF NOVEMBER, 2008.

Leslee F. Bueh
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

576-07

RESOLUTION

WHEREAS, on September 20, 1999, the Common Council of the City of Rochester and the Town of Marion executed a Joint Resolution for Orderly Annexation for Marion Area #2 (a copy of which is attached and incorporated herein); and

WHEREAS, paragraph 4 of the Joint Resolution states as follows: "Any part or all of the lands described in Exhibit A may, except as otherwise provided, be annexed to the City no earlier than January 1 of the year five years after the substantial completion of a water or sewer project providing water or sewer service to the area. The determination of substantial completion shall be made by the City's Department of Public Works who shall provide written notice of its determination to the Town Board," and,

WHEREAS, sanitary sewer and water projects designed to serve the lands described in Exhibit A were substantially completed in 2002; and,

WHEREAS, on May 19, 2005, the City informed the Marion Town Board that a sanitary sewer and water project to serve Marion Area #2 was substantially completed in 2002 and that annexation of Marion Area #2 would occur on January 1, 2008.

WHEREAS, the legal description for the lands described in Exhibit A attached to the 1999 Joint Resolution for Orderly Annexation for Marion Area #2 ("Exhibit A") is as follows:

- ✓ That part of the Southwestern Quarter of Section 6 Marion Twp described as follows: Commencing at the southeastern corner of the southwestern quarter thence westerly 269 degrees 48 minutes 9 seconds 1044.37ft to the point of beginning, thence westerly 270 degrees 1 minute 31 seconds 902.22ft, thence northerly 359 degrees 28 minutes 38 seconds 149.99ft, thence westerly 269 degrees 47 minutes 32 seconds 160.06ft, thence northerly 359 degrees 31 minutes 1 second 10.07ft, thence northwesterly 323 degrees 28 minutes 48 seconds 142.0ft, thence northwesterly 355 degrees 28 minutes 43 seconds 160.01ft, thence northeasterly 14 degrees 23 minutes 41 seconds 331.24, thence northeasterly 70 degrees 25 minutes 3 seconds 155.86ft, thence northeasterly 78 degrees 01 minute 25 seconds 92.41ft, thence northeasterly 86 degrees 47 minutes 2 seconds 147.46ft, thence northeasterly 69 degrees 52 minutes 14 seconds 385.06ft, thence northerly 359 degrees 17 minutes 34 seconds 55.8ft, thence northeasterly 69 degrees 56 minutes 32 seconds 81.81ft, thence northwesterly 339 degrees 44 minutes 16 seconds 181.51ft to the southerly right-of-way of Hwy 14 SE, thence northeasterly 70 degrees 8 minutes 47 seconds 171.85ft, thence southeasterly 103 degrees 18 minutes 38 seconds 115.57ft, thence northeasterly 65 degrees 14 minutes 16 seconds 35.23ft, thence southerly 179 degrees 22 minutes 55 seconds 1263.68ft to the point of beginning.

JH
C.C.B.
N.E.

✓ Northeast Quarter Section 7 Marion Twp

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The northern half of the northeast quarter section 17 less commencing at the northeast corner section 8 thence southerly 179 degrees 12 minutes 31 seconds 289.58ft to the point of beginning, thence continue southerly 179 degrees 11 minutes 6 seconds 180.37ft, thence northwesterly 301 degrees 10 minutes 31 seconds 180.37ft, thence northeasterly 31 degrees 10 minutes 32 seconds 100.0ft, thence easterly 89 degrees 11 minutes 6 seconds 100ft to the point of beginning.

Also

The northeastern quarter of the northwest quarter of section 18.

Containing 810.18 acres more or less.

WHEREAS, the lands described in Exhibit A abut the City limits; and,

WHEREAS, the Council wishes to invoke the procedure described in paragraph 4 of the Joint Resolution and annex the lands described in Exhibit A as the property satisfies paragraph 4 of the Joint Resolution; and,

WHEREAS, the orderly annexation agreement allows for annexation by resolution and provides that the Minnesota Municipal Board may review and comment but shall, within 30 days or receipt of said resolution, order the annexation of the area described in the resolution; and,

WHEREAS, the City's estimate of the population and number of households contained in the area is 372; and,

WHEREAS, the City's estimate of residential electrical service cost at the time of annexation is (a) .10493 per kilowatt-hour from June through September; and (b) .08671 per kilowatt-hour from October through May; and,

WHEREAS, the City's estimate of commercial electrical service cost at the time of annexation is (a) .10455 per kilowatt-hour from June through September; and (b) .08498 per kilowatt-hour from October through May. There is a \$23 monthly charge for commercial users; and,

WHEREAS, the township taxes on this property for 2008 are estimated to be \$640,193; and,

WHEREAS, in compliance with Minnesota Statutes Section 414.036, the City states that there is no township special assessment assigned or portion of township debt attributable to the lands described in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the lands described in Exhibit A described above are hereby annexed, added to and made a part of the City of Rochester, Minnesota, as if it had originally been a part thereof.

BE IT FURTHER RESOLVED that this resolution shall take effect and be in force from and after its filing of a certified copy hereof with the Minnesota Municipal Board, or its successor, the Town of Marion and the Olmsted County Auditor/Treasurer.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 3RD DAY OF DECEMBER, 2007.


PRESIDENT OF SAID COMMON COUNCIL

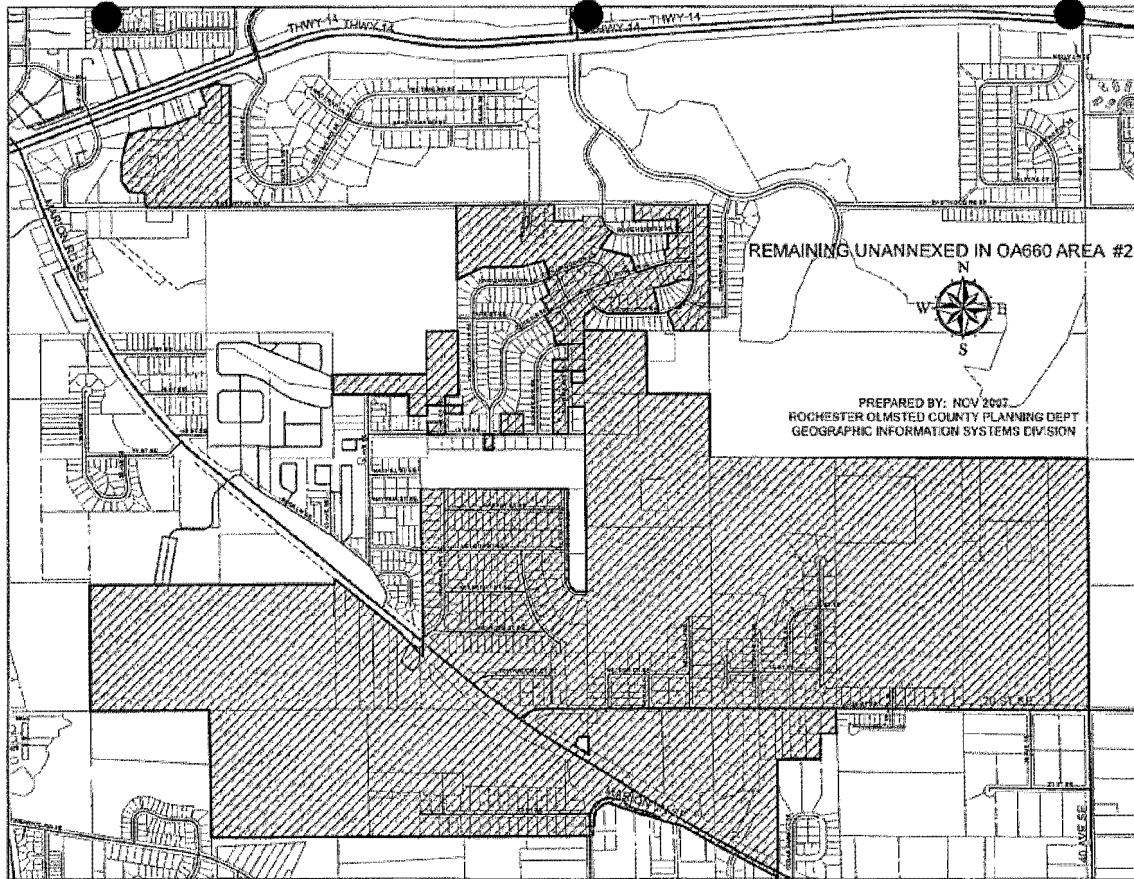
ATTEST: 
CITY CLERK

APPROVED THIS 4th DAY OF DECEMBER, 2007.


MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

Zone05\CAA\Res2008\Marion2)



BEFORE THE
MINNESOTA MUNICIPAL BOARD OR ITS SUCCESSOR

IN THE MATTER OF THE DESCRIPTION OF)	
AN UNINCORPORATED AREA IN MARION)	
TOWNSHIP AS IN NEED OF ORDERLY)	JOINT RESOLUTION FOR
ANNEXATION AND CONFERRING JURISDICTION)	ORDERLY ANNEXATION
OVER SAID AREA IN THE MINNESOTA)	(MARION AREA #2)
MUNICIPAL BOARD OR ITS SUCCESSOR)	
PURSUANT TO MINNESOTA)	
STATUTES §414.0325, Subd. 1)	

WHEREAS, the City of Rochester (hereinafter "City") and Town of Marion (hereinafter "Town") agree that given the potential health threat from individual sewage treatment systems within the area designated in Exhibit A, there is a need for municipal sanitary sewer and water services; and

WHEREAS, the City and Town agree that orderly annexation and extension of municipal sanitary sewer or water services to areas needing such service would benefit the public health, safety and welfare of the entire community, and the City currently has authority to collect local sales tax funds to pay a portion of the costs for the extension of sewer or water services to developed areas within the Town; and

WHEREAS, the City and Town agree that there is a public need for the coordinated, efficient and cost effective extension of City sewer and water in accordance with existing and future needs to promote the public health and safety by protecting the region's ground water supply and surface waters; and

WHEREAS, the property described in the attached Exhibit A lies within the Urban Service Area of Rochester, is presently urban or suburban in nature or about to become so and the City is capable of providing public sanitary sewer, water and storm water facilities within a reasonable time; and

WHEREAS, the extension of public sanitary sewer and water by the City can only be provided in prioritized phases if the process and timing of annexation is clearly identified and jointly agreed upon in advance of the capital planning, commitment and expenditure necessary on the part of the City; 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 to extend necessary municipal services in a planned and efficient manner; and

WHEREAS, for the areas designated in Exhibit A, the City and the Town desire to accomplish the orderly annexation of said areas and the extension of municipal services in a mutually acceptable and beneficial manner without the need for a hearing before the Minnesota Municipal Board and, with the purpose of avoiding a dispute over the annexation of the property described in said Exhibit A, enter into this joint resolution for orderly annexation pursuant to Minnesota Statutes §414.0325, Subd. 1.

NOW, THEREFORE, BE IT RESOLVED by the City of Rochester and the Town of Marion as follows:

1. The City and Town hereby designate that property situated in the Town of Marion, County of Olmsted, State of Minnesota, which is legally described on the attached Exhibit A, which is incorporated herein by reference, as in need of orderly annexation pursuant to Minnesota Statutes §414.0325. For ease of reference, the area legally described in Exhibit A is shown on the attached map, Exhibit B.

2. The Town of Marion hereby withdraws any objections filed and agrees to not file any objections with the Minnesota Municipal Board, or such other agency which may undertake those duties and responsibilities currently held by the Minnesota Municipal Board ("successor"), concerning the City's desire or request to annex any of the property described on the attached Exhibit A. The Town of Marion further agrees that if it has filed any objections with the Minnesota Municipal Board, or its successor, to the annexation to the City of any of the property described in attached Exhibit A, the filing of this Joint Resolution with the Minnesota Municipal Board or statutory equivalent, shall constitute sufficient notice of the withdrawal of the objections.

3. The lands designated in Exhibit A attached hereto shall be subject to future annexation to the City pursuant to the terms and conditions of this joint resolution and shall constitute the "orderly annexation area" otherwise described in this joint resolution. The City and Town agree that the area legally described in Exhibit A is designated as in need of orderly annexation and contains approximately 1325.58 acres.

4. Any part or all of the lands described in Exhibit A may, except as otherwise provided, be annexed to the City no earlier than January 1 of the year five years after the substantial completion of a water or sewer project providing water or sewer service to the area. The determination of substantial completion shall be made by the City's Department of Public Works who shall provide written notice of its determination to the Town Board.

5. Annexation under this joint resolution shall be initiated by the adoption of a resolution by the City. No review by or recommendation from the City of Rochester Planning and Zoning Commission regarding the adoption of a specific annexation resolution is necessary, except as is hereinafter provided.

6. The City and Town agree that upon the occurrence of any event triggering annexation as provided in this Joint Resolution of the area designated in Exhibit A or any portion thereof, any signatory to this Joint Resolution may initiate annexation of any area designated in Exhibit A by submitting a resolution so providing, along with a copy of this Joint Resolution, to the Minnesota Municipal Board, or its successor, the Town of Marion, and the Olmsted County Auditor/Treasurer. The resolution for annexation shall contain the boundary description of the area to be annexed and, pursuant to Minnesota Statutes Section 414.01, subd. 14 and Section 414.0325, subd. 1a, shall contain the City's estimates of the population and number of households contained in the area to be annexed and the estimate of electrical service cost differences at the time of annexation.

The City and Town agree that no alteration of the stated boundaries is appropriate, that no consideration by the Minnesota Municipal Board is necessary, and that all terms and conditions for annexation of the area legally described in Exhibit A, or any portion thereof, are provided for in this Joint Resolution. Pursuant to Minnesota Statutes Section 414.0325, upon receipt of a resolution of any signatory to the Joint Resolution for annexation of the area described in Exhibit A, or any portion thereof, the Minnesota Municipal Board may review and comment, but shall, within thirty (30) days of receipt of said resolution, order the annexation of the area described in the resolution in accordance with the terms and conditions of this Joint Resolution.

7. Notwithstanding the annexation time line set forth in paragraph 4, any lands contained in the orderly annexation area may be annexed to the City prior thereto upon adoption by the City of a resolution following the procedures as prescribed in paragraph 6 and whenever:

- (a) a majority of the property owners submit a petition for annexation or otherwise indicate their interest to the City or Town in being annexed and receiving sanitary sewer or 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 with the City. In such instance, review by the Rochester Planning and Zoning Commission shall not be required prior to the City acting upon said petition;
- (c) a landowner seeks to develop a residential, commercial, industrial, or governmental use on land which is platted or subdivided or which is proposed to be platted or subdivided for development at a density of more than one unit per 40 acres. In such instances, the City may immediately annex the area proposed to be developed and the adjacent necessary land which, in the City's discretion, is needed to extend municipal sewer or water service to the area to be annexed; or
- (d) the land is owned by a private person but is completely surrounded by land within the City. In these events the land may be annexed immediately by the City.

Provided further, that the parties hereto may revise the annexation schedule otherwise set forth in paragraph (4) upon the recommendation of the Olmsted County Health and Planning Departments that the continued use of private sewer systems in the orderly annexation area present an immediate threat to public or private water supplies.

8. Pursuant to the provisions of Minnesota Statutes §414.0325, Subd. 5, the parties agree that the City may, after the effective date of this Joint Resolution, extend its municipal planning and land use controls to the property described in Exhibit A prior to annexation. To establish its municipal planning and land use controls, the City shall adopt a resolution identifying the boundaries of the real property subject to municipal controls and the specific zoning district(s) classification(s) of the subject lands as defined under the Rochester Zoning Ordinance and Land Development Manual. A copy of the resolution shall be filed with the Town, the Olmsted County Administrator, and the Olmsted County Recorder's Office.

9. Lands ordered annexed pursuant to this joint resolution shall not be subject to any differential taxation as referenced in Minnesota Statutes §414.035. Property taxes payable on annexed land shall continue to be paid to the Town for the entire year in which the annexation becomes effective. If an annexation becomes effective on or before August 1 of a levy year, based on the date specified in the order from the Minnesota Municipal Board, the City may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the Town may continue to levy on the annexed area for that levy year. Thereafter property taxes on the annexed land shall be paid to the City.

10. The City shall, in appropriate circumstances, provide notification that the cost of electric utility service to the customers on the property subject to this joint resolution may change when the land is annexed to the City if and when the provider of electrical service is transferred from People's Cooperative Power Association to Rochester Public Utilities. As of the date of this joint resolution, the estimate of the difference in overall electrical service costs between the two providers is minimal. A resolution of the City to annex certain property subject to this joint resolution, as referenced in paragraph 7, shall contain a cost estimate of any change in electric utility services, including rate changes and assessments resulting from the annexation.

11. It is the City's intention to provide only sanitary sewer and/or water service to developed lands in the annexation area prior to annexation pursuant to this joint resolution. Thereafter, any other or additional local improvements may 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) when three-fourths (3/4) of the City Council determine that it is in the public interest of the residents of the City and of any lands to be assessed to construct such local improvement; or,
- (c) when the City and Town enter into an Intergovernment Agreement providing for the sharing of costs for the local improvement where the sharing of costs is based on the number of years the improvement shall be in the Town as compared to the improvement's life expectancy.

12. The City shall have exclusive control over the nature and extent of the installation of municipal sewer or water. This includes the design and construction of any sewer or water system serving an area of the Township prior to annexation. The Town, by this agreement, does hereby authorize the City to enter upon the Town roads for the purpose of constructing, installing, and maintaining any and all sewer and water facilities, without the need for any further permit or easement. The City shall reimburse itself for the cost of installing municipal services by entering into connection agreements with individual property owners. The City and Town recognize that the connection agreements will require payments by the property owners prior to annexation of the property into the city, and that the payments are appropriately levied as unpaid charges pursuant to Minn. Stat. Chapters 429 and. 444. The City shall furnish to Town by November 15th of each appropriate year a list of properties subject to connection agreements and the amount of special assessments to be collected from each property. The City shall also provide a list of those properties for which delinquent water and sewer bills are outstanding. The Town shall certify, on behalf of the City, these amounts to the Olmsted County Auditor/Treasurer for inclusion in the Real Property Tax Statement due and payable in the following calendar year. The certification shall direct the Olmsted County Auditor/Treasurer, to collect and disburse the assessment amounts directly to the City of Rochester. In the event the County Auditor/Treasurer is unwilling to disburse the funds to the City, the Town shall remit these funds to the City within 30 days of its receipt of the funds from the County. The City shall assume the responsibility for certification of the special assessments and service charges upon annexation of the properties into the City.

13. Nothing in this joint resolution shall relieve the Town of its responsibilities for the regular and normal maintenance of the existing infrastructure of roads, drainage facilities, and street signs until the property described in the attached Exhibit A has been annexed into the City.

14. Disputes and Remedies. The City and Township agree as follows:

- a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the respective City and Township will direct staff members as they deem appropriate to meet at least one time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- b. Mediation. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to non-binding mediation.

- c. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to non-binding mediation, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.
15. Modification/Amendment. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City and the Township duly executed and adopted by the City Council and Township Board of Supervisors and filed with the Minnesota Municipal Board or its successor.
16. Governing Law; Severability. This Joint Resolution for Orderly Annexation is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota. In the event any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practicable in light of such determination, implement and give effect to the intentions of the parties hereto.
17. Entire Agreement. The terms, covenant, conditions, and provisions of this Joint Resolution, including the present and all future attachments, shall constitute the entire agreement between the parties, superseding all prior agreement and negotiations, regarding the annexation area. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Town.
18. Effective Date; Termination. 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 at such time that the entire area designated in Exhibit A has been annexed to the City, or at such time that the City and Town mutually agree in writing that this joint resolution shall be terminated.
19. Notices. Any notices required to be sent under the terms of this agreement shall be considered sufficient notice if mailed by first class U.S. mail to the City of Rochester, City Administrator's Office, 201 4th Street SE, Rochester, MN 55904, and to the Town of Marion, Marion Town Clerk, 2850 Oakview Court SE, Rochester, MN 55904.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF ROCHESTER,
MINNESOTA THIS 20th DAY OF SEPTEMBER, 1999.

John Hunsicker
PRESIDENT OF SAID COMMON COUNCIL

ATTEST: Judy Kay Olson
CITY CLERK

APPROVED THIS 21st DAY OF SEPTEMBER, 1999.

Jeffrey Benfield
MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

PASSED AND ADOPTED BY THE TOWN OF MARION, MINNESOTA, THIS 14th
DAY OF SEPT., 1999.

James R. Campbell
CHAIRMAN OF TOWN BOARD

ATTEST: Janet Haysmann
TOWN CLERK

Zone\order.annex.marion2.doc

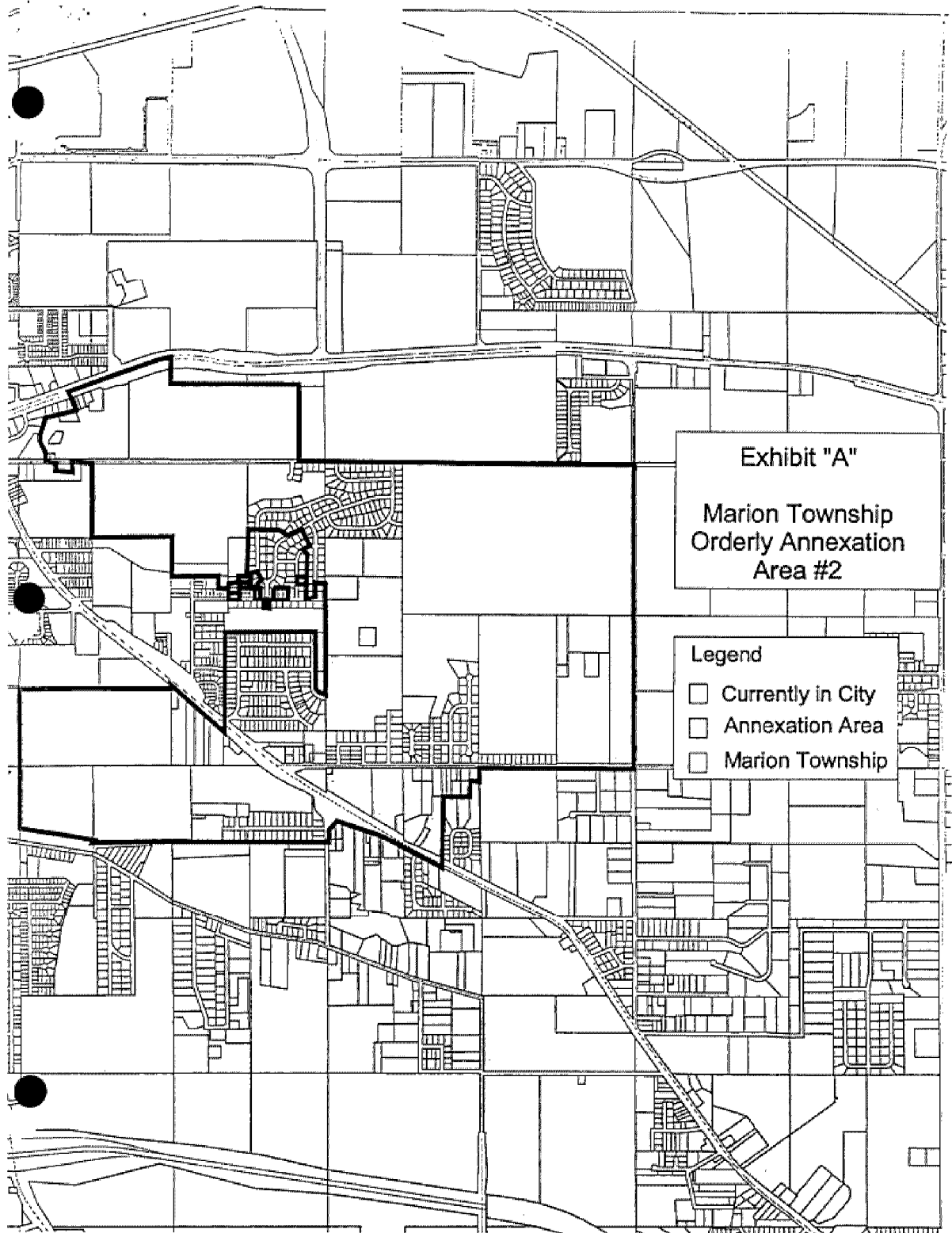
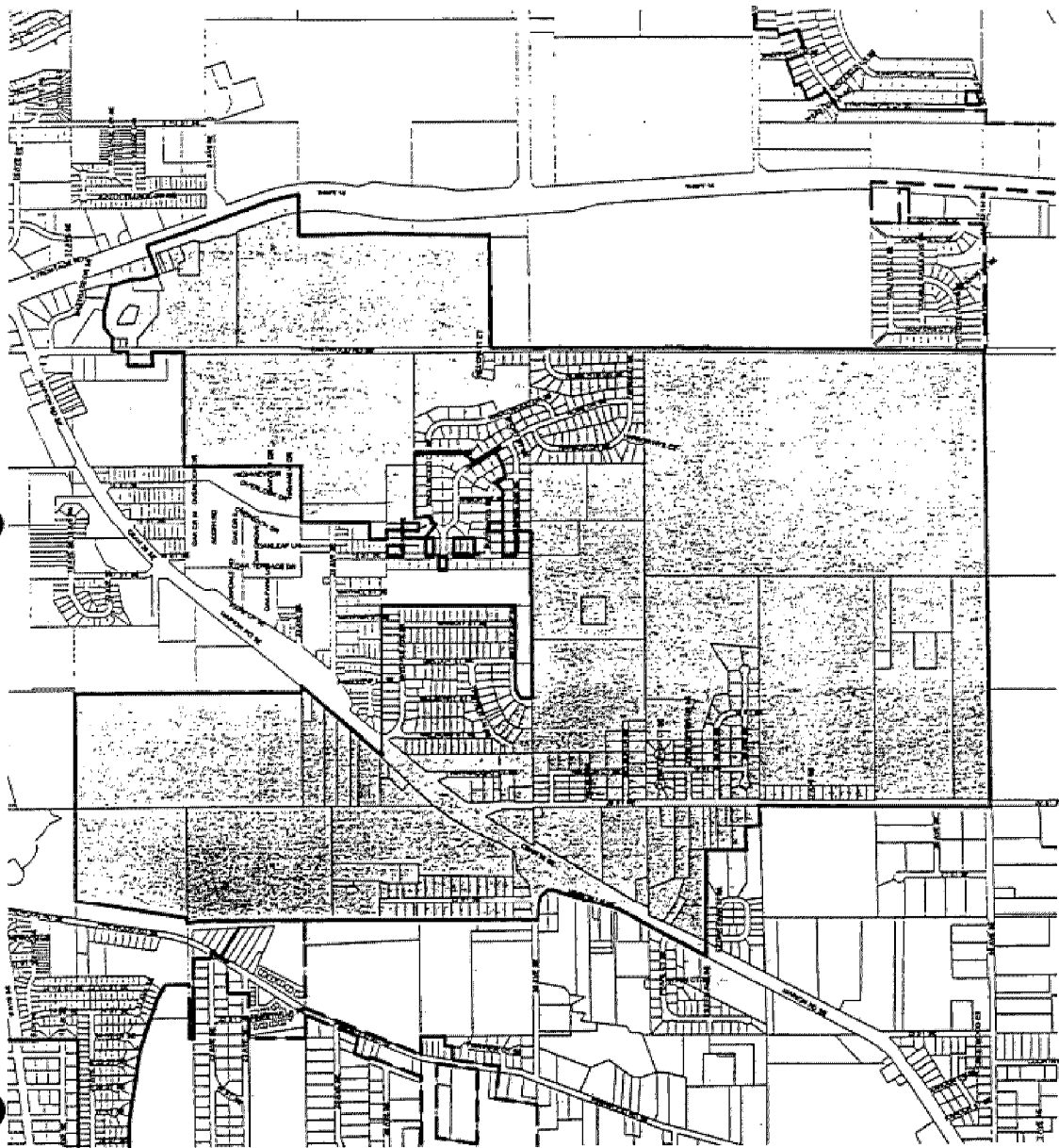


Exhibit "A"

Marion Township Orderly Annexation Area #2



- Annexation Area
- City Parcel
- Marion Township Parcel

0 800 1600 2400 3200 Feet



Map Date: 10/2009
Map Source: 2008 Census County Parcel Data
Map R: 2008-01-01
Map Prepared For: City of Marion

SURVEYOR'S AFFIDAVIT

I, Michael J. Fritz, a Land Surveyor licensed under the laws of the State of Minnesota, hereby certify that the attached EXHIBIT B describes the same property as shown on the attached EXHIBIT A, Marion Township Orderly Annexation Area #2.

1/3/00

Date

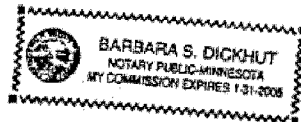
Michael J. Fritz
Michael J. Fritz, LS 20703

STATE OF MINNESOTA)

) SS

COUNTY OF OLMSTED)

The foregoing instrument was acknowledged before me this 3rd day of January, 2000, by Michael J. Fritz, LS 20703.



Barbara S. Dickhut
Notary Public, Olmsted County, MN
My Commission Expires 1-31-2005

This Instrument was prepared by:

YAGGY COLBY ASSOCIATES
717 SE Third Avenue
Rochester, MN 55904
PH: 507/288-6464
FAX: 507/288-5058

EXHIBIT B

NORTHWEST QUARTER, SECTION 7

DESCRIPTION

The Northeast Quarter of the Northwest Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota.

Said tract contains 38.53 acres more or less.

Also, that part of the Northwest Quarter of the Northwest Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of said Northwest Quarter of the Northwest Quarter; thence westerly on a Minnesota State Plane Grid Azimuth from north of 269 degrees 02 minutes 17 seconds along the north line of said Northwest Quarter 324.9 feet to the point of beginning; thence continue westerly 269 degrees 02 minutes 17 seconds azimuth along said north line 271.00 feet; thence southerly 179 degrees 02 minutes 17 seconds azimuth 162.40 feet; thence easterly 89 degrees 02 minutes 17 seconds azimuth 271.00 feet; thence northerly 359 degrees 02 minutes 17 seconds azimuth 162.40 feet to the point of beginning.

Said tract contains 1.01 acres more or less.

EXHIBIT B

NORTHEAST QUARTER, SECTION 7

That part of the Northeast Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northeast Quarter; thence southerly on a Minnesota State Plane Grid Azimuth from north of 178 degrees 47 minutes 15 seconds along the west line of said Northeast Quarter 1962.34 feet to a point 660.00 feet north of the center of said Section 7; thence easterly 89 degrees 00 minutes 01 seconds azimuth parallel to the south line of said Northeast Quarter 790.36 feet; thence southerly 178 degrees 47 minutes 15 seconds azimuth 220.00 feet to the north line of Fierk's First Replat; thence easterly 89 degrees 00 minutes 01 seconds azimuth along said north line 199.78 feet to the west line of Rose-Harbor First Subdivision; thence northerly 358 degrees 52 minutes 36 seconds azimuth along said west line 201.00 feet to the north line of said Rose-Harbor First Subdivision; thence easterly 89 degrees 05 minutes 35 seconds azimuth along said north line 366.94 feet to the west line of Rose-Harbor Fourth Addition; thence southerly 179 degrees 05 minutes 35 seconds azimuth along said west line 187.60 feet to the south line of Lot 2, Block 9 of said Rose-Harbor Fourth Addition; thence easterly 89 degrees 04 minutes 45 seconds azimuth along said south line 71.45 feet to the southeasterly line of said Lot 2; thence northeasterly 36 degrees 24 minutes 04 seconds azimuth along said southeasterly line 204.40 feet to the center line of Harbor Parkway (Knollwood Drive); thence northwesterly 140.70 feet along said center line on a nontangential curve concave northeasterly, having a radius of 190.99 feet, a central angle of 42 degrees 12 minutes 36 seconds, and a chord azimuth of 327 degrees 30 minutes 22 seconds to the easterly extension of the northerly line of Lot 3 of said Block 9; thence westerly 258 degrees 36 minutes 40 seconds azimuth along said northerly line 169.00 feet to the west line of said Rose-Harbor Fourth Addition; thence northerly 358 degrees 53 minutes 06 seconds azimuth along said west line 747.05 feet to the center line of Park Street; thence easterly 88 degrees 50 minutes 35 seconds azimuth 490.22 feet; thence southeasterly 194.50 feet along said center line on a tangential curve concave southwesterly, having a radius of 190.99 feet and a central angle of 58 degrees 21 minutes 00 seconds; thence southeasterly 147 degrees 11 minutes 35 seconds azimuth along said center line 40.30 feet to the center line of Rose Avenue; thence northeasterly 57 degrees 11 minutes 35 seconds azimuth along said center line 275.60 feet to the northeasterly line of said Rose-Harbor Fourth Addition; thence southeasterly 147 degrees 11 minutes 35 seconds azimuth along said northeasterly line 33.00 feet; thence southeasterly 150 degrees 16 minutes 35 seconds azimuth along said northeasterly line 141.70 feet to the northwesterly corner of Lot 1, Block 6 of said Rose Harbor Fourth Addition; thence southerly 165 degrees 04 minutes 17 seconds azimuth along the westerly line of said Lot 1, a distance 159.60 feet to the center line of Sunset Avenue; thence southwesterly 125.45 feet along said center line on a nontangential curve concave southeasterly, having a radius of 279.49 feet, a central angle of 25 degrees 43 minutes 05 seconds, and a chord azimuth of 239

degrees 49 minutes 02 seconds to the northwesterly extension of the northeasterly line of Lot 6, Block 2 of Rose-Harbor Fourth Addition; thence southeasterly 138 degrees 43 minutes 04 seconds azimuth along said northeasterly line and its extension thereof 109.09 feet to the east line of said Lot 6; thence southerly 178 degrees 56 minutes 05 seconds azimuth along said east line and its southerly extension thereof 372.00 feet to the north line of Lot 3 of said Block 2; thence westerly 269 degrees 05 minutes 35 seconds azimuth along said north line 163.00 feet to the center line of said Sunset Avenue; thence southerly 178 degrees 56 minutes 05 seconds azimuth along said center line 124.00 feet to the westerly extension of the south line of said Lot 3; thence easterly 89 degrees 05 minutes 35 seconds azimuth along said south line and its extension 163.00 feet to the east line of Lot 2 of said Block 2; thence southerly 178 degrees 56 minutes 05 seconds azimuth along said east line and its southerly extension thereof 281.00 feet to the center line of South Street (15th Street SE); thence easterly 89 degrees 05 minutes 35 seconds azimuth along said center line 163.00 feet to the center line of Sunrise Avenue; thence northerly 358 degrees 56 minutes 05 seconds azimuth along said center line 281.00 feet to the westerly extension of the south line of Lot 3, Block 3 of Rose-Harbor Fourth Addition; thence easterly 89 degrees 05 minutes 35 seconds azimuth along said south line and its extension thereof 163.00 feet to the east line of Rose Harbor Fourth Addition; thence northerly 358 degrees 56 minutes 05 seconds azimuth along said east line and along the east line of said Northeast Quarter 2117.40 feet to the north line of said Northeast Quarter; thence westerly 268 degrees 36 minutes 02 seconds azimuth along said north line 2638.79 feet to the point of beginning.

Said tract contains Lots 1 and 4, and parts of Lots 2 and 3 of Block 5; Lots 1 and 2 of Block 6; Lots 1 and 4, and parts of Lots 2 and 5 of Block 7; Lots 1, 2, and 3 of Block 8, all in Rose-Harbor Second Subdivision.

Said tract also contains Lots 1, 2, 3, 4, 5, 6, and 7 of Rose-Harbor Third Subdivision.

Said tract also contains Lots 3, 7, 8, 9, 10, 11, 12, and 13 of Block 2; Lots 3, 4, 5, 6, and 7 of Block 3; Lot 1 of Block 5; Lot 1 of Block 6; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of Block 8; Lots 2 and 3 of Block 9; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 10, all in Rose-Harbor Fourth Addition.

Said tract contains 106.49 acres more or less.

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

EXHIBIT B

SOUTHWEST QUARTER, SECTION 6

That part of the Southwest Quarter of Section 6, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southeast corner of said Southwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 269 degrees 02 minutes 17 seconds along the south line of said Southwest Quarter 2106.63 feet to the east line of Eastgate Commercial Park First Subdivision; thence northerly 358 degrees 43 minutes 17 seconds azimuth along said east line 160.00 feet; thence northerly 322 degrees 43 minutes 17 seconds azimuth along said east line 142.00 feet; thence northerly 354 degrees 43 minutes 17 seconds azimuth along said east line 160.00 feet; thence northerly 13 degrees 38 minutes 17 seconds azimuth along said east line 333.40 feet; thence easterly 72 degrees 28 minutes 02 seconds azimuth 247.20 feet; thence easterly 85 degrees 51 minutes 47 seconds azimuth 147.46 feet; thence easterly 69 degrees 10 minutes 57 seconds azimuth 143.24 feet; thence northerly 339 degrees 10 minutes 57 seconds azimuth 339.51 feet to the center line of the eastbound lane of Trunk Highway No. 14; thence northeasterly 67 degrees 15 minutes 57 seconds azimuth along said center line 1400.55 feet; thence easterly 410.11 feet along said center line on a tangential curve concave southerly, having a radius of 938.14 feet and a central angle of 25 degrees 02 minutes 49 seconds to the east line of said Southwest Quarter; thence southerly 178 degrees 35 minutes 41 seconds azimuth along said east line 1788.17 feet to the point of beginning.

Said tract contains 67.93 acres more or less.

EXHIBIT B

SOUTH HALF, SOUTHEAST QUARTER, SECTION 6

That part of the South Half of the Southeast Quarter of Section 6, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 88 degrees 36 minutes 02 seconds along the south line of said Southeast Quarter 2195.91 feet to the west line of the east 442.86 feet of the said South Half; thence northerly 358 degrees 06 minutes 27 seconds azimuth along said west line 1317.83 feet to the north line of said South Half; thence westerly 268 degrees 41 minutes 47 seconds along said north line 2184.71 feet to the west line of said Southeast Quarter; thence southerly 178 degrees 35 minutes 41 seconds azimuth along said west line 1321.44 feet to the point of beginning.

Said tract contains 66.35 acres more or less.

EXHIBIT B

SOUTHEAST QUARTER, SECTION 7

DESCRIPTION

That part of the Southeast Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter; thence northerly on a Minnesota State Plane Grid Azimuth from north of 358 degrees 45 minutes 04 seconds along the west line of said Southeast Quarter 1366.25 feet to the southwesterly right-of-way line of C.S.A.H. No. 36 of Olmsted County Highway Right-Of-Way Plat No. 103; thence southeasterly 128 degrees 40 minutes 52 seconds azimuth along said southwesterly right-of-way line 885.64 feet; thence southeasterly 147 degrees 09 minutes 07 seconds azimuth along said southwesterly right-of-way line 47.79 feet; thence southeasterly 132 degrees 31 minutes 35 seconds azimuth along said southwesterly right-of-way line 297.39 feet to the southerly extension of the west line of Marvale Subdivision; thence northerly 358 degrees 34 minutes 11 seconds azimuth along said southerly extension line and along the west line of Marvale No. Five, a distance of 1741.99 feet to the north line of said Marvale No. Five; thence easterly 89 degrees 04 minutes 41 seconds azimuth along said north line and along the north line of Marvale No. Six, a distance of 1538.98 feet to the west line of Outlot 1 of said Marvale No. Six; thence southerly 178 degrees 55 minutes 26 seconds azimuth along said west line and along the west line of Outlot 1 of Marvale No. Seven, a distance of 932.78 feet; thence southeasterly 164.07 feet along the southerly line of said Outlot 1 on a tangential curve concave northeasterly, having a radius of 157.99 feet and a central angle of 59 degrees 30 minutes 00 seconds; thence easterly 90 degrees 45 minutes 22 seconds azimuth along said southerly line 110.27 feet to the east line of Marvale No. Seven; thence southerly 178 degrees 31 minutes 11 seconds azimuth along said east line and along the east line of said Southeast Quarter 1227.20 feet to the south line of said Southeast Quarter; thence westerly 269 degrees 04 minutes 41 seconds azimuth along said south line 2643.09 feet to the point of beginning, which includes all Marvale Subdivision, Marvale No. Two, Marvale No. Three, Marvale No. Four, Marvale No. Five, Marvale No. Six, Marvale No. Seven, and Whynaught's Subdivision, except Outlot 1 of Marvale No. Six and Outlot 1 of Marvale No. Seven.

Said tract contains 106.97 acres more or less.

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

EXHIBIT B

SOUTH HALF, SOUTHWEST QUARTER, SECTION 7

DESCRIPTION

That part of the South Half of the Southwest Quarter of Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the southeast corner of said Southwest Quarter; thence northerly on a Minnesota State Plane Grid Azimuth from north of 358 degrees 45 minutes 04 seconds along the east line of said Southwest Quarter 1317.25 feet to the north line of said South Half; thence westerly 268 degrees 43 minutes 45 seconds azimuth along said north line 2556.46 feet to the west line of said Southwest Quarter; thence southerly 178 degrees 41 minutes 46 seconds azimuth along said west line 1318.36 feet to the south line of said Southwest Quarter; thence easterly 88 degrees 42 minutes 16 seconds azimuth along said south line 2555.19 feet to the point of beginning.

Said tract contains 77.32 acres more or less.

EXHIBIT B

NORTH HALVES, NORTHWEST AND NORTHEAST QUARTERS, SECTION 18

DESCRIPTION

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

Beginning at the northwest corner of said Northwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 88 degrees 42 minutes 16 seconds along the north line of said Northwest Quarter 2555.19 feet to the northeast corner of said Northwest Quarter; thence easterly 89 degrees 04 minutes 41 seconds azimuth along the north line of said Northeast Quarter 2643.09 feet to the northeast corner of said Northeast Quarter; thence southerly 178 degrees 25 minutes 37 seconds azimuth along the east line of said Northeast Quarter 1318.26 feet to the south line of said North Half of the Northeast Quarter; thence westerly 268 degrees 59 minutes 18 seconds azimuth along said south line 2643.82 feet to the southeast corner of said North Half of the Northwest Quarter; thence westerly 268 degrees 47 minutes 36 seconds azimuth along the south line of said North Half of the Northwest Quarter 1280.75 feet to the east line of the Northwest Quarter of said Northwest Quarter; thence northerly 358 degrees 35 minutes 48 seconds azimuth along said east line 29.93 feet; thence westerly 278 degrees 37 minutes 01 seconds azimuth 1299.97 feet to the west line of said Northwest Quarter; thence northerly 358 degrees 44 minutes 01 seconds azimuth along said west line 1066.69 feet to the point of beginning.

Said tract contains Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Samelian's Subdivision and Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9 of Samelian's Second Subdivision.

Said tract contains 153.53 acres more or less.

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

EXHIBIT B

NORTHWEST QUARTER, SECTION 17

DESCRIPTION

That part of the Northwest Quarter of Section 17, Township 106 North, Range 13 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence southerly on a Minnesota State Plane Grid Azimuth from north of 178 degrees 25 minutes 37 seconds along the west line of said Northwest Quarter 1318.26 feet to the south line of the Northwest Quarter of said Northwest Quarter; thence easterly 89 degrees 12 minutes 50 seconds azimuth along said South line 33.00 feet; thence northerly 358 degrees 35 minutes 37 seconds azimuth 105.36 feet to the southerly line of Olmsted County Right-Of-Way Plat No. 104; thence easterly 88 degrees 25 minutes 37 seconds azimuth along said southerly right-of-way line 17.04 feet; thence northerly 358 degrees 25 minutes 37 seconds along said southerly line 70.00 feet; thence northeasterly 244.95 feet along a tangential curve concave southeasterly, having a radius of 165.00 feet and a central angle of 85 degrees 03 minutes 32 seconds; thence easterly 107 degrees 34 minutes 58 seconds azimuth along said southerly line 519.82 feet; thence easterly 104 degrees 59 minutes 30 seconds azimuth along said southerly line 321.23 feet; thence southeasterly 1111.77 feet along said southerly line and along the southerly right-of-way line of C.S.A.H. No. 36 and along a nontangential curve concave northeasterly, having a radius of 17235.73 feet, a central angle of 03 degrees 41 minutes 45 seconds, a chord azimuth of 118 degrees 10 minutes 02 seconds, and a chord distance of 1111.57 feet to the southerly extension of the west line of Cedar Park First Subdivision; thence northerly 359 degrees 06 minutes 00 seconds azimuth along said extension line and along the west line of said Cedar Park First Subdivision 1234.06 feet to the northwest corner thereof; thence easterly 89 degrees 06 minutes 00 seconds azimuth along the north line of said Cedar Park First Subdivision 456.28 feet; thence northerly 359 degrees 06 minutes 00 seconds azimuth along said northerly line 267.53 feet; thence easterly 89 degrees 06 minutes 00 seconds azimuth along said northerly line 169.50 feet to the east line of said Northwest Quarter; thence northerly 357 degrees 37 minutes 50 seconds azimuth along said west line 267.53 feet to the north line of said Northwest Quarter; thence westerly 269 degrees 06 minutes 24 seconds azimuth along said north line 2604.77 feet to the point of beginning.

Said tract contains 65.72 acres more or less.

EXHIBIT B

NORTHEAST QUARTER, SECTION 17

DESCRIPTION

The north 50.00 feet of the Northeast Quarter of Section 17, Township 106 North, Range 13 West, Olmsted County, Minnesota.

Said tract contains 3.04 acres more or less.

EXHIBIT B

SECTION 8

DESCRIPTION

The Northwest Quarter, the Northeast Quarter, the Southeast Quarter, and the Southwest Quarter, all in Section 8, Township 106 North, Range 13 West, Olmsted County, Minnesota more particularly described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from north of 89 degrees 40 minutes 27 seconds along the north line of said Northwest Quarter 2629.78 feet to the northwest corner of said Northeast Quarter; thence easterly 89 degrees 37 minutes 22 seconds azimuth along the north line of said Northeast Quarter 2631.63 feet to the northeast corner of said Northeast Quarter; thence southerly 178 degrees 47 minutes 04 seconds azimuth along the east line of said Northeast Quarter 2626.87 feet to the northeast corner of said Southeast Quarter; thence southerly 178 degrees 45 minutes 53 seconds azimuth along the east line of said Southeast Quarter 2626.14 feet to the southeast corner of said Southeast Quarter; thence westerly 269 degrees 37 minutes 26 seconds azimuth along the south line of said Southeast Quarter 2651.60 feet to the southeast corner of said Southwest Quarter; thence westerly 269 degrees 06 minutes 24 seconds azimuth along the south line of said Southwest Quarter 2604.77 feet to the southwest corner of said Southwest Quarter; thence northerly 358 degrees 30 minutes 39 seconds azimuth along the west line of said Southwest Quarter 2638.16 feet to the northwest corner of said Southwest Quarter; thence northerly 358 degrees 56 minutes 05 seconds azimuth along the west line of said Northwest Quarter 2640.74 feet to the point of beginning.

Said tract contains Lots 1, 2, 3, and 4, Block 1; Lots 1, 2, 3, and 4, Block 2; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Block 3, all in Christopher Courts Subdivision; Lots 1 and 2, Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 2; Lots 1, 2, 3, 4, 5, 6, and 7, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 4, all in Christopher Courts Second Subdivision; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, all in Lake's Subdivision; Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 1; Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block 2, all in Nelson Subdivision; Lots 1, 2, 3, and 4, Block 1; Lots 1, 2, 3, and 4, Block 2; Lots 1 and 2, Block 3, all in Nelsons Second Subdivision; Lots 1, 2, and 3, Block 1; Lots 1 and 2, Block 2, all in Nelsons Third Subdivision.

Said tract also contains Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, Block 2; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Block 3; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block 4; Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 and parts of Lots 2 and 3, Block 5; Lots 3 and 6 and parts of Lots 2 and 5, Block 7, all in Rose-Harbor Second Subdivision.

Said tract contains 635.46 acres more or less.

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

EXHIBIT B

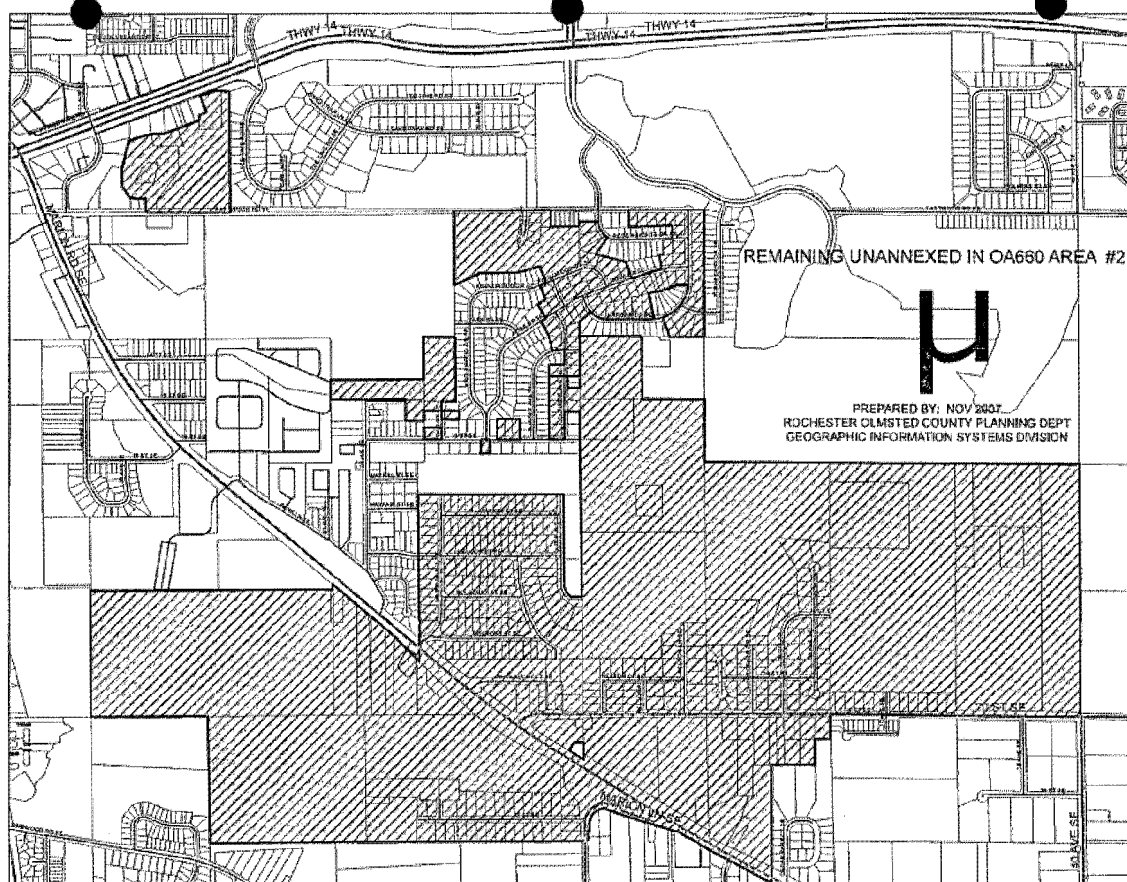
ROSE HARBOR FIRST SUBDIVISION

DESCRIPTION

Lots 1, 2, and 3, Block 1; Lots 2 and 6, Block 2; Lots 1 and 4, Block 3; and Lot 3, except the east 16.00 feet thereof, Block 4, all in Rose Harbor First Subdivision.

The total quantity of land included in said petition is approximately 3.23 acres in size.

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



IN THE MATTER OF THE ORDERLY ANNEXATION)
 AGREEMENT BETWEEN THE CITY OF ROCHESTER) A M E N D E D
 AND MARION TOWNSHIP PURSUANT TO) ORDER
 MINNESOTA STATUTES 414)

That part of the Southwestern Quarter of Section 6 Marion Twp described as follows:
Commencing at the southeastern corner of the southwestern quarter thence westerly

-2-

269 degrees 48 minutes 9 seconds 1044.37ft to the point of beginning, thence westerly 270 degrees 1 minute 31 seconds 902.22ft, thence northerly 359 degrees 28 minutes 38 seconds 149.99ft, thence westerly 269 degrees 47 minutes 32 seconds 160.06ft, thence northerly 359 degrees 31 minutes 1 second 10.07ft, thence northwesterly 323 degrees 28 minutes 48 seconds 142.0ft, thence northwesterly 355 degrees 28 minutes 43 seconds 160.01ft, thence northeasterly 14 degrees 23 minutes 41 seconds 331.24, thence northeasterly 70 degrees 25 minutes 3 seconds 155.86ft, thence northeasterly 78 degrees 01 minute 25 seconds 92.41ft, thence northeasterly 86 degrees 47 minutes 2 seconds 147.46ft, thence northeasterly 69 degrees 52 minutes 14 seconds 385.06ft, thence northerly 359 degrees 17 minutes 34 seconds 55.8ft, thence northeasterly 69 degrees 56 minutes 32 seconds 81.81ft, thence northwesterly 339 degrees 44 minutes 16 seconds 181.51ft to the southerly right-of-way of Hwy 14 SE, thence northeasterly 70 degrees 8 minutes 47 seconds 171.85ft, thence southeasterly 103 degrees 18 minutes 38 seconds 115.57ft, thence northeasterly 65 degrees 14 minutes 16 seconds 35.23ft, thence southerly 179 degrees 22 minutes 55 seconds 1263.68ft to the point of beginning.

Northeast Quarter Section 7 Marion Twp

That part of said Northeast Quarter described as follows: Commencing at the NW Corner of the Northeast Quarter thence south 179 degrees 33 minutes 16 seconds 1751.6ft to the point of beginning, thence easterly 89 degrees 37 minutes 30 seconds 987.93ft, thence northerly 359 degrees 36 minutes 18 seconds 441.48ft, thence easterly 89 degrees 36 minutes 6 seconds 332.06ft, thence southerly 179 degrees 30 minutes 35 seconds 675.57ft, thence westerly 269 degrees 44 minutes 4 seconds 146.33ft, thence southerly 179 degrees 45 minutes 21 seconds 97.17ft, thence westerly 269 degrees 28 minutes 39 seconds 186.76ft, thence southerly 179 degrees 26 minutes 5 seconds 105.72ft, thence westerly 269 degrees 43 minutes 54 seconds 202.89ft, thence northerly 359 degrees 45 minutes 36 seconds 222.5ft, thence westerly 269 degrees 44 minutes 36 seconds 791.59ft, thence northerly 359 degrees 33 minutes 15 seconds 201.89 ft to the point of beginning.

Also

That part of the northeast quarter described as follows: Commencing at the NE Corner of the Northeast Quarter section 7 thence westerly 269 degrees 21 minutes 45 seconds 300.0ft to the point of beginning, thence southerly 179 degrees 23 minutes 29 seconds 182.86ft, thence easterly 89 degrees 23 minutes 27 seconds 299ft, thence southerly 179 degrees 41 minutes 48 seconds 414.01ft to the northerly right-of-way line of Knollwood Dr SE, thence southwesterly 247 degrees 47 minutes 29 seconds 388.76ft, thence northwesterly 337 degrees 2 minutes 37 seconds 150.05ft to the most northerly corner of lot 9 block 1 Rose Harbor Estates 2nd Sub, thence southwesterly along the north line of said subdivision 255 degrees 14 minutes 16 seconds 242.7ft, thence west 270 degrees 0 minutes 0 seconds 389.99 ft, thence

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southwesterly 244 degrees 34 minutes 7 seconds 299.94ft, thence northerly 359 degrees 30 minutes 39 seconds 780.06ft, thence easterly 89 degrees 21 minutes 38 seconds 1019.39ft to the point of beginning.

Also

Platted areas in Sections 7 and 8 described as follows: In Rose Harbor 1st Subdivision Lots 1, 2, and 3 Block 1. Lot 6 Block 2. Lot 1 Block 3. Lot 3 block 4.

In Rose Harbor 2nd Subdivision Lots 4, 5, 6, 7, 8, 9, and 15 Block 1. Lots 2, 3, 4, 11, 12, 13, 14, 18, 19, 20, 21, 22, and 23 Block 2. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, and 21 Block 3. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Block 4. Lots 1, 2, 3, 4, 14, 15, 16, and 17 Block 5.

Lots 1 and 2 Block 6. Lots 1, 2, 3, 4, 5, and 6 Block 7. Lots 1, 2, and 3 Block 8.

In Rose Harbor 4th Subdivision Lots 8, 9, 10, 11, 12, and 13 Block 2. Lots 3, 4, 6, and 7 Block 3. Lot 1 Block 5. Lot 1 Block 6, including all adjacent platted right-of-way.

Also

The southern half of the southwestern quarter Section 7 Marion Twp.

Also

All that part of the southeastern quarter Section 7 Marion Twp south and west of the northeasterly Marion Rd SE right-of-way.

Also

All that part of the southeast quarter section 7 platted as Marvale Addition, Marvale No 3, Marvale No 4, Marvale No 5, Marvale No 6 less Outlot 1, Marvale No 7 less Outlot 1, Replat Block 6 Marvale No 4, and Whynaughts Sub.

Also

That part of the northwestern quarter of section 8 Marion Twp described as follows: the southern half of the southwest quarter of the northwest quarter section. And the northwest quarter of the southwestern quarter of the northwest quarter. And also The southern half of section 8.

Also

All that part of the northwest quarter of section 17 Marion Twp north of the southwesterly right-of-way of Marion Rd SE and northerly and westerly right-of-way of Marion Ln SE less that part of the northwestern quarter platted as Cedar Park First

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Subdivision, also less the Marion Rd SE right-of-way south of Cedar Park First Subdivision, also less Lot 44 of Auditors Plat E.

Also

The northern half of the northeast quarter section ¹⁸~~17~~ less commencing at the northeast corner section 8 thence southerly 179 degrees 12 minutes 31 seconds 289.58ft to the point of beginning, thence continue southerly 179 degrees 11 minutes 6 seconds 180.37ft, thence northwesterly 301 degrees 10 minutes 31 seconds 180.37ft, thence northeasterly 31 degrees 10 minutes 32 seconds 100.0ft, thence easterly 89 degrees 11 minutes 6 seconds 100ft to the point of beginning.

Also

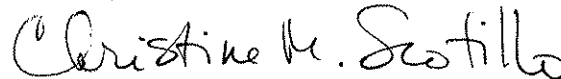
The northeastern quarter of the northwest quarter of section 18.

Containing 810.18 acres more or less.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, Marion Township will be reimbursed in accordance with the terms of the Joint Resolution signed by the City on September 20, 1999 and the Township on September 14, 1999; and City Resolution No. 576-07 signed December 3, 2007.

Dated this 24th day of January, 2008.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Amended this 26th day of November, 2008.

For the Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments