

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF ROCHESTER)	<u>A M E N D E D</u>
AND THE TOWN OF MARION PURSUANT TO)	<u>ORDER</u>
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 of land 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; and

WHEREAS, on December 15, 2006, the Chief Administrative Law Judge 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 SIXTY-FOUR (64), AUDITOR'S PLAT "E" OF THE WEST HALF (W ½) OF SECTION (17), TOWNSHIP ONE HUNDRED SIX (106), NORTH OF RANGE THIRTEEN (13) WEST IN OLMTED COUNTY, EXCEPTION TO THE

FOLLOWING FOUR PARCELS;

1. COMMENCING FOR A PLACE OF BEGINNING AT THE SOUTHWEST CORNER OF LOT 62 OF SAID AUDITOR'S PLAT "E", THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 64, 434 FEET, THENCE EAST TO THE SOUTHEAST LOT 59 OF AUDITOR'S PLAT "E", THENCE NORTH ALONG THE WEST LINE OF SAID LOT 59, 543.7 FEET, THENCE WEST ALONG THE SOUTH LINES OF LOTS 60 AND 61 OF SAID AUDITOR'S PLAT "E", 286.45 FEET TO THE EAST LINE OF SAID LOT 62, THENCE SOUTH ALONG SAID EAST LINE OF LOT 62 TO THE SOUTHEAST CORNER OF SAID LOT 62, THENCE EAST 242.7 FEET ALONG THE SOUTH LINE OF SAID LOT 62, TO THE POINT OF BEGINNING.

2. THAT PART OF LOT 64, AUDITOR'S PLAT "E" OF THE WEST HALF OF SECTION 17, TWP. 106, NORTH OF RANGE 13 WEST IN OLMSTED COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS; COMMENCING FOR A PLACE OF BEGINNING AT THE SOUTHWEST CORNER OF LOT 64 OF SAID AUDITOR'S PLAT AND RUNNING THENCE WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 127 FEET, THENCE NORTH PARALLEL WITH THE WEST LINE OF VANDAL'S FIRST SUBDIVISION, A DISTANCE OF 528 FEET, THENCE EAST A DISTANCE OF 127 FEET TO THE NORTHWEST CORNER LOT 7, VANDAL'S FIRST SUBDIVISION, THENCE SOUTH A DISTANCE OF 528 FEET TO THE POINT OF BEGINNING. CONTAINING 1.539 ACRES MORE OR LESS.

3. THAT PART OF LOT 64, AUDITOR'S PLAT "E" OF THE WEST 1/4 OF SECTION 17, TOWNSHIP 106 NORTH, RANGE 13 WEST, OLMSTED COUNTY MINNESOTA, DESCRIBED AS FOLLOWS; COMMENCING FOR A PLACE OF BEGINNING AT THE SOUTHWEST CORNER OF LOT 55 AUDITOR'S PLAT "E" AND RUNNING THENCE WEST A DISTANCE OF 248.87 FEET THENCE NORTH A DISTANCE OF 193.6 FEET TO THE SOUTHWEST CORNER OF LOT 54 OF SAID AUDITOR'S PLAT "E", THENCE EAST A DISTANCE OF 248.87 FEET, THENCE SOUTH A DISTANCE OF 193.6 FEET TO THE PLACE OF BEGINNING. SUBJECT TO THE RIGHT OF TRAVEL THROUGH, OVER AND ACROSS THE SOUTH 33 FEET THEREOF.

4. THAT PART OF LOT 64, AUDITOR'S PLAT "E" OF THE WEST 1/4 OF SECTION 17, TOWNSHIP 106 NORTH, RANGE 13 WEST, OLMSTED COUNTY MINNESOTA, DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF LOT 7, VANDAL'S FIRST SUBDIVISION FOR A PLACE OF BEGINNING AND RUNNING THENCE NORTH 89D36' WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION A DISTANCE OF 314.57 FEET, THENCE SOUTH 89D36' EAST A DISTANCE OF 277 FEET, THENCE DUE SOUTH A DISTANCE OF 314.57 FEET TO THE NORTH LINE OF SAID LOT 7, THENCE NORTH 89D36' WEST A DISTANCE OF 244.57 FEET TO THE PLACE OF BEGINNING, CONTAINING 2 ACRES, MORE OR LESS.

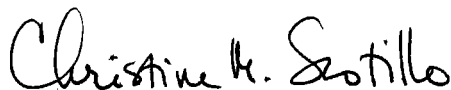
The legal description is more particularly described on the attached EXHIBIT A.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Marion will be reimbursed by the City of Rochester in accordance with the terms of Joint Resolution

signed by the City of Rochester on September 20, 1999 and the Town of Marion on September 14, 1999.

Dated this 15th day of December, 2006.

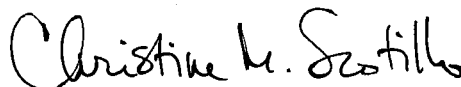
For the Chief Administrative Law Judge
658 Cedar Street, Room 300
St. Paul, Minnesota 55155

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

Amended order dated this 8th day of March, 2007.

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

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

EXHIBIT A

Lot Sixty-Four (64), Auditor's Plat "E" of the West Half (W ½) of Section Seventeen (17), Township One Hundred Six (106) North of Range Thirteen (13) West in Olmsted County, Exception to the Following Four Parcels:

1. Commencing for a Place of Beginning at the Southwest Corner of Lot 62 of Said Auditor's Plat "E", Thence South Along the West Line of Said Lot 64, 434 Feet, Thence East to the Southeast Lot 59 of Auditor's Plat "E", Thence North Along the West Line of Said Lot 59, 543.7 Feet, Thence West Along the South Lines of Lots 60 and 61 of said Auditor's Plat "E", 286.45 Feet to the East Line of Said Lot 62, Thence South Along said East Line of Lot 62 to the Southeast corner of Said Lot 62, Thence East 242.7 Feet Along the South Line of Said Lot 62, to the Point of Beginning.
2. That Part of Lot 64, Auditor's Plat "E" of the West Half (W ½) of Section Seventeen (17), Township One Hundred Six (106) North of Range Thirteen (13) West in Olmsted County, Minnesota, Described As Follows: Commencing For a Place of Beginning at the Southeast Corner of Lot 64 of Said Auditor's Plat and Running Thence West Along the South Line Thereof A Distance of 127 Feet, Thence North Parallel With the West Line of Vandal's First Subdivision, a Distance of 528 Feet, Thence East a Distance of 127 Feet to the Northwest Corner Lot 7, Vandal's First Subdivision, Thence South a Distance of 528 Feet to the Point of Beginning. Containing 1.539 Acres More Or Less.
3. That Part of Lot 64, Auditor's Plat "E" of the West Half (W ½) of Section Seventeen (17), Township One Hundred Six (106) North of Range Thirteen (13) West, Olmsted County, Minnesota, Described As Follows: Commencing For A Place of Beginning at the Southwest Corner of Lot 55, Auditor's Plat "E" and Running Thence West a Distance of 248.87 Feet, Thence North a Distance of 193.6 Feet to the Southwest Corner of Lot 54 of Said Auditor's Plat "E", thence East a Distance of 248.87 Feet, Thence South a Distance of 193.6 Feet to the Place of Beginning, Subject to the Right of Travel Through, Over and Across the South 33 Feet Thereof.
4. That Part of Lot 64, Auditor's Plat "E" in the Southwest One-Quarter (SW ¼) of Section Seventeen (17), Township One Hundred Six (106), Range Thirteen (13), Olmsted County, Minnesota, Described as Follows: Commencing at the Northwest Corner of Lot 7, Vandal's First Subdivision, For a Place of Beginning and Running Thence North 89 Degrees 36 Minutes West Parallel With the south Line of Said Section, a Distance of 32.43 Feet, Thence Due North a Distance of 314.57 Feet, Thence South 89 Degrees 36 Minutes East a Distance of 277 Feet, Thence Due South a Distance of 314.57 Feet to the North Line of Said Lot 7, Thence North 89 Degrees 36 Minutes West a Distance of 244.57 Feet to the Place of Beginning.