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REC'D BY
JAN 02 2009

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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 #4 (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 of the 1999 Joint Resolution were substantially completed in 2003; and,

WHEREAS, on May 19, 2005, the City informed the Marion Town Board that a sanitary sewer and water project to serve Marion Area #4 was substantially completed in 2003 and that annexation of Marion Area #4 would occur on January 1, 2009.

WHEREAS, the legal description for the lands described in Exhibit A attached to the 1999 Joint Resolution for Orderly Annexation for Marion Area #4 ("Exhibit A") that are the subject of this Annexation Resolution is as follows:

That part of the Northeast Quarter of the Northeast Quarter of Section 5, Township 106 North, Range 13 West, Olmsted County, Minnesota, lying North of CSAH 9.

Also

Lot 1 through Lot 15, Block 1, Lot 1 through Lot 22, Block 2, and Lot 1 through Lot 26, Block 3, all in Sunnydale Subdivision.

Also

Lot 1 through Lot 7 and Lot 11, Block 5, Lot 1 through Lot 17 and Lot 19 through Lot 31, block 6, all in Sunnydale No Two.

Also

Lot 1 through Lot 5, Block 1, Sunnydale First Replat.

Also

All of the street rights-of-way in the Northeast Quarter of said Section 5 and that part of 40th Avenue in the Northwest Quarter of Section 4 Township 106 North, Range 13 West, Olmsted County, Minnesota.

Containing 67.56 acres more or less.

Also

Lot 13, Block 5, Rose Harbor Second Subdivision less the westerly 66 ft thereof.

Containing 6320 square feet; and,

WHEREAS, the lands described above 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 above 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 is 260 and number of households contained in the area is 96; and,

WHEREAS, the City's estimate of residential electrical service cost at the time of annexation is (a) .10786 per kilowatt-hour from June through September; and (b) .08913 per kilowatt-hour from October through May; and,

WHEREAS, the township taxes on this property for 2008 are estimated to be \$13,830; and,

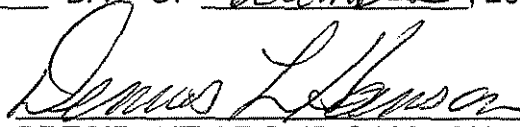
WHEREAS, in compliance with Minnesota Statutes Section 414.036, the City states that there is no township special assessment assigned or portion of township debt attributable to the lands described above.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Rochester that the lands 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.

JAN 02 2009

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 15th DAY OF DECEMBER, 2008.


PRESIDENT OF SAID COMMON COUNCIL

ATTEST: 
CITY CLERK

APPROVED THIS 16th DAY OF DECEMBER, 2008.


MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)

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