REQUEST FOR COUNCIL ACTION

MEETING DATE: 01-21-04 29

AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: PLANNING	ITEM NO. D-12
ITEM DESCRIPTION: Annexation Petition # 03-22-by Joel Bigelow & Sons Enterprises, Inc. to annex approximately 14 acres of land located along the south side of 41st Street NW, along the east side of West Circle Drive NW and north of 40th Avenue NW.		PREPARED BY: Theresa Fogarty, Planner

January 15, 2004

Planning Department Recommendation:

See attached staff report, dated January 15, 2004.

The property taxes payable in the year an annexation is effective will e paid to the Township. For the five year following annexation, the City will make a cash payment to the Township equaling 90%, 70%, 50%, 30% and 10% of the Townships share of the taxes in the year the property was annexed. The 2004 Township portion of the taxes, on the property to be annexed, is **$4.42.**

Council Action Needed:

1. ***If the Council wishes to proceed as petitioned, they shall sign the amendment prepared by the City Attorney to the Cascade Township Orderly Annexation Agreement indicating that the 14 acres of land located along the south side of 41st Street NW, along the east side of West Circle Drive and north of 40th Avenue NW be annexed without hearings by the Department of Administration – Municipal Boundary Adjustments.***

2. ***The signed amendment should be transmitted to the Department of Administration – Municipal Boundary Adjustments by the City Clerk (attached is a filing fee in the amount of $28.00).***

3. ***The Council should instruct the City Attorney to prepare an ordinance that all land included in this annexation be zoned "I - Interim" upon annexation.***

Attachments

1. Staff report, dated January 15, 2004.

Distribution:

1. City Administrator
2. City Clerk: Filing Fee Attached
3. City Attorney: Legal Description Attached
4. City Finance Director: Tax Information Attached
5. Planning Department File
6. Applicant: This item will be considered sometime after 7:00 p.m. on **Wednesday**, January 21, 2004 in the Council Chambers at the Rochester / Olmsted County Government Center.
7. McGhie & Betts, Inc.

**Attorney has advised that this land could have been annexed under the landowner petitioned 60 acres or less provisions. However, this joint resolution process also permits the land to be annexed at this time. Please approve the joint resolution amendment.

COUNCIL ACTION: Motion by:_____ Second by:_____ to:

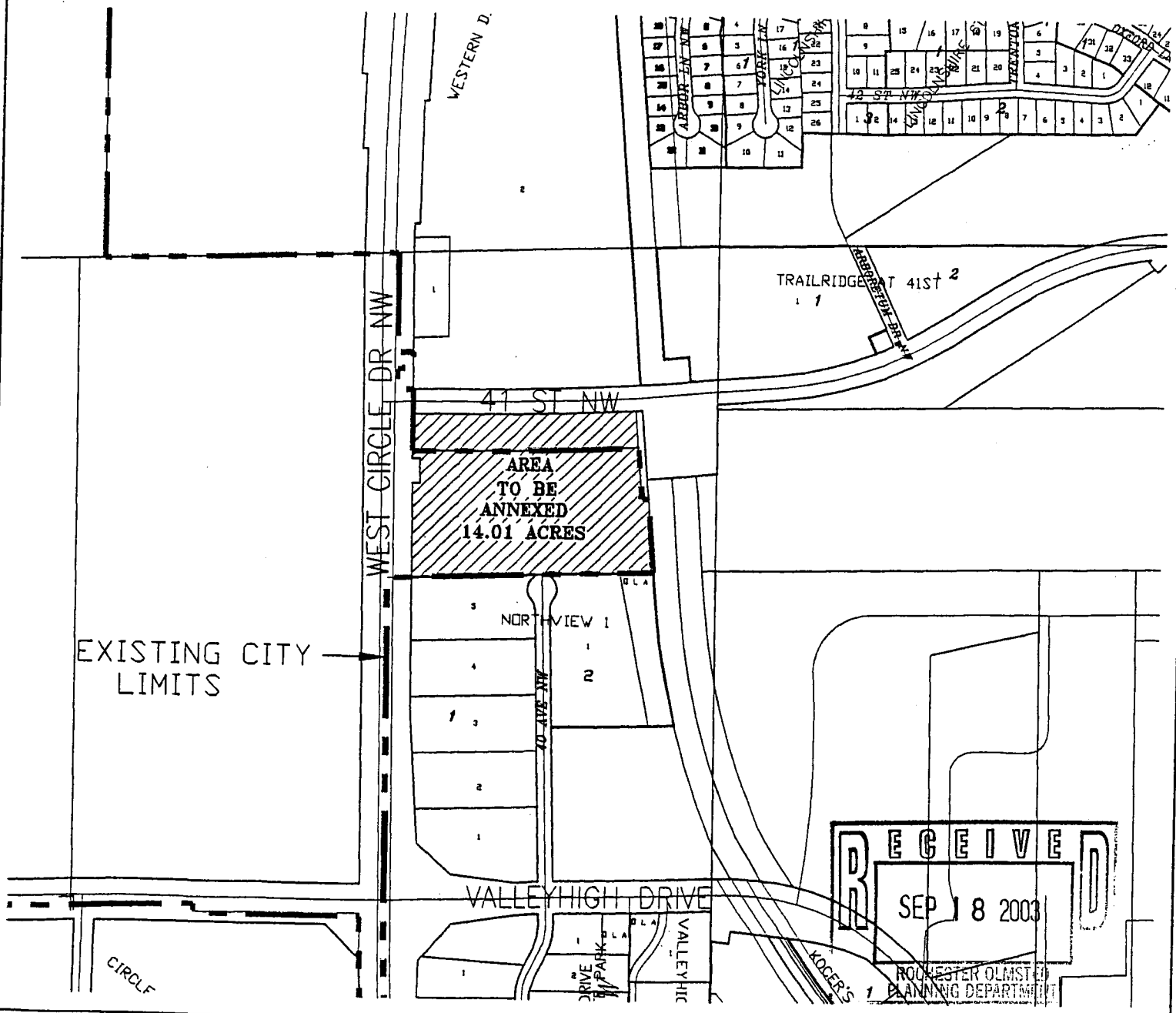
30

ANNEXATION EXHIBIT

DESCRIPTION:
SEE ATTACHED

NORTH

SCALE 1" = 600'



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PLANNING DEPARTMENT

FOR :

BIGELOW ENTERPRISES
706 CTY RD 3 NW
BYRON, MN

Land Surveying
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Consulting - Civil Engineering

McGhie

Geotechnical Engineering
Construction Material Testing
Landscape Architecture

SCALE:	1" = 600'
DRAWN BY:	MMM
DATE :	09/16/03
ACCT. NO. :	1084/3095 — Cadd No 3095ANNE

ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744
COUNTY OF Olmsted
www.olmstedcounty.com/planning

31

TO: City Council

FROM: Theresa Fogarty, Planner

DATE: January 15, 2004

RE: **Annexation Petition # 03-22-by Joel Bigelow & Sons Enterprises, Inc. to annex approximately 14 acres of land located along the south side of 41st Street NW, along the east side of West Circle Drive NW and north of 40th Avenue NW.**

Planning Department Review:

Applicants/Owners:	Joel Bigelow & Sons, Enterprises, Inc. 706 County Road 3 NW Byron, MN 55920
Existing Land Use:	This property is currently undeveloped land.
Existing Zoning:	The property is zoned A-4 (Agricultural Urban Expansion) on the Olmsted County zoning map.
Future Zoning:	It is recommended that this property be placed in the "I" Interim Zoning District until a petition to amend the zoning district has been approved by the City Council.
Land Use Plan:	This property is designated for "Industrial" use on the Rochester Urban Service Area Land Use Plan.
Orderly Annexation Agreement:	A Joint Resolution for orderly annexation for certain property situated in the Town of Cascade, Olmsted County, State of Minnesota was executed by Cascade Township on May 5, 1976 and the City of Rochester on May 17, 1976. This property is included in the Joint Resolution.
Utilities:	Pursuant to Minnesota Statutes 414.033 (subd.13), a municipality must notify a petitioner that the cost of electric utility service may change if the land is annexed to the municipality. A notice has been provided to the applicant.
Townboard Review:	An Amendment for this property, to the Joint Resolution for Orderly Annexation with Cascade Township has been executed by the Cascade Townboard.
Report Attachments:	1. Annexation /Location Map

Staff Recommendation:

The Joint Resolution for Orderly Annexation between the City of Rochester and the Town of Cascade allows immediate annexation of said property for orderly annexation to the City of Rochester. In such instances, review by the Rochester Planning and Zoning Commission shall not be required to the City acting upon said request.

The Town of Cascade has executed the Amendment to the Joint Resolution, therefore, staff recommends that the City adopt the Amendment to the Joint Resolution for Orderly Annexation annexing the 14.0 acres of land located along the south side of 41st Street NW, along the east side of West Circle Drive NW and north of 40th Avenue NW located in That part of the NE ¼ of the NE ¼ of Section 20, Cascade Township.

The City Planning and Zoning Commission recommendation shall include the City Zoning classification as "I" Interim.