

FOR BOARD ACTION

Agenda Item # 9.

Meeting Date: 10/30/07

SUBJECT: Amendment to Service Territory Rights Condemnation Petition

PREPARED BY: Walt Lorber, Director of Core Services

On January 17, 2007, the Common Council passed Resolution 044-07 authorizing the acquisition of electric service territory rights to 2001-06 annexations using eminent domain. Subsequently, a petition was filed in district court to initiate the process of appointing three commissioners to establish the appropriate award. Multiple solicitations to registered appraisers have produced two commissioners to date.

Although there has been minimal annexation activity in 2007, we believe that, given the delay, it is appropriate to amend Resolution 044-07 to include the 2007 annexations completed to date:

3795	1/16/2007	Portion of Hawthorn Hills Golf Course	17.90
3805	3/15/2007	Portion of Hawthorn Hills Golf Learning Center	72.04
OA-661-8	5/17/2007	S of 25 St, E of 40 Ave SE	2.18
OA-661-9	7/18/2007	Lot 2, Blk 2, Cedar Park 1st, N of Marion Rd SE	0.22
3820	7/18/2007	4 parcels near Hawthorne Hills Golf Course NE	26.50
OA-1048-4	10/16/2007	Parcel E of Bandel Rd NW, at 62nd St	2.71

Total acreage in the six annexations: 121.55

Few or no annexations are forecasted for the remainder of the year.

UTILITY BOARD ACTION REQUESTED:

Staff recommends that the Board request the Common Council to amend Resolution 044-07 to include those six 2007 annexations completed to date in the pending eminent domain action.


General Manager

10/25/07
Date

Exhibit A (Revised)

Annexations by City of Rochester January 2001 through October 2007

ORD Number	Date Annexed	Location	Acres	
			Annexed	To be Acq
OA-662-1	3/1/2001	Part of Lot 27, Lots 28-32 in Blk 2, Sunnysdale	3.12	3.12
OA-122-75	3/30/2001	ROW 2800 Blk W Cr Dr	0.49	0.49
3372	3/30/2001	Century Hills 5	13.66	13.66
OA-660-1	4/26/2001	Misc. Lots in Rose Harbor Area	12.84	12.84
3379	5/24/2001	N of E Cr Dr, NW of Century HS (Plateau Estates)	53.90	53.90
3387	5/24/2001	SE Corner of 50 Ave & 65 St NW	53.39	53.39
3391	6/21/2001	N of Emerald Hills and S of 48 St NE	58.98	58.98
OA-660-2	6/28/2001	Lots 1-3 in Blk 1, Rose Harbor 2	0.99	0.99
3397	6/28/2001	W side St. Bridgets Rd SE, S of 48 St	39.72	39.72
3399	6/28/2001	E of Douglas Trail, S of 65 St NW	59.97	59.97
3401	8/17/2001	E of Plateau Estates on East Circle Dr NE	11.79	11.79
3407/3402	8/17/2001	Sect 16&21, High Forest Twnshp SW, adj to Airport	165.00	165.00
OA-660-4	9/14/2001	Lots 4-7, Blk 8, and Lot 4, Blk 10, Rose Harbor 4	2.73	2.73
3411	9/14/2001	E of East River Rd NE, W of TH63	40.00	40.00
3412	9/14/2001	NE corner of East Circle Dr and 16 Ave NE	2.00	2.00
3413	9/14/2001	N of Emerald Hills and S of 48 St NE	19.05	19.05
3414	9/27/2001	W of 18 Ave SW, N of 36 St	7.87	7.87
3419	9/27/2001	S of 7 St NW, W of Manor Ridge Dr NW	9.91	9.91
3422	11/9/2001	W side of W Cr Dr, S of Meadow Lakes Golf Course	54.63	26.82
3427	12/14/2001	S of Viola Rd NE, between Century Hills & Haverhill	58.05	58.05
3429	12/14/2001	E & W sides of TH52N, N of 65 St NW	198.21	198.21
3374/3354	12/14/2001	55 St Estates, exc. Lot 2, Blk 5 & areas in Manorwo	103.39	103.39
OA-660-6	1/18/2002	S side of Eastwood Rd SE	238.63	238.63
OA-122-76	2/22/2002	W side of 18 Ave NW, N of Hunter Hills	78.72	78.72
3441	2/22/2002	N of E Circle Dr, E of 16 Ave NE	59.71	59.71
3446	2/22/2002	S side of TH 14, E of 40 Ave SE	41.93	41.93
OA-662-2	3/15/2002	E of Sunnysdale Subd	66.10	66.10
3450	3/15/2002	S of Pinewood Rd SE, E of S Park 1st and 2nd	24.30	24.30
3451	3/15/2002	N of TH14E, E of E Ridge Subd	36.93	36.93
3452	3/15/2002	S of 21 St NE, E of Century Hills Dr	59.99	59.99
3460	4/12/2002	S side of 65 St NW, E of 50 Ave	36.77	36.77
3463	5/13/2002	N side of 55 St NW, E of 60 Ave, SW of Douglas Tr	55.54	55.54
3475	6/14/2002	E side of E Circle Dr, S of Century Hills 3	22.50	22.50
3478	6/14/2002	S of 55 St NW, E of 60 Ave	52.10	52.10
3476	7/15/2002	S of Viola Rd NE, E of Century Hills, W of Havehills	36.65	36.65
3481	7/15/2002	W side of 50 Ave NW, S of Wedgewood Hills 4	57.74	57.74
3490	7/15/2002	N side of E Circle Dr NE, W of Christ Our Rock	9.57	9.57
3494	7/15/2002	N of 55 St NW, E of 60 Ave NW	35.71	35.71
3499	8/13/2002	S of Pinewood Rd SE, W of 22 Ave	1.50	1.50
3501	8/13/2002	W of TH 63N, N of 37 St NE	33.39	33.39
3504	9/13/2002	N of Valleyhigh Rd, betw W Circle Dr and 50 Ave N	39.74	39.74

Exhibit A (Revised)
Annexations by City of Rochester January 2001 through October 2007

ORD Number	Date Annexed	Location	Acres	
			Annexed	To be Acq
3506	9/13/2002	E side of TH 52N, N of 65 St NW	59.93	59.93
3514	10/11/2002	S of 65 St NW and W of 50 Ave NW	19.65	19.65
3522	12/13/2002	S of 55 St NW, E of 60 Ave NW	48.01	48.01
3525	12/13/2002	N of E Circle Dr NE, E of 16 Ave NE and 35 St NE	57.22	57.22
3529	1/17/2003	N of 55 St. NW, W of 50 Ave, S of Douglas Trail	49.45	49.45
3539	2/25/2003	NW quadrant of TH52S & Co Rd 1 SE (11 Ave SE)	54.98	54.98
3540	3/24/2003	SE quadrant of TH52N & 75 St NW (Scott property)	35.44	35.44
3551	5/9/2003	E of E Cr Dr NE, S of Viola Rd, N of Silver Crk Rd	1.07	1.07
3552	5/9/2003	W of 18 Ave SW, W of Hart Farms Sub, N of 40 St S	19.35	19.35
OA-122-77	6/16/2003	NE 1/4 of NE 1/4 Sect 9, T107N, R14W, E of Bande	32.82	32.82
3545	6/16/2003	N of Viola Rd NE, W of Osjor Estates, E of Schaeffe	12.00	12.00
3547	6/16/2003	N of Shannon Oaks Sub, along Viola Rd NE	6.00	6.00
3555	6/16/2003	N of 40 St SW, W of 18 Ave	59.99	59.99
3559	6/16/2003	W of 18 Ave SW, N of Hart Farms Sub	44.99	44.99
3560	6/16/2003	N of E Cr Dr NE, E of Northwood Hills 2 Ssub	25.61	25.61
OA-122-78	8/18/2003	Part of W Cr Dr ROW at 28 St NW	0.09	0.09
OA-660-7	8/18/2003	S of Eastwood Rd SE, W of Knollwood Dr SE	90.00	90.00
3568	8/18/2003	S of 55 St NW, W of Wedgewood Hills 3 & 5	13.63	13.63
3573	8/18/2003	N of Nothern Heights E8 (Baihly Estates Park)	4.43	4.43
OA-660-8	9/12/2003	S of Harbor Dr, E of Sunrise Ave SE	10.19	10.19
3437	9/12/2003	E and W of 50 Ave NW, N of 19 St	137.66	124.63
3576	9/12/2003	N of 19 St, E of 50 Ave NW	59.92	59.92
3577	9/12/2003	N of Northway Ln NE, E of Northland Pl, E of TH63N	26.40	26.40
3578	9/12/2003	Lot 1, Blk 1, 41 St Business Park	39.70	39.70
OA-966-1	10/13/2003	W of 60 Ave NW at 55 St	56.70	56.70
3596	10/13/2003	S of TH14E, E of 40 Ave SE	2.15	2.15
3598	11/12/2003	N of 55 St, E of 60 Ave NW	35.97	35.97
3601	12/11/2003	N of TH52, S of Pinewood Rd SE, W of 34 Ave SE	42.09	42.09
3608	1/15/2004	S of TH14W, E of 40 Ave SW	7.94	7.94
OA-122-79	3/18/2004	E side of W Cr Dr NW, S of 41 St NW	14.00	14.00
OA-661-2	3/18/2004	NE of Marion Rd, N of 25 St SE	26.10	26.10
OA-122-81	5/13/2004	Various parcels and ROW S 1/2 Sect 7-T107N-R14'	45.73	45.73
OA-122-82	5/13/2004	Various parcels and ROW NW 1/4 Sect 9-T107N-R'	8.05	8.05
OA-661-1	5/13/2004	W of 2900 Blk Marion Rd SE	2.97	2.97
OA-661-3	5/13/2004	W of 2800 Blk Marion Rd SE	39.54	39.54
OA-966-2	5/13/2004	55 St NW ROW W of 60 Ave NW	5.45	5.45
3633	5/13/2004	N of 19 St NW, S of Badger Ridge, W of Superior R	19.44	19.44
3641	6/10/2004	E of E Cr Dr NE, W of Century Hills Dr	15.99	15.99
3642	6/10/2004	E of Century Pt Subd	43.34	43.34
OA-1050-1	7/8/2004	Misc Parcels N of Valleyhigh Dr NW betwn 50-60 A	450.60	450.60
3653	8/12/2004	E of TH63N, S of 48 St NE, N of Northland Pl	34.90	34.90

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ORD Number	Date Annexed	Location	Acres	
			Annexed	To be Acq
3654	8/12/2004	N of Valleyhigh Dr NW, E of 50 Ave	39.67	39.67
3658	9/9/2004	N of 19 St NW, E of 50 Ave	16.74	16.74
3663	10/7/2004	S of Marion Rd SE, N of 30 St	17.47	17.47
3664	10/7/2004	N of 40 St NW, W of 18 Ave	19.19	19.19
3665	10/7/2004	W of 18 Ave SW, N of Hart Farms, S of Merrihills	52.25	52.25
OA-661-4	12/14/2004	20 St SE, W of 38 Ave	20.02	20.02
3681	12/14/2004	Lot 3, Osjor Estates 3rd Subd (2605 Oslo Ct NE)	0.89	0.89
OA-622-1	1/11/2005	S of Pinewood Rd, W of 34 Ave SE (Lots 54,58, Pla	10.01	10.01
3684	1/11/2005	E of 60 Ave NW, SE of Kingbury Hills 3	21.81	21.81
3685	1/11/2005	E of 8 St SW, W of W Cr Dr, S of Meadow Lakes Gc	3.98	3.98
3597	2/11/2005	N of TH30, W of TH63 (Part of Airport)	189.00	189.00
3689	2/11/2005	S of E Cr Dr, W of Rocky Creek Dr NE	6.42	6.42
3695	4/7/2005	N of 7 St NW, Sect 30 & Sect 31-107-14	15.00	15.00
OA-663-1	4/8/2005	W 48 Ft Front Lot 8, W 42 Ft Lot 9, Crystal Sprgs St	0.68	0.68
OA-660-10	4/19/2005	Lot 5, Blk 3 Rose Harbor 4th Subd.	0.37	0.37
3696	5/16/2005	W of TH63, S of 48 St NE, SE 1/4 Sect 13-107-14	58.29	58.29
3702	6/9/2005	SW Corner of 50 Ave NW and Valleyhigh Road	40.00	40.00
3704	6/9/2005	N of 60 St SW, W of WC Reservoir, S of Scenic Oal	51.94	51.94
3718	7/6/2005	S of 48 St NE, W of 22 Ave, N of Cassidy Hills	57.51	57.51
3716	7/7/2005	E of 18 Ave SW, S of Greystone Ln	40.00	40.00
3709	7/13/2005	S 33 Ft of Overland Dr NW, Sect 9-107-14	0.16	0.16
OA-122-83	7/19/2005	19 St NW ROW, Begin SE COR NE 1/4 Sect 29-107	11.00	11.00
3719	8/10/2005	E of TH63, S of 48 St NE, N of Viking Hills and Morr	34.98	34.98
OA-1048-1	9/15/2005	Sect 4-107-14, both sides of TH52, N of 65 St NW	7.04	7.04
3710	9/15/2005	SE 1/4 Sect SW 1/4 Sect 34-106-14, S of DAM WR	20.29	20.29
OA-661-5	10/18/2005	Lot 25 and Part of Lot 26, Auditor's Plat E	2.02	2.02
3731	10/18/2005	E of 60 Ave NW, SE of Kingbury Hills 3	8.65	8.65
OA-1048-2	11/10/2005	Part of N 560 Ft of Lot 2 Westgards 1st Subd.	2.01	2.01
3737	12/8/2005	W of 50 Ave NW, S of 65 St, NE 1/4 Sect 7-107-14	9.62	9.62
OA-622-2	1/11/2006	Pinewood Rd SE	291.00	291.00
OA-660-11	2/9/2006	Lots 2&3, Blk 9, Rose Harbor 4 Subd	0.75	0.75
3755	4/6/2006	S of 8th St SW, SW of Meadow Lake Estates	2.25	2.25
OA-660-12	5/11/2006	N of Marion Rd, S of 20th St SE (RPU well site)	0.41	0.41
3756	5/11/2006	S of 19th St, W of W Cr Dr NW, N of DME RR	14.28	14.28
3765	6/19/2006	SW Corner of Intersection CSAH22 & CSAH2 (Thinl	9.95	9.95
OA-1170-1	11/16/2006	N of 48 St NE, Sect 18-107-13W	117.51	117.51
OA-661-6	11/16/2006	Lot 7 Vandals 1st Subd	3.80	3.80
OA-1048-3	11/29/2006	16 Parcels in Various Locations	455.13	262.66
OA-661-7	12/15/2006	Part Lot 64 Autitor's Plat "E" SW 1/4 Sec 17-106-13	24.95	24.95
3794	12/15/2006	Part W 1/2 NE 1/4 Sec 19-106-13, N of TH 52	42.09	42.09

Exhibit A (Revised)

Annexations by City of Rochester January 2001 through October 2007

ORD Number	Date Annexed	Location	Acres	
			Annexed	To be Acq
3795	1/16/2007	Portion of Hawthorn Hills Golf Course	17.90	17.90
3805	3/15/2007	Portion of Hawthorn Hills Golf Learning Center	72.04	72.04
OA-661-8	5/17/2007	S of 25 St, E of 40 Ave SE	2.18	2.18
OA-661-9	7/18/2007	Lot 2, Blk 2, Cedar Park 1st, N of Marion Rd SE	0.22	0.22
3820	7/18/2007	4 parcels near Hawthorne Hills Golf Course NE	26.50	26.50
OA-1048-4	10/16/2007	Parcel E of Bandel Rd NW, at 62nd St	2.71	2.71
Total:	128 Annexations		5557.38	5324.07



RESOLUTION

BE IT RESOLVED by the Public Utility Board of the City of Rochester, Minnesota, that the Board requests the Common Council to amend Council Resolution 044-07, to include:

Addition of 2007 Annexations ORD 3795, ORD 3805, OA-661-8, OA-661-9,
ORD 3820, and OA-10408-4

to Exhibit A (Revised), for the acquisition of electric service rights from People's Cooperative Services by eminent domain to areas annexed to the City of Rochester since January 1, 2001 (District Court File #55-CV-07-1262).

Passed by the Public Utility Board of the City of Rochester, Minnesota, this 30th day of October 2007.

President

Secretary