

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Gerald Tiedeman	Ex-Officio Member
Rosemary Ahmann	Ex-Officio Member

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IN THE MATTER OF THE RESOLUTION )  
FOR ANNEXATION OF CERTAIN LAND )  
TO THE CITY OF ROCHESTER )  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER  
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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 21, 1977, at Rochester, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was Gerald Tiedeman, ex-officio member of the Board. The City of Rochester appeared by and through Gerald Swanson, and the Township of Rochester appeared by and through Franklin Michaels. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On May 19, 1977, a resolution of the annexing municipality was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Block 4, Highland Addition, including that portion of the abutting street right-of-way measured from the centerline thereof on the north, east, south, and west sides of said Block, according to the plat thereof on file and of record in the office of the County Recorder, Olmsted County, Minnesota.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Rochester.
- b. The total area of the City of Rochester is 16.75 square miles. The total area of the territory subject to annexation is 7.57 acres and 2.32 acres devoted to public street and alley right of way.
- c. The perimeter of the area to be annexed is bordered by a small percentage by the municipality.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: generally developed, flat land.

4. Population Data

- a. The City of Rochester
  - 1) Past population growth: 1970 - 53,766
  - 2) Present population: 1977 - 59,317 (estimated)
  - 3) Projected population: 2,000 - 85,130
- b. The area subject to annexation
  - 1) Past population growth: slow growth
  - 2) Present population: 20
  - 3) Projected population: some growth possible

5. Development Issues

- a. What, if any, are the plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency? City of Rochester Land Use Plan is consistent with present use and will be applied for any future development.
- b. What land use controls are presently being employed.
  - 1) In the City of Rochester:
    - a. Zoning - Yes
    - b. Subdivision regulations - Yes
    - c. Housing and building codes - Yes
  - 2) In the area to be annexed:
    - a. Zoning - Olmsted County

- b. Subdivision regulations - Olmsted County
- c. Housing and building codes - Olmsted County

c. Land use of the following types is occurring in the area subject to annexation:

- a) Residential - Yes
- b) Industrial - No
- c) Commercial - Yes
- d) Institutional - Yes

d. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

a. Presently, the Township of Rochester provides the area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - By contract with city.
- 4) Police Protection - No
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Unknown

b. Presently, the City of Rochester provides its citizens with the following services:

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - Yes
- 4) Police Protection - Yes
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Yes

c. Presently, the City of Rochester provides the area subject to annexation with the following services:

- 1) Water - Yes, to part of the area.
- 2) Sewer - Yes, to part of the area.
- 3) Fire Protection - By contract with township.
- 4) Police Protection - No
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - Yes

d. Plans to extend municipal services to the area subject to annexation include the following: all services, including utilities, can be extended soon after annexation. Several property owners have requested said services.

- e. There are existing or potential pollution problems which are: Wells have become polluted by septic tanks.
7. Fiscal Data
    - a. In the City of Rochester, the mill rate as of 1977 is 105.25 and the bonded indebtedness as of 1977 is \$6,885,000.
    - b. In the area subject to annexation, the assessed valuation as of 1977 is \$154,317.
    - c. Will the annexation have any effect upon area school districts? No.
  8. Is annexation to the City of Rochester the best alternative.
    - a. Could governmental services be better provided for by incorporation of the area subject to annexation? No.
    - b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Rochester? No.
    - c. Could Rochester Township provide the services required? No.
    - d. Can Rochester Township continue to function without the area subject to annexation, and, if not, could it be incorporated separately or combined with some other governmental unit? Yes, the township was not opposed to the proposal.
  9. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board supporting annexation.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to annexation is now or is about to become urban or suburban in character.
3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.
4. The best interest of the City of Rochester and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Rochester can carry on the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in revenue for the City of Rochester and the value of benefits conferred upon the area subject to annexation.

7. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

8. This annexation proceeding has not been initiated by a petition of a majority of property owners but has subsequently been supported by petition by a majority; therefore, this Minnesota Municipal Board order is not subject to an annexation election.

9. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the property described herein situated in the County of Olmsted, State of Minnesota, be and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally made a part thereof:

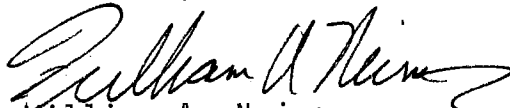
Block 4, Highland Addition, including that portion of the abutting street right-of-way measured from the centerline thereof on the north, east, south, and west sides of said Block, according to the plat thereof on file and of record in the office of the County Recorder, Olmsted County, Minnesota.

IT IS FURTHER ORDERED: That the population of the City of Rochester has increased by 20 persons to 59,337 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Rochester has decreased by 20 persons to 4,286 persons for all purposes until the next Federal Census.

Dated this 13th day of December, 1978

MINNESOTA MUNICIPAL BOARD  
Suite 165 Metro Square  
St. Paul, Minnesota 55101

  
William A. Neiman  
Executive Secretary