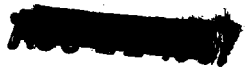


BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Robert Ford
Fred Voss
Gerald Tiedeman
Ulrich J. Eichten
Irving R. Keldsen


Chairman
Vice-Chairman
Member
Olmsted County Commissioner
Olmsted County Commissioner
Secretary

IN THE MATTER OF THE ANNEXATION OF CERTAIN LANDS TO THE
CITY OF ROCHESTER, OL MSTED COUNTY, MINNESOTA (ALLENDALE
SUB-DIVISION AND ADJOINING LANDS)

This proceeding under Section 414.03 of the Minnesota Statutes for
annexation of the following described lands to the City of Rochester, Olmsted
County, Minnesota, to-wit:

(A) All that part of Allendale-a Subdivision of the South-
west Quarter of Section Twenty-Two, Township One Hundred
Seven North, Range Fourteen West, according to the recorded
plat thereof on file in the office of the Register of Deeds in
and for said County, which has not already been annexed to
the City of Rochester.

(B) That part of the Southwest Quarter (SW 1/4), Section
22, Township 107 North, Range 14 West, that lies west of
the centerline of 18th Avenue Northwest, south of the north
line of said quarter section, east of the centerline of U. S.
52 as it existed prior to widening, and north of the north
line of Allendale Subdivision.

(C) Commencing on the south line of the Southwest
Quarter (SW 1/4) of Section 22, Township 107 North, Range
14 West at its intersection with the centerline of U. S.
52 as it existed prior to widening for a point of beginning;
thence east 464.36 feet; thence north 100.0 feet; thence
west 506.82 feet to the centerline of U. S. 52 as it existed
prior to widening; thence southeast along the centerline of
said U. S. 52 a distance of 108.64 feet to the point of
beginning,

came on for hearing before the Municipal Commission at the City Hall in the
City of Rochester on the 12th day of May, 1967. Robert W. Johnson, Chairman
of the Commission, presided at the hearing. Also in attendance at the hearing
were: Robert Ford and Fred Voss, permanent members of the Commission, and

Gerald Tiedeman and Ulrich J. Eichten, temporary members of the Commission for this hearing appointed by the Olmsted County Board of Commissioners.

The City of Rochester was represented at the hearing by R. V. Ehrick, its City Attorney and the Township of Cascade was represented by Arthur R. Swan, its attorney.

The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence and all other evidence, the arguments of counsel, and the files and records herein, being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I.

This proceeding to annex land seventy-five (75) percent or more bordered on three sides by the City of Rochester, was duly initiated by resolution of the Common Council of the City of Rochester adopted on February 6, 1967 declaring its intent to annex the lands above described, which resolution was duly served upon the Town Board of the Cascade Township, Olmsted County, Minnesota. Timely objections to the annexation were filed by the Town Board of Cascade Township and thereafter the Common Council of the City of Rochester duly requested the Municipal Commission to conduct a hearing on the proposed annexation.

II.

Due, timely and adequate legal notice of the hearing ordered by the Municipal Commission was posted, published, served and filed.

III.

The area proposed to be annexed consists of approximately 69 acres as compared with 6840 acres in the City of Rochester and is an irregularly shaped area bordered approximately 90 percent on three or more sides by the present territorial limits of the City of Rochester. The area proposed to be annexed contains approximately 31 residences and one commercial establishment and none of the area is farmed.

IV.

The population of the area proposed to be annexed is approximately 121 persons as compared to approximately 50,500 population of the City of Rochester.

V.

The assessed valuation of the area proposed to be annexed is approximately \$41,060.00 as compared with approximately \$44,300,038.00 for the City of Rochester.

VI.

The City of Rochester is a rapidly expanding city of the second class, having increased in population from 29,885 in 1950, to 40,663 in 1960, to 47,797 in 1965 and is now estimated to have a population of 50,500 persons. On the basis of planning projections, a population in the range of 90,000 persons is forecast for the City of Rochester by 1985. Substantial industrial growth has occurred in the City of Rochester in the past decade, including the establishment of an International Business Machines Company plant near the area proposed to be annexed. The City of Rochester is a thriving and growing commercial center in southeast Minnesota. In northwest Rochester, especially in the vicinity immediately around the area proposed to be annexed, a substantial residential development has occurred and practically all of the lots in the area available for expansion have been built upon.

VII.

The present mill rate for general ad valorem taxes levied against property in the area proposed to be annexed is 225.60 mills computed as follows:

State of Minnesota levy (homestead)	17.14
Olmsted County levy (outside of City of Rochester)	47.22
Cascade Township levy	8.89
Common School District No. 1356 levy (levied by Olmsted County against all common school districts in the Rochester High School District for secondary education of students from out of the city and cost of transportation)	<u>111.21</u> 225.60.

The present mill rate for general ad valorem taxes levied against property in the City of Rochester is 269.70 mills computed as follows:

State of Minnesota levy (homestead)	17.14
County of Olmsted levy (inside City of Rochester)	43.83
City of Rochester levy	78.67
Special School District No. 4 (City of Rochester) levy	<u>130.06</u>
	269.70.

The property tax on an average homestead having a market value of \$17,490 is as follows:

In area proposed to be annexed	\$309.00
In City of Rochester	\$467.20.

VIII.

Cascade Township in which the area proposed to be annexed is situated, has no paid employees, other than a part-time clerk; operates no water or sanitary sewer facilities; provides no police protection; provides no fire protection other than that provided by contract with the Rochester Rural Fire Department; neither owns nor operates any park or recreation facilities; and retains no qualified personnel for present or long range planning. The City of Rochester operates public water and sanitary sewer facilities; maintains an engineering department which provides complete engineering and street, water and sewer maintenance services; provides police and fire protection with permanent paid employees; maintains planning, building inspection and health departments staffed by permanent paid employees; and owns and operates an extensive public park and recreation system, including a park in the area proposed to be annexed. All of the foregoing services of the City of Rochester are available and adequate to serve the area proposed to be annexed.

IX.

The City of Rochester has constructed water mains, water towers, and sanitary sewers either in or adjacent to the area proposed to be annexed which are, with proper extensions and connections, adequate to serve the area proposed to be annexed.

X.

A substantial number of the residences in the area proposed to be annexed are experiencing problems of water contamination and/or sanitary septic system failure.

XI.

An official street plan for the area proposed to be annexed has been developed and adopted by the County of Olmsted working in conjunction with the Planning Department and Common Council of the City of Rochester. Sanitary sewer and water main improvements constructed in the area proposed to be annexed have been constructed in accordance with said official plan.

XII.

The expected increase in property taxes if the area proposed is annexed to the City of Rochester, will be proportional to the benefits which will inure to the area proposed for annexation when annexed to the City of Rochester.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

II.

The area proposed to be annexed herein to the City of Rochester is so conditioned and so located as to be properly subjected to municipal government by the City of Rochester.

III.

There is no need for the continuance of any township government within the area to be annexed.

IV.

Municipal government by the City of Rochester of the area proposed herein to be annexed is necessary and required to protect public health, safety and welfare and to provide needed governmental services.

V.

The township form of government as the same now exists in Cascade Township is not adequate to cope with the problems of the area proposed to be annexed.

VI.

The proposed annexation to the City of Rochester will not materially affect the capability of Cascade Township to continue its normal operation.

VII.

The annexation of the proposed area to the City of Rochester would be in the best interests of the area affected and the City of Rochester.

VIII.

An order should be issued by the Minnesota Municipal Commission annexing to the City of Rochester, Minnesota, the real estate located in Olmsted County, Minnesota as described herein.

ORDER

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

(A) All that part of Allendale-a Subdivision of the Southwest Quarter of Section Twenty-Two, Township One Hundred Seven North, Range Fourteen West, according to the recorded plat thereof on file in the office of the Register of Deeds in and for said County, which has not already been annexed to the City of Rochester.

(B) That part of the Southwest Quarter (SW 1/4), Section 22, Township 107 North, Range 14 West, that lies west of the centerline of 18th Avenue Northwest, south of the north line of said quarter section, east of the centerline of U. S. 52 as it existed prior to widening, and north of the north line of Allendale Subdivision.

(C) Commencing on the south line of the Southwest Quarter (SW 1/4) of Section 22, Township 107 North, Range 14 West at its intersection with the centerline of U. S. 52 as it existed prior to widening for a point of beginning; thence east 464.36 feet; thence north 100.0 feet; thence west 506.82 feet to the centerline of U. S. 52 as it existed prior to widening; thence southeast along the centerline of said U. S. 52 a distance of 108.64 feet to the point of beginning.

Dated this 23rd day of August, 1967.

MINNESOTA MUNICIPAL COMMISSION
459 Rice Street
St. Paul, Minnesota
BY THE FULL COMMISSION

A handwritten signature in dark ink, appearing to read 'Irving R. Keldsen', is written over a horizontal line.

Irving R. Keldsen
Secretary