

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Member
Lawrence W. Schulz	Ex-Officio Member
Richard L. Towey	Ex-Officio Member

IN THE MATTER OF THE ANNEXATION OF)	FINDINGS OF FACT,
CERTAIN LANDS TO THE CITY OF)	CONCLUSIONS OF
ROCHESTER, MINNESOTA)	LAW AND ORDER

This proceeding under Minnesota Statutes 1967, Section 414.03, as amended, for the annexation to the City of Rochester, Minnesota, of certain real estate located in the Town of Cascade, Olmsted County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Olmsted County Courthouse in the City of Rochester, on November 6, 1969.

Robert W. Johnson, Chairman of the Commission presided at the hearing. Also in attendance were Robert Ford, Member, and Lawrence Schulz and Richard Towey, Olmsted County Board of Commissioners.

The City of Rochester was represented at the hearing by Gerald A. Swanson, City Attorney, and the Town of Cascade was represented by Franklin Michaels, its attorney.

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

FINDINGS OF FACT

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

2. The area proposed for annexation contains approximately 111 acres as compared to the 8,552 acres in the City of Rochester. The area borders the north-central part of the City of Rochester and is bounded on the east by U. S. Highway No. 63 and a residential development known as Northern Heights, on the south by the Northbrook Shopping Center, on the west by a residential development known as Valhalla, and on the north by two residential developments known as Riverview Subdivision and Sehl's First and Second Subdivisions. The area is 85 per cent surrounded by the City limits.

3. The area proposed to be annexed contains approximately 56 residences and 2 commercial buildings. Approximately 90 per cent of the area surrounding the area proposed for annexation is platted and 68 acres in the area itself are platted into 44 lots. The remaining 43 acres of unplatted land in the area proposed for annexation are divided into 23 parcels under separate ownership. The largest unplatted parcel is 9 acres in size, and none of the unplatted parcels are used for agricultural purposes.

4. The population of the area proposed to be annexed is approximately 179 persons compared to approximately 52,800 in the City of Rochester.

5. The assessed valuation of the area proposed to be annexed is approximately \$124,600.00 as compared to approximately \$47,142,863.00 for the City of Rochester.

6. 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 52,880. On the basis of planning projections, a population in the range of 95,000 - 100,000 persons is forecast for the City of Rochester by 1985.

7. The area proposed to be annexed is in the same school district

as the City of Rochester and therefore the school levy in the area will not be affected by annexation.

8. The present mill rate for general ad valorem taxes levied against property in the area proposed to be annexed is 77.17 mills (1969) exclusive of the tax levy for schools. This mill rate is computed as follows:

Olmsted County (outside Rochester)	69.34
Cascade Township	<u>7.83</u>
Total	77.17

The present mill rate for general ad valorem taxes levied against property in the City of Rochester is 154.13 mills, exclusive of the tax levy for schools, and is computed as follows:

Olmsted County (inside Rochester)	66.46
City of Rochester	<u>87.67</u>
Total	154.13

The property taxes paid to the Town of Cascade by the area proposed to be annexed compared to the property taxes the area would have paid if it were a part of the City of Rochester in 1969 is as follows:

Township Taxes (1969)	\$975.62
City Taxes (estimated)	\$10,923.68

9. The Town of Cascade 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 which it may provide by contract with other governmental units; 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 a planning and building inspection department staffed by permanent paid employees; and owns and operates an extensive public park and recreation system. All of the foregoing services are available and adequate to serve the area proposed to be annexed.

10. The Olmsted County Public Health Engineer supervised tests of 27 domestic wells within the area proposed to be annexed and determined that 26 of the wells were contaminated. The Town of Cascade offers no governmental services for sewer and water in the area proposed to be annexed.

11. 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 extension and connections, adequate to serve said area.

12. The area proposed to be annexed is urban in character.

CONCLUSIONS OF LAW

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

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

3. The Township form of government is not adequate to cope with the problems of the area proposed to be annexed.

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

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

6. The City of Rochester is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area to be annexed.

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

8. The annexation of the area to the City of Rochester would not be in the best interests of the area affected in the City of Rochester.

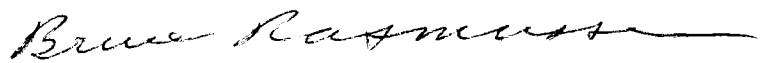
9. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Rochester, Minnesota, the real estate located in Olmsted County, Minnesota, described herein.

O R D E R

IT IS HEREBY ORDERED: That the real estate situated in the County of Olmsted, State of Minnesota, described as follows 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:

Lands in the NE $\frac{1}{4}$ of Section 26, the S.E. $\frac{1}{4}$ of Section 23, the SW $\frac{1}{4}$ of Section 24 and the NW $\frac{1}{4}$ of Section 25, T107N, R14W described as follows: Commencing at the intersection of the Centerline of U.S. 63 North and the south line of the NE $\frac{1}{4}$ of Section 26, T107N, R14W for a place of beginning; Thence west along the south line of said NE $\frac{1}{4}$ to the centerline of the Zumbro River; thence northeasterly along the centerline of the Zumbro River to its intersection with the east line of the West one-half of the NE $\frac{1}{4}$ of Section 26, T107N, R14W; thence north along the east line of said west one-half to the north line of the NE $\frac{1}{4}$ of Section 26, T107N, R14W; thence east along the north line of the NE $\frac{1}{4}$ of said Section 26, to its intersection with the centerline of 3rd Ave. N.E. (East River Road); thence northeasterly along the centerline of 3rd Ave. N.E. to its intersection with the centerline of 24th St. N.E.; thence southeasterly along the centerline of 24th St. N.E. to its intersection with the centerline of U.S. 63 North; thence southwesterly along the centerline of said U.S. 63 North to the place of beginning, less Lots 10 and 17, Christensen-Sehl Subdivision.

Dated this 29th day of April, 1970
MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota


Bruce Rasmussen
Executive Secretary

M E M O R A N D U M

We are ordering three and denying two annexations sought by the City of Rochester. With respect to the annexations granted the record shows that much of the land is already urban in nature. The remaining land, all held in small parcels, is about to become urban or suburban in nature. The land covered by the two annexations denied is rural in nature. The City has not sustained its burden of proof that this land is about to become urban or suburban in nature.

In reaching these decisions we have ruled that the proceedings are under Minnesota Statutes 1967, Chapter 414 as amended by Laws of Minnesota 1969, Chapter 1146. The proceedings were not initiated, insofar as the Commission is concerned, until all of the jurisdictional prerequisites had been met. Here, the jurisdictional requirements were fulfilled at the time that the objections were filed with the Commission, and this was after the effective date of the 1969 amendment. This ruling is not controlling as to our two denials, however, as the City failed to sustain its burden of proof under either the law in effect prior to the 1969 amendments, or the law as amended by the 1969 session of the legislature.

We have now disposed of 167 annexations and have pending 10 annexations to the City of Rochester. For several reasons the climate seems right for discussions of a long-range solution.

First. All parties are in agreement that the present piecemeal course is expensive, time consuming and frustrating.

Second. The growth of the greater Rochester area is continuing and is variously projected at 80,000 to 100,000 persons for 1985. There is a widely held feeling that the various units of government should be actively engaged in fruitful discussions and planning to cope with this growth.

Third. The Rochester Olmsted Transportation Planning Study (ROTPS) has been completed and this study, which we understand has been accepted by the city and county, includes data on such things as population, land use and general development and should be of great value in projecting the governmental requirements of the area.

Fourth. The 1969 Legislature passed legislation which may provide the mechanism for reaching a long-term solution. We refer to the orderly annexation procedure. This would allow all affected townships and the City to discuss and agree on the ultimate boundaries of the City. The Commission could then order annexations within the area so agreed upon as the need arises and as the City shows its ability to provide the necessary services. The City would then assume the responsibility for long-term planning for the delivery of services to the agreed upon area. Residents of the annexed areas have their taxes increased to the municipal rate over a three-to-five year period as the services are increased.

Now is the time for town, city, and county officials to take the initiative to provide a master plan for orderly annexation of the areas surrounding the City of Rochester.