

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice 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 Rochester, 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 October 2, 1969.

Robert W. Johnson, Chairman of the Commission, presided at the hearing. Also in attendance were Arthur R. Swan, Vice Chairman, Robert J. Ford, Member, and Lawrence W. Schulz and Richard L. 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 Rochester 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 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 107 acres as compared to the 8,552 acres in the City of Rochester. The area is located along the south limits of the present City of Rochester. The area is bounded on the west and northwest by the Apache Mall Shopping Center and the Zumbro River, on the north by U.S. Highway Nos. 14-52 (Twelfth Street Southeast), on the east by a residential development known as Graham Addition, and on the south by suburban lands some of which are developed for residential purposes. The area is 80 per cent surrounded by the City of Rochester.

3. Of the 8,552 acres in the City of Rochester, there are approximately 395 acres of vacant, unplatted land available for development. This represents less than 5 per cent of the total land area in the City.

4. The area proposed to be annexed contains approximately 12 residences and no commercial buildings. Of the 107 acres, 3 acres have been platted into the Maple Lane Subdivision and the remaining 104 acres are divided into 6 parcels under separate ownership. The largest under one ownership is 37 acres. The area proposed to be annexed is used for residential purposes and limited agricultural use such as gardening.

5. The population of the area proposed to be annexed is approximately 38 persons compared to approximately 52,800 in the City of Rochester.

6. The assessed valuation of the area proposed to be annexed is approximately \$37,215.00 as compared to approximately \$47,142,863.00 for the City of Rochester.

7. 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. The City is world famous as a medical center and, in addition, has

experienced substantial industrial growth, including the establishment of an International Business Machines plant. The City of Rochester is also a thriving and growing commercial center as evidenced by the recent completion of the Apache Mall Shopping Center, the largest shopping center in Minnesota outside of the Twin Cities metropolitan area.

8. 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.

9. The present mill rate for general ad valorem taxes levied against property in the area proposed to be annexed is 85.13 mills (1969) exclusive of the tax levy for schools. This mill rate is computed as follows:

Olmsted County (outside Rochester)	69.34
Rochester Township	<u>15.79</u>
Total	85.13

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 Rochester 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)	\$587.60
City Taxes (estimated)	\$2,751.26

10. The Town of Rochester in which the area proposed to be annexed is situated employs two full-time road maintenance men and a part-time clerk; operates a minimum of road maintenance equipment; operates no sanitary sewer or water facilities; provides no police protection;

provides no fire protection, other than that provided by contract with other governmental units; neither owns nor operates public park and recreation facilities other than a one-acre bird sanctuary; and, although it has a part-time voluntary citizens planning group, it 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 for annexation.

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 the area.

12. The expected increase in property taxes if the area is annexed to the City of Rochester will be proportionate to the benefits which will inure to the area by reason of such annexation.

13. The area proposed to be annexed is suburban in character and because of its proximity to residential and commercial development in the City of Rochester is about to become 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 Rochester to continue its normal operation.

8. The annexation of the area to the City of Rochester would 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 and 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 NW $\frac{1}{4}$ of Section 11, T106N, R14W, described as follows:
Commencing at the southeast (S.E.) corner of the NW $\frac{1}{4}$ of Section 11, for a place of beginning; Thence west along the south line of said NW $\frac{1}{4}$ to a point that is 249.91 feet east of the S.W. corner of the N.W. $\frac{1}{4}$ thence N-26°-56'-00"-E a distance of 212.07 feet; thence N-6°-29'-15"-W a distance of 131.42 feet; thence N-2°-22'-10"-E a distance of 362.80 feet; thence N-23°-30'-15"-W a distance of 96.04 feet; thence N-28°-50'-30"-E a distance of 200.28 feet; thence N-47°-48'-25"-E a distance

of 271.43 feet; thence N-64°-23'-10"-E a distance of 272.79 feet; thence N-86°-42'-00"-E a distance of 400.88 feet; thence N-59°-27'-00"-E a distance of 33.30 feet to the north line of the southwest one quarter of the northwest one quarter of Section 11, Township 106 North, Range 14 West; Thence N-89°-10'-30"-E along said North line a distance of 39.06 feet; thence N-89°-10'-30"-E a distance of 293.62 feet; thence N-0°-06'-00"-W a distance of 291.08 feet; thence N-6°-20'-00"-W a distance of 327.15 feet; thence N-56°-12'-00"-W a distance of 907.35 feet to the south right-of-way line of trunk highway no. 14 and the intersection with the west line of the Apache Drive; thence N-89°-41'-00"-W along the south right-of-way line of Trunk Highway No. 14 a distance of 54.30 feet; thence north to the north line of the N.W.¼ of Section 11; thence east along the north line of the N.W.¼ of Section 11 to the N.E. corner of the N.W.¼ of Section 11; thence south to the place of beginning.

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.