

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 54 acres as compared to the 8,552 acres in the City of Rochester. The area is a long narrow strip of land of irregular shape developed for commercial and industrial purposes extending from U.S. Highway Nos. 14-52 (12th Street Southeast) to 20th Street Southeast. The area is 98 per cent surrounded by the City of Rochester.

3. The area proposed to be annexed contains 13 industrial or commercial buildings. The area is basically composed of two areas - the Libby, McNeill & Libby canning plant, and a cluster of gasoline and petroleum oriented warehouses and a commercial establishment known as Oil City.

4. The area proposed for annexation has no resident population.

5. The assessed valuation of the area proposed to be annexed is approximately \$286,247.00 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 by 1985. Substantial industrial growth has occurred in the City of Rochester in the past decade, including the establishment of an International Business Machines plant. The City of Rochester is world famous as a medical center and 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.

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 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)	\$4,519.84
City Taxes (estimated)	\$25,095.27

9. 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 to be annexed.

10. 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.

11. 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.

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 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, described herein.

O R D E R

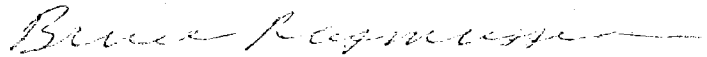
IT IS HEREBY ORDERED: That the real estate situated in the County of Olmsted, State of Minnesota, described as follows be and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally made a part thereof:

Lands located in the NE $\frac{1}{4}$ of Section 11, T106N, R14W, and the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 12, T106N, R14W described as follows:
Commencing at the S.W. corner of the S.W. $\frac{1}{4}$ of Sec. 12, T106N, R14W for a place of beginning; Thence north along the west line of the S.W. $\frac{1}{4}$ of Sec. 12 to its intersection with the south line of Golden Hill Industrial Addition; thence east along the south line of Golden Hill Industrial Addition to its intersection with the west right-of-way line of the Chicago and Great Western Railroad; thence northwesterly along the west right-of-way line of the Chicago and Great Western Railroad to the N.E. corner of Lot 1, Block 1, Golden Hill Industrial Addition; thence west along the north line of Lot 1, Block 1, Golden Hill Industrial Addition extended to the west line of the NW $\frac{1}{4}$ of Sec. 12 (centerline of 3rd Ave. S.E.); thence north along the west line of the NW $\frac{1}{4}$ of Sec. 12 to its intersection with the westerly right-of-way line of the Chicago and Great Western Railroad; thence northwesterly along the westerly right-of-way line of the Chicago and Great Western Railroad to the north line of the Olmsted County Fairgrounds; thence west along the north line of the Olmsted County Fairgrounds to the east right-of-way line of U. S. 63 South; thence south along the east right-of-way line of U. S. 63 to its intersection with the south line of the N.E. $\frac{1}{4}$ of Sect. 11, T106N, R14W (centerline of 16th St. S.E.); thence west to the centerline of U.S. 63 South; thence northerly along the centerline of U.S. 63 South to its intersection with the north line of Lot 15, Block 2,

Graham Second Addition if extended easterly; thence west along the north line of Lot 15, Block 2, Graham Second Addition extended to the west right-of-way line of U.S. 63 South; thence northerly along the west right-of-way line of U.S. 63 to the N.E. corner of Lot 16, Block 2, Graham Second Addition; thence east along the north line of Lot 16, Block 2, Graham Second Addition extended to the centerline of U.S. 63 South; thence northerly along the centerline of U.S. 63 South to a point that is 698.5 feet southerly of the north line of the N.E. $\frac{1}{2}$ of Sect. 11, T106N, R14W; thence east a distance of 809.88 feet to the west right-of-way line of the Chicago and Great Western Railroad; thence northwesterly along the west right-of-way line of the Chicago and Great Western Railroad a distance of 796.46 feet to the north line of the N.E. $\frac{1}{2}$ of Sect. 11, T106N, R14W; thence east to the N.E. corner of the N.E. $\frac{1}{2}$ of Sect. 11, T106N, R14W; thence south along the east line of the NE $\frac{1}{2}$ of Sect. 11, to its intersection with the east right-of-way line of the Chicago and Great Western Railroad; thence southerly along the east right-of-way line to the south line of the S.W. $\frac{1}{2}$ of Sect. 12, T106N, R14W; thence west to the place of beginning.

Dated this 29th day of April, 1970

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota 55101



Bruce Rasmussen
Executive Secretary

A-1635, A-1636, A-1637,
A-1638, and A-1639

MEMORANDUM

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.