

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Carol Kamper	Ex-Officio Member
Rosemary Ahman	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	FINDINGS OF FACT,
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF ROCHESTER)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on March 7, 1977 at Rochester, Minnesota. The hearing was conducted by Chairman Thomas Simmons and William Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Carol Kamper and Rosemary Ahman, ex-officio members of the Board. The City of Rochester appeared by and through Jerry Swanson and the Township was represented by Paul Stellpflug. 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 November 9, 1976, a copy of a petition for annexation by all of the property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Commencing at the northwest corner of the south quarter of the north one-half of the southwest quarter of Section No. Six (6) in Township No. 106 North of Range No. 13 West and running thence east along the north line of said South quarter of said North one-half one hundred forty-nine and 7/100 (149.07) feet for a place of beginning, running thence east along said north line three hundred ninety five and 69/100 (395.69) feet, thence deflect to the right at an angle of 70 degrees 20 minutes with said north line a distance of two hundred thirty two (232) feet, thence deflect to the right 90 degrees a distance of sixty four and 8/100 (64.08) feet, thence deflecting to the left fifty-six (56) degrees forty-one (41) minutes a distance of eighty-five and 65/100 (85.65) feet, thence deflecting to the left 25 degrees 2 minutes

a distance of one hundred seventy-two and 70/100 (172.70) feet to the center line of Trunk Highway No. 14, thence southwesterly along the center line of said trunk highway a distance of two hundred thirty-six and 63/100 (236.63) feet, and running northwesterly in a straight line six hundred seven and 10/100 (607.10) feet to place of beginning; subject to the rights of the State of Minnesota in the southeasterly seventy five (75) feet thereof. Also including a joint right-of-way, to-wit: A strip of land fifteen (15) feet in width on each side of the following described line, commencing for a place of beginning at a point in the center line of Trunk Highway No. 14 which is six hundred three and 63/100 (603.63) feet northeasterly of the intersection of said Trunk Highway with the west line of Section No. Six (6) in Township No. 106 North of Range No. 13 West, thence deflect to the left 81 degrees 43 minutes a distance of one hundred seventy two and 70/100 (172.70) feet, thence deflecting to the right 25 degrees 2 minutes for a distance of eighty five and 65/100 (85.65) feet and there terminating. Except, a tract of land heretofore conveyed to Carl H. Laursen and E. Helen Laursen, described as follows:

Commencing at the southwest corner of the above said tract thence running easterly along the southerly line thereof a distance of one hundred twenty (120) feet, thence running northerly parallel with the westerly line of said tract a distance of two hundred eighty five (285) feet and thence running westerly parallel with the southerly line of said land a distance of one hundred twenty (120) feet, thence running southerly over the westerly line of said tract a distance of two hundred eighty five (285) feet to the place of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Marion Township on December 20, 1976. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

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 16½ square miles. The total area of the territory subject to annexation is three (3) acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 25%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: developed property.

4. Population Data

- a. The City of Rochester has steadily grown and has an estimated population of 57,100. The growth rate is likely to decrease in the immediate future, and the population is likely to remain fairly stable.
- b. The area subject to annexation: The township as a whole has grown rapidly. The area subject to annexation has a population of approximately 50 persons and is not likely to dramatically change.

5. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the State Planning Agency. The area is fully developed with residential properties, a motel, and a trailer court.
- 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 - Yes, by Olmsted County
 - b. Subdivision regulations - Yes, by Olmsted County
- c. The present pattern of physical development is all types of development.
 - 1) In the area subject to annexation:
 - a) Residential - Yes
 - b) Industrial - No
 - c) Commercial - Yes
 - d) Institutional - No.
- d. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

- a. Presently, the Township of Marion provides the area subject to annexation with the following services:
 - 1) Water - No
 - 2) Sewer - No
 - 3) Fire Protection - No, contracts with Rochester
 - 4) Police Protection - unknown
 - 5) Street Improvements - No
 - 6) Street Maintenance - No
 - 7) Recreational - Unknown

- b. Presently, the City of Rochester provides its citizens with all municipal services.
- c. Presently, the City of Rochester provides the area subject to annexation with fire service.
- d. Plans to extend municipal services to the area subject to annexation include the following: All services, except sewer, will be immediately available. Sewer will be available within a reasonable time.
- e. There are existing or potential pollution problems which are: High nitrate level in well water due to poor soil conditions. This will be corrected by city sewer.

7. Fiscal Data

- a. In the City of Rochester, the assessed valuation trend is rising (\$238,181,788 total valuation in 1977), the mill rate trend is stable (23.82 in 1977).
- b. In the area subject to annexation, the assessed valuation trend is rising (\$35,940 total market value in 1976).
- c. The mill rate trends in the following units of government are: 1) County: rising (23.34 in 1977)
2) School Districts: stable (59.93 in 1977)
- d. 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 Marion Township provide the services required? No.
- d. Can Marion Township continue to function without the area subject to annexation, and, if not, could it be incorporated separately or combined with some other governmental units?
Yes, the township spoke in favor of the annexation.

9. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting 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 Marion 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 been initiated by a petition of a majority of property owners and, 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:

Commencing at the northwest corner of the south quarter of the north one-half of the southwest quarter of Section No. Six (6) in Township No. 106 North of Range No. 13 West and running thence east along the north line of said South quarter of said North one-half one hundred forty-nine and 7/100 (149.07) feet for a place of beginning, running thence east along said north line three hundred ninety-five and 69/100 (395.69) feet, thence deflect to the right at an angle of 70 degrees 20 minutes with said north line a distance of two hundred thirty-two (232) feet, thence deflect to the right 90 degrees a distance of sixty-four and 8/100 (64.08) feet, thence deflecting to the left fifty-six (56) degrees forty-one (41) minutes a distance of eighty-five and 65/100 (85.65) feet, thence deflecting to the left 25 degrees 2 minutes a distance of one hundred seventy-two and 70/100 (172.70) feet to the center line of Trunk Highway No. 14, thence southwesterly along the center line of said trunk highway a distance of two hundred thirty-six and 63/100 (236.63) feet, and running northwesterly in a straight line six hundred seven and 10/100 (607.10) feet to place of beginning;

subject to the rights of the State of Minnesota in the southeasterly seventy five (75) feet thereof. Also including a joint right-of-way, to-wit: A strip of land fifteen (15) feet in width on each side of the following described line, commencing for a place of beginning at a point in the center line of Trunk Highway No. 14 which is six hundred three and 63/100 (603.63) feet northeasterly of the intersection of said Trunk Highway with the west line of Section No. Six (6) in Township No. 106 North of Range No. 13 West, thence deflect to the left 81 degrees 43 minutes a distance of one hundred seventy two and 70/100 (172.70) feet, thence deflecting to the right 25 degrees 2 minutes for a distance of eighty five and 65/100 (85.65) feet and there terminating. Except, a tract of land heretofore conveyed to Carl H. Laursen and E. Helen Laursen, described as follows:

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IT IS FURTHER ORDERED: That the population of the City of Rochester has increased by 50 persons.

IT IS FURTHER ORDERED: That the population of the Town of Marion has decreased by 50 persons.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days.

IT IS FURTHER ORDERED: That the effective date of this order is April 26, 1977

Dated this 26th day of April, 1977

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101



William A. Neiman
Executive Secretary