

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Joseph Robbie	Chairman
Robert W. Johnson	Vice-Chairman
Terrance S. O'Toole	Member
Irving R. Keldsen	Secretary

IN THE MATTER OF THE PETITION FOR ANNEXATION OF APPROXIMATELY FOUR ACRES OF LAND SOUTH OF U.S. 14-52 AT MEMORIAL PARKWAY TO THE CITY OF ROCHESTER, MINNESOTA

The petition for annexation of the following described real estate located in Olmsted County, Minnesota, more particularly described as:

Commencing at the Northwest corner of Section 11, Township 106, Range 14 West, thence South 208 feet, thence Easterly and parallel with proposed Highway No. 14 as shown on State Highway Project No. 5502 to the center of a 60-foot access opening right of Station 111 + 10 being the point of beginning, thence Easterly along the Southerly right-of-way of said State Highway Project No. 5502 a distance of 500 feet, thence at right angles South a distance of 350 feet, thence at right angles West and again parallel with said Southerly right-of-way line of said State Highway Project a distance of 500 feet, thence at right angles north a distance of 350 feet back to the place of beginning, containing approximately four (4) acres;

by the owners, Rachel Hendrichs, William A. Hendrichs, Gladys Fager, George A. Fager, Elizabeth Quammen, Truman Quammen, and Clements Chevrolet Company to the City of Rochester, Minnesota, came on for hearing before the Municipal Commission at the City Hall in the City of Rochester on the 7th day of August, 1964. Robert W. Johnson, Vice-Chairman, and Terrance S. O'Toole, Commission Member, attended the hearing together with Irving R. Keldsen, Secretary.

The petitioning property owners were represented by Thomas Wolf, Esq. The Board of Trustees of Rochester Township were represented by Franklin Michaels, Esq. Individual objectors were represented by Joseph Dingle, Esq.

The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence and all other evidence, upon all the files and records, being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

I.

Due, timely and adequate legal notice of the petition and the hearing herein, including adjourned sessions thereof, was posted, published, served and filed.

II.

Rachel Hendrichs, William A. Hendrichs, Gladys Fager, George A. Fager, Elizabeth Quammen, Truman Quammen and Clements Chevrolet Company, a Minnesota Corporation, are all the owners in fee of the property proposed for annexation consisting of approximately four acres.

III.

The City of Rochester approves the annexation and supports the proposed commercial use of the area to be annexed.

IV.

The population of the area to be annexed is none as compared to approximately 45,000 population for the City of Rochester, Minnesota.

V.

The area to be annexed is approximately four acres as compared to approximately 6,400 acres in the City of Rochester.

VI.

The assessed valuation of the area to be annexed is \$1,300.00 as compared to the assessed valuation of the City of Rochester of \$38,496,781.00.

VII.

Rochester has been a rapidly growing community, increasing from 30,000 population in 1953 to approximately 45,000

population and doubling in area since 1953.

A new extension of U. S. Highway #52 through a new highway interchange near the area to be annexed and a change of the present U.S. Highway #14 bordering the area to be annexed to a four lane highway indicates the expansion of the City into this formerly agricultural area.

A general development plan adopted by the Rochester City Planning Commission also indicates prospects of expansion into this area between the extension of U.S. Highway #52 on the west, U.S. Highway #14 on the north and the Zumbro River on the east.

Traffic flow along U.S. Highway #52 and U.S. Highway #14 near the area to be annexed was approximately 10,200 vehicles per day in 1960 and was estimated to be increased to 15,400 vehicles per day by 1980.

Commercial developments appeared to have grown up along the greater portion of the present U.S. Highway 52-14 beltline and would indicate further commercial use of the area east of the new extension of U.S. Highway #52, and south of U.S. Highway #14, including the area to be annexed.

VIII.

Vacant space for expansion of the City of Rochester is available through annexation of vacant lands except in the southerly and southeasterly direction where urban and suburban developments generally abut the city. The area to be annexed is one of the few vacant land areas abutting to Rochester on the south.

IX.

The petitioner Clements Chevrolet Company proposes to expand approximately \$300,000.00 on its commercial expansion in the area to be annexed. The taxes will increase in the area to be annexed but should be proportional to the benefits received, including city utility services, improved police and

fire protection, improved streets and street maintenance, reduction of insurance rates and other benefits of city service.

X.

The proposed commercial use of the area to be annexed and the health and welfare of the community show a need for such governmental services as city water service, city sewage disposal system, city zoning, city street planning, city police and fire protection.

XI.

The City of Rochester will have available to the area to be annexed adequate city water and adequate city sewer connections. The city will put in the streets required with proportionate costs being paid by the owners of the abutting property. City planning services, police departments and fire departments will be available to serve the area.

XII.

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

XIII.

Rochester Township offers no governmental service for sewage and water in the area to be annexed. The township offered no evidence to indicate the existence of present or long range planning for the area to be annexed. The township relies on the Sheriff's Department of Olmsted County for police protection and upon the Rural Fire Department for fire protection.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission duly acquired, and now has, jurisdiction of the within proceedings.

II.

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

III.

The area to be annexed by the City of Rochester would be in the best interests of the area affected and the City.

IV.

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

V.

The township form of government is not adequate to cope with the problems of the proposed commercial expansion in the area to be annexed.

VI.

The City of Rochester can feasibly and practicably provide for and best serve the need for governmental services presently existing and as they become necessary in the future in the area to be annexed.

VII.

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 as follows:

Commencing at the Northwest corner of Section 11, Township 106, Range 14 West, thence South 208 feet, thence Easterly and parallel with proposed Highway No. 14 as shown on State Highway Project No. 5502 to the center of a 60-foot access opening right of Station 111 + 10 being the point of

beginning, thence Easterly along the Southerly right of way of said State Highway Project No. 5502 a distance of 500 feet, thence at right angles South a distance of 350 feet, thence at right angles West and again parallel with said Southerly right-of-way line of said State Highway Project a distance of 500 feet, thence at right angles North a distance of 350 feet back to the place of beginning, containing approximately four (4) acres.

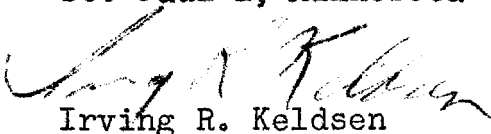
O R D E R

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 originally been made a part thereof:

Commencing at the Northwest corner of Section 11, Township 106, Range 14 West, thence South 208 feet, thence Easterly and parallel with proposed Highway No. 14 as shown on State Highway Project No. 5502 to the center of a 60-foot access opening right of Station 111 + 10 being the point of beginning, thence Easterly along the Southerly right-of-way of said State Highway Project No. 5502 a distance of 500 feet, thence at right angles South a distance of 350 feet, thence at right angles West and again parallel with said Southerly right-of-way line of said State Highway Project a distance of 500 feet, thence at right angles North a distance of 350 feet back to the place of beginning, containing approximately four (4) acres.

Dated this 14 day of September, 1964

MINNESOTA MUNICIPAL COMMISSION
51 State Office Building
St. Paul 1, Minnesota


Irving R. Keldsen
S e c r e t a r y