

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Edward L. Henry	Member
Thomas R. Byrne	Member
Richard Towey	Member
Lawrence Schulz	Member
Irving R. Keldsen	Secretary

IN THE MATTER OF THE PETITION FOR
ANNEXATION OF APPROXIMATELY 96 ACRES OF LAND
SOUTHEAST OF THE INTERSECTION OF U.S.#14 AND
THE NEW U.S. #52 CUT-OFF TO THE CITY OF
ROCHESTER, MINNESOTA

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The petition for annexation of the real estate located in Olmsted County, Minnesota, more particularly described in the attached Exhibit "A" which is hereby made a part hereof by the owners, The Rochester Mall Co., Truman Quammen, Elizabeth Quammen, George Baihly, Marion Baihly, Doris K. Toogood, William A. Hendricks, Rachel Hendricks, George A. Fager and Gladys Fager to the City of Rochester, Minnesota, came on for hearing before the Minnesota Municipal Commisison at the City Hall in the City of Rochester, on the 7th day of February, 1966.

Robert W. Johnson, Edward L. Henry, Thomas R. Byrne, Richard Towey and Lawrence Schulz attended the hearing together with Irving R. Keldsen, Secretary.

The petitioning property owners were represented by Robert L. Davidson, Esq. The Board of Trustees of Rochester Township were represented by Franklin Michaels, 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 was posted, published, served and filed.

II

The property to be annexed abuts on the City of Rochester, Minnesota; such property is not included in any other municipality; and such property is unplatted and does not exceed 200 acres.

III

The Rochester Mall Co., Truman Quammen, Elizabeth Quammen, George Baihly, Marion Baihly, Doris K. Toogood, William A. Hendricks, Rachel Hendricks, George A. Fager and Gladys Fager are all the owners in fee of the property to be annexed and they have duly petitioned the City of Rochester to have such property included within the municipality of Rochester.

IV

That the owners have requested annexation of the subject property to allow construction of a shopping center thereon containing approximately 500,000 square feet of rental area; hence, such property is about to become urban in character.

V

That the City Council of the City of Rochester approves and recommends that the subject property be annexed to the City of Rochester; and that the Planning and Zoning Commission for the City of Rochester approves and recommends the proposed use of the area to be annexed.

VI

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

VII

The area to be annexed is approximately 96 acres as compared to approximately 6,400 acres in the City of Rochester.

VIII

The 1965 assessed valuation of the area to be annexed is approximately \$13,465.00 as compared to the 1965 assessed valuation of the City of Rochester of \$38,496,781.00; that the 1966 assessed valuations of the area to be annexed and of the City of Rochester have yet to be computed and are not available as of the date hereof.

IX

That the City of Rochester has been a rapidly growing community, increasing from a population of 30,000 in 1953 to a population of approximately 45,000 at the present time and doubling in area since 1953.

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

A general development plan adopted by the Rochester City Planning Commission also indicates prospects of expansion into the subject area which lies 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.

Commercial developments have grown and will continue to grow up along the greater portion of the present U.S. Highways #52 and #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.

X

That there is sufficient space in the area to be annexed to accommodate the construction and operation of the proposed shopping center.

XI

That the petitioners propose to construct a shopping center on the area to be annexed; that the taxes will increase in the area to be annexed, but such increase will 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.

XII

That 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 sewerage disposal system, city zoning, city street planning, city police and fire protection.

XIII

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

XIV

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

XV

That Rochester Township offers no governmental service for sewerage and water in the area to be annexed. That the Township offers no evidence to indicate the existence of present

or long range planning for the area to be annexed. That 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

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

II

That the area to be annexed herein is about to become urban in character and as such, should be properly subjected to municipal government by the City of Rochester.

III

That the municipal government of the City of Rochester is required to protect the public health, safety and welfare in reference to plat control or land development and construction which is reasonably expected to occur within a reasonable time hereafter.

IV

That the annexation of the subject property to the City of Rochester would be to the best interests of the City of Rochester and of the territory affected.

V

That 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

That 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

That 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 in the attached Exhibit "A" which has been made a part hereof.

ORDER

IT IS ORDERED:

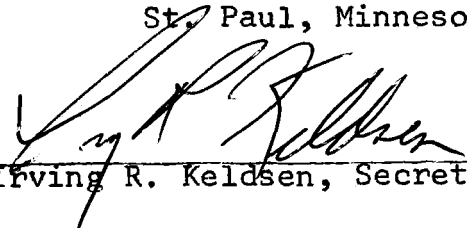
That the real estate situated in the County of Olmsted, State of Minnesota, described in the attached Exhibit "A" which has been made a part hereof, be and the same hereby is, annexed to the City of Rochester, Minnesota, the same as if it had originally been made a part thereof.

Dated: February 14, 1966.

MINNESOTA MUNICIPAL COMMISSION

459 Rice Street
St. Paul, Minnesota

By


Irving R. Keldsen, Secretary

LEGAL DESCRIPTION

The Southeast One-Quarter (SE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$) of Section 10, Township 106 North, Range 14 West, except the West 23 rods thereof

and

That part of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$) of Section 10, Township 106 North, Range 14 West and the North One-Half (N $\frac{1}{2}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) of Section 11, Township 106 North, Range 14 West described as follows:

Beginning at a point on the South line of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$) of said Section 10, said point being 379.50 feet (23 rods) Easterly of the Southwest corner of said Northeast One-Quarter (NE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$); thence Westerly along said South line 46.48 feet; thence deflecting right 102°-07'-30" a distance of 243.35 feet; thence deflecting right 6°-07'-00" a distance of 224.46 feet; thence deflecting right 6°-09'-30" a distance of 581.00 feet; thence along a curve to the left of radius 2,379.83 feet, Delta Angle of 3°-13'-52" a distance of 134.21 feet to the Southerly right-of-way of Trunk Highway No. 14-52. Thence deflecting right from the long chord of said curve produced 67°-37'-00" along said Southerly right-of-way a distance of 804.03 feet to a point; thence deflecting right 89°-54'-00" a distance of 350.00 feet; thence 90°-00'-00" left a distance of 500.00 feet; thence 90°-00'-00" left a distance of 350.00 feet to the Southerly right-of-way of said Trunk Highway No. 14-52. Thence deflecting right 89°-40'-00" along said Southerly right-of-way a distance of 84.30 feet to a point. Thence deflecting right 33°-49'-30" a distance of 909.94 feet; thence deflecting right 50°-07'-00" a distance of 316.53 feet to the West line of the East 1,024.85 feet of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) of Section 11, Township 106 North, Range 14 West; thence deflecting right 6°-07'-30" along said West line a distance of 299.96 feet to the South line of said Northeast One-Quarter (NE $\frac{1}{4}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) of Section 11; thence deflecting right 90°-43'-30" along said South line of the North One-Half (N $\frac{1}{2}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) of said Section 11 a distance of 1,611.23 feet to the Southwest corner of said North One-Half (N $\frac{1}{2}$); thence Westerly along the South line of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$) of Section 10, Township 106 North, Range 14 West to the point of beginning, Olmsted County, Minnesota.

and

Beginning at a point on the South line of the Northeast One-Quarter (NE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$) of Section 10, Township 106 North, Range 14 West, said point being 379.50 feet Easterly of the Southwest corner of said Northeast One-Quarter (NE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$); thence Westerly along said South line 46.48 feet to the Easterly right-of-way of Trunk Highway No. 52; thence Southwesterly along said right-of-way a distance of 1,347.40 feet to the South line of the Southeast One-Quarter (SE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$); thence Easterly along said line a distance of 338.50 feet to a point, said point being 23 rods Easterly of the Southwest corner of the Southeast One-Quarter (SE $\frac{1}{4}$) of the Northeast One-Quarter (NE $\frac{1}{4}$); thence Northerly 1,315.00 feet to the point of beginning.

and

That part of the Southwest One-Quarter (SW $\frac{1}{4}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) of Section 11, Township 106 North, Range 14 West described as follows:

Beginning at the Southwest corner of said Southwest One-Quarter (SW $\frac{1}{4}$) of the

EXHIBIT "A"

Northwest One-Quarter (NW $\frac{1}{4}$); thence Easterly along the South line of said Southwest One-Quarter (SW $\frac{1}{4}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) a distance of 249.91 feet to a point. Thence deflecting left 62°-55'-13" a distance of 209.29 feet; thence deflecting left 33°-41'-45" a distance of 141.42 feet; thence deflecting right 8°-51'-25" a distance of 362.80 feet; thence deflecting left 25°-52'-25" a distance of 96.04 feet; thence deflecting right 52°-20'45" a distance of 200.28 feet; thence deflecting right 17°-57'-55" a distance of 271.43 feet; thence deflecting right 16°-34'-45" a distance of 272.79 feet; thence deflecting right 22°-18'50" a distance of 400.88 feet; thence deflecting left 26°-26'-26" a distance of 38.55 feet to the North line of said Southwest One-Quarter (SW $\frac{1}{4}$) of the Northwest One-Quarter (NW $\frac{1}{4}$); thence Westerly along the North line of said Southwest One-Quarter (SW $\frac{1}{4}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) to the Northwest corner thereof; thence Southerly along the West line of said Southwest One-Quarter (SW $\frac{1}{4}$) of the Northwest One-Quarter (NW $\frac{1}{4}$) to the point of beginning, Olmsted County, Minnesota.