

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Douglas Krueger	Ex-Officio Member
Rosemary Ahmann	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF ROCHESTER AND THE)	
TOWNSHIP OF CASCADE FOR THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE CITY)	<u>CONCLUSIONS OF LAW,</u>
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 June 20, 1979, at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Douglas Krueger and Rosemary Ahmann, ex-officio members of the Board. The City of Rochester appeared by and through Kenneth Moen, the Township of Cascade appeared by and through Stanley Hunter. 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

I. That a joint resolution for orderly annexation was adopted by the City of Rochester and the Township of Cascade on September 7, 1976 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Rochester, on May 15, 1979 requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Lots 8 and 9, Tongen's First Subdivision, according to the plat thereof on file and of record in the office of the County Recorder of Olmsted County, Minnesota. Containing 2.04 acres more or less.

III. Due, timely and adequate legal notice of the hearing was published, served and filed.

IV. 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 17.2 square miles. The total area of the territory subject to annexation is 2.04 acres.
- C. The perimeter of the area to be annexed is approximately 20.5% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: wooded rolling land.

V. Population Data

- A. The City of Rochester:
 1. In 1970, there were 53,766 residents.
 2. The present estimated population is 59,337.
 3. By 2000, the projected population is 85,130.
- B. The area subject to annexation:
 1. The present estimated population is 0.
- C. The Township of Cascade:
 1. In 1976, there were 2,760 residents.

VI. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

- a. In the City of Rochester:
 1. Residential: 17,948.1 acres
 2. Institutional: 346 acres
 3. Commercial: 1,094.6 acres
 4. Industrial: 2,245.5 acres
 5. Agricultural: 999.4 acres
 6. Park and Open Space: 6,374.9 acres
- b. In the area subject to annexation:
 1. Residential: 2.04 acres
- c. In the Township of Cascade:
 1. Residential: 1,191.9 acres
 2. Institutional: 40.3 acres
 3. Commercial: 95.1 acres
 4. Industrial: 112.6 acres
 5. Agricultural: 10,379.8 acres
 6. Parks and Open Space: 157.2 acres

- B. Transportation:

1. The present transportation network is:
 - a. In the City of Rochester: Federal, State, County, and City Streets
 - b. In the area subject to annexation: Federal, State County and Township Roads.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Rochester:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Capital Improvements Program: yes
- d. Fire Code: yes
- e. Building Inspector: yes
- f. Planning Commission: yes
- g. Adopted Land Use Plan: yes

2. In the Township of Cascade:

- a. Zoning: no
- b. Subdivision Regulations: no

3. In the County of Olmsted:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Capital Improvements Program: yes
- d. Fire Code: yes
- e. Building Inspector: yes
- f. Planning Commission: yes
- g. Adopted Land Use Plan: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VII. Governmental Services

A. The Town of Cascade provides the area subject to annexation with the following services:

- 1. Water: no
- 2. Sewer: no
- 3. Fire protection and rating: yes
- 4. Street improvements: yes
- 5. Street maintenance: yes

B. The City of Rochester provides its residents with the following services:

- 1. Water: yes
- 2. Sewer: yes
- 3. Fire protection and rating: yes
- 4. Police protection: yes
- 5. Street improvements: yes
- 6. Street maintenance: yes
- 7. Recreational: yes
- 8. Administrative services: yes

C. In the City of Rochester provides the area subject to annexation with the following services:

- 1. Police protection: yes

D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the extension of the sewer and water lines presently in place in the adjacent area.

E. The following services will be available to the annexed area within 3 years: sewer, water, street maintenance, police and fire protection.

VIII. Tax Data

A. In the City of Rochester:

1. Mill rate in 1979 is 103.837.
2. Bonded indebtedness in 1978 was \$6,885,000.

B. In the Township of Cascade:

1. Mill rate in 1979 is 86.245.
2. Bonded indebtedness in 1978 was 0.

C. In the area subject to annexation:

1. Mill rate in 1979 is 86.245.
2. Bonded indebtedness in 1978 was 0.

IX. Annexation to the City of Rochester is the best alternative.

A. The proposed annexation would have no effect on area school districts and on adjacent communities.

B. The town government is inadequate to deliver municipal services to the area proposed for annexation.

C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.

D. Present assessed valuation of the Town of Cascade: \$9,064,312.

Present assessed valuation of proposed annexation area: \$5,419.

New valuation of the Town of Cascade if entire area is annexed: \$58,893

E. Cascade Township can continue to function without the area subject to annexation.

X. The annexation is consistent with the joint agreement in that: the owners petitioned for the annexation and wish to receive municipal services that the City of Rochester can provide.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect the public health, safety, and welfare.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation does not conflict with terms of the joint agreement.

VI. Three years will be required to effectively provide full municipal services to the annexed area.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. 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:

Lots 8 and 9, Tongen's First Subdivision, according to the plat thereof on file and of record in the office of the County Recorder of Olmsted County, Minnesota. Containing 2.04 acres more or less.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Rochester on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is July 30, 1979.

Dated this 30th day of July, 1979

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

Terrence A. Merritt

Terrence A. Merritt
Executive Director