

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	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)
 ANNEXATION OF CERTAIN LAND TO THE)
 CITY OF ROCHESTER)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on April 1, 1980, 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 Fredrick S. Suhler, and 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 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 February 29, 1980 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:

A part of the Northeast Quarter of Section 28, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Northeast Quarter; thence North 00 degrees 00 minutes East, assumed bearing, along the west line of said Northeast Quarter, 997.41 feet for a point of beginning; thence continue North 00 degrees 00 minutes East along said west line, 892.43 feet to the westerly right-of-way line of the Chicago Northwestern Transportation Company; thence South 38 degrees 46 minutes East along said right-of-way line, 894.02 feet; thence South 70 degrees 45 minutes 43 seconds West, 592.90 feet to the point of beginning.

Containing 5.73 acres.

TOGETHER WITH

A part of the Northeast Quarter of Section 28, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the point of intersection of the Westerly right-of-way line of the Chicago Northwestern Transportation company and the West Line of the Northeast Quarter of said Section 28; Thence N 0°00'E along said West Line of the Northeast Quarter for a distance of 359.34 feet to the Northeasterly Right-of-Way Line of C.S.A.H. No. 4 (Valleyhigh Drive N.W.); Thence S 38°46'E along said Easterly Right-of-Way Line for a distance of 1174.20 feet; Thence S 51°14'W, at right angles to said right-of-way, for a distance of 225.00 feet to a point in the Westerly Right-Of-Way of said Railroad; Thence Northwesterly along said Westerly Right-Of-Way to the Point of Beginning.

Containing 5.34 acres.

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 approximately 17.2 square miles. The total area of the territory subject to annexation is 11.07 acres.
- C. The perimeter of the area to be annexed is 67.5% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watershed, soil conditions, rivers, lakes and major bluffs is: relatively level (2-6% slopes) cropland, consisting of moderately well drained soils.

V. Population Data

- A. The City of Rochester:
 - 1. In 1970, there were 53,766 residents.
 - 2. The present estimated population is 59,770.
 - 3. By 2000, the projected population is 85,130.
- B. The area subject to annexation:
 - 1. In 1970, there were 0 residents.
 - 2. The present estimated population is 0.
- C. The Township of Cascade:
 - 1. In 1976, there were 2,760 residents.
 - 2. By 2000, the projected population is 1,000.

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 devoted to individual land use types:

- a. In the City of Rochester:

- | | |
|--------------------------------|-------------------------------------|
| 1. Residential: 13,763.9 acres | 4. Industrial: 2,245.5 acres |
| 2. Institutional: 346 acres | 5. Agricultural: 99.4 acres |
| 3. Commercial: 1,094.6 acres | 6. Park & open space: 6,374.9 acres |

b. In the area subject to annexation:

1. Institutional & Industrial: 5.34 acres
2. Agricultural: 5.73 acres

c. In the Township of Cascade:

- | | |
|-------------------------------|-----------------------------------|
| 1. Residential: 2,391.9 acres | 4. Industrial: 112.6 acres |
| 2. Institutional: 40.3 acres | 5. Agricultural: 10,379.8 acres |
| 3. Commercial: 95.1 acres | 6. Park & open space: 157.2 acres |

B. Transportation:

1. The present transportation network is:

- a. In the City of Rochester: State, Federal, County, and City roads.
- b. In the area subject to annexation: City and Township streets and the property is adjacent to the Chicago-Northwestern Rail Line.

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. Land Use Plan: yes
- d. Capital Improvements Program: yes
- e. Fire Code: yes
- f. Building Inspector: yes
- g. Planning Commission: yes

2. In the Township of Cascade the majority of the services of land use control and planning are provided as part of the county-wide program.

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

3. In the County of Olmsted:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Land Use Plan: yes
- d. Capital Improvements Program: yes
- e. Fire Code: yes
- f. Building Inspector: yes
- g. Planning Commission: 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, by contract with Rochester City.
4. Police protection: no
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: no
8. Administrative services: no

- 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. The City of Rochester provides the area subject to annexation with fire protection and rating by contract with the township.
- D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include extending sewer and water trunk lines and water mains in 19 St. N.W. located to the south of the property to the area proposed for annexation.
- E. The following services will be available to the annexed area within 3 years: sewer and water.

VIII. Tax Data

- A. In the City of Rochester:
1. Mill rate in 1980 is 24.309.
 2. Bonded indebtedness in 1979 was \$8,885,000.
- B. In the Township of Cascade:
1. Mill rate in 1980 is 4.519.
 2. Bonded indebtedness in 1979 was 0.
- C. In the area subject to annexation:
1. Mill rate in 1980 is 4.519.
 2. Bonded indebtedness in 1979 was 0.
- D. Mill rate in the respective governmental units:
1. County in 1980 is 22.777 for the Township and 21.308 for the City.
 2. School district in 1980 is 55.608.
 3. Township in 1980 is 4.519.

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

- A. There is no effect on area school districts and on adjacent communities if the proposed area is annexed.
- B. The Town government is not adequate to deliver services to the area proposed for annexation that are needed for the development of the property.
- 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 is \$10,999,113.00.
Present assessed valuation of proposed annexation area is \$1,342.00.
New valuation of the Town of Cascade if the entire area is annexed is \$10,997.771.00.

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

X. The annexation is consistent with the joint agreement.

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.

ORDER

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 it it had been originally made a part thereof:

A part of the Northeast Quarter of Section 28, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southwest corner of said Northeast Quarter; thence North 00 degrees 00 minutes East, assumed bearing, along the west line of said Northeast Quarter, 997.41 feet for a point of beginning; thence continue North 00 degrees 00 minutes East along said west line, 892.43 feet to the westerly right-of-way line of the Chicago Northwestern Transportation Company; thence South 38 degrees 46 minutes East along said right-of-way line, 894.02 feet; thence South 70 degrees 45 minutes 43 seconds West, 592.90 feet to the point of beginning.

Containing 5.73 acres.

TOGETHER WITH

A part of the Northeast Quarter of Section 28, Township 107 North,

Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the point of intersection of the Westerly right-of-way line of the Chicago Northwestern Transportation Company and the West line of the Northeast Quarter of said Section 28; Thence N 0°00'E along said West Line of the Northeast Quarter for a distance of 359.34 feet to the Northeasterly Right-of-Way Line of C.S.A.H. No. 4 (Valleyhigh Drive N.W.); Thence S 38°46'E along said Easterly Right-of-Way line for a distance of 1174.20 feet; Thence S 51°14'W, at right angles to said right-of-way, for a distance of 225.00 feet to a point in the Westerly Right-of-Way of said Railroad; Thence Northwesterly along said Westerly Right-of-Way to the Point of Beginning.

Containing 5.34 acres.

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.

VII. IT IS FURTHER ORDERED: That the effective date of this order is April 29, 1980.

Dated this 29th day of April, 1980

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



Terrence A. Merritt
Executive Director