

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
Carol Kamper	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF ROCHESTER AND)	<u>FINDINGS OF FACT,</u>
TOWN OF CASCADE FOR THE ORDERLY)	<u>CONCLUSIONS OF LAW,</u>
ANNEXATION OF CERTAIN LAND TO)	<u>AND ORDER</u>
THE CITY OF ROCHESTER)	

The above-entitled matter came of for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 6, 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 Carol Kamper, ex-officio members of the Board. The City of Rochester appeared by and through Fredrick Suhler, Jr., the Township of Cascade appeared by and through George Farnham, its Chairman. 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 April 3, 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:

Lot 7, together with the North half of the adjacent right-of-way of 31st Street Northeast and the East half of the adjacent right-of-way of East River Road (Third Avenue Northeast), and Lot 8, together with the East half of the adjacent right-of-way of East River Road (Third Avenue Northeast), Morris's First Subdivision, according to the plat thereof on file and of record in the office of the County Recorder in and for said county; and, Lot 3, together with the East half of the adjacent right-of-way of East River Road (Third Avenue Northeast) and the South half of the adjacent right-of-way of 32nd Street Northeast, Morris's Second Subdivision, according to the Plat thereof on file and of record in the office of the County Recorder in and for said county.

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 1.92 acres.
- C. The perimeter of the area to be annexed is 15.6% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: level vacant land, with excessively 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. The present population is 0.
- C. The Township of Cascade:
 - 1. In 1976, there were 2,760 residents.
 - 2. The present estimated population is
 - 3. By 2000, the projected population is 1000.

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: 13,763.9 acres	4. Industrial: 2,245.5 acres
2. Institutional: 346 acres	5. Agricultural: 999.4 acres
3. Commercial: 1,094.6 acres	6. Park & Open Space: 6,374.9 acres
 - b. In the area subject to annexation:
 - 1. Residential: 1.41 acres
 - 2. Institutional: .51 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: Federal, State, County & City Roads
 - b. In the area subject to annexation: 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. 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 land use services are provided by the County

3. In the County of Olmsted:

- a. Zoning: yes
- b. Capital Improvements Program: yes
- c. Fire Code: yes
- d. Building Inspector: yes
- e. 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. Fire protection and rating: yes, through a contract with the City of Rochester
- 2. Street improvements: yes
- 3. 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. The City of Rochester provides the area subject to annexation with the following services:

- 1. Fire protection and rating: through a contract with the town
- 2. Street maintenance: occasional snowplowing

D. Existing or potential environmental problems and the need for additional services to resolve these problems: the land is not suited for onsite septic system, thereby needing City sewer for any residential building.

E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: extension of sewer and water.

F. The following services will be available to the annexed area within three years: sewer, water, police and fire protection.

VIII. Tax Base

A. In the City of Rochester, the tax base includes the following: Residential property, commercial property, industrial property, agricultural property, park and open space land and non-taxable property.

- B. In the Township of Cascade, the tax base includes the following:
Residential property, commercial property, industrial property,
agricultural land, park and open space land and non-taxable
property.
- C. In the area subject to annexation, the tax base includes the following:
Residential property and non-taxable property.

IX. Tax Data

- A. In the City of Rochester:
 - 1. Mill rate in 1980 is 24.309.
- B. In the Township of Cascade:
 - 1. Mill rate in 1980 is 4.519.
- C. In the area subject to annexation: Mill rate in 1980 is 4.519.
- 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. Region in 1980 is 0.69.

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

- A. There is no effect on area school districts or on adjacent communities if the proposed area is annexed.
- B. Town government is not adequate to deliver 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: \$10,999,113.

Present assessed valuation of proposed annexation area: \$6,317.

New valuation of the Town of Cascade if entire area is annexed: \$10,992,796.
- E. Cascade Township can continue to function without the area subject to annexation.

XI. 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 is consistent with the 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:

Lot 7, together with the North half of the adjacent right-of-way of 31st Street Northeast and the East half of the adjacent right-of-way of East River Road (Third Avenue Northeast), and Lot 8, together with the East half of the adjacent right-of-way of East River Road (Third Avenue Northeast), Morris's First Subdivision, according to the plat thereof on file and of record in the office of the County Recorder in and for said county; and, Lot 3, together with the East half of the adjacent right-of-way of East River Road (Third Avenue Northeast) and the South half of the adjacent right-of-way of 32nd Street Northeast, Morris's Second Subdivision, according to the Plat thereof on file and of record in the office of the County Recorder in and for said county.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Rochester on the property herein ordered 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 11, 1980.

Dated this 11th day of July, 1980

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



Terrence A. Merritt
Executive Director