

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

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IN THE MATTER OF THE JOINT RESOLUTION )  
BETWEEN THE CITY OF ROCHESTER AND THE )  
TOWN OF CASCADE FOR THE ORDERLY )  
ANNEXATION OF CERTAIN LAND TO THE )  
CITY OF ROCHESTER )  
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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 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, and the petitioners appeared by and through William Volker. 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 file 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:

That part of the Southeast Quarter of Section 28, Township 107 North, Range 14 West and a part of the Southwest Quarter of Section 27, Township 107 North, Range 14 West described as follows:

Beginning at the Northeast Corner of the Southeast Quarter of said Section 28; Thence Westerly along the North line of said Southeast Quarter to the Easterly right of way line the Chicago and Great Western Railway Co., said point of intersection also being the Northwest Corner of Sunset Terrace Eighth

Subdivision; Thence Southeasterly along said Easterly Right of Way of said railroad for a distance of 63.57 feet to the South line of 19th Street N.W.; Thence Easterly along said South line of 19th Street N.W. for a distance of 106.40 feet to the intersection with the Westerly line of Valleyhigh Drive as platted in Sunset Terrace Eighth Subdivision; Thence Southeasterly along the Westerly line of said Valleyhigh Drive (C.S.A.H. No. 4) to its intersection with the Southerly extension of the West line of 21st Ave. N.W. as same is platted in Sunset Terrace Fourth Addition; Thence Northerly along the Southerly extension of the West line of said 21st Ave. N.W. to the Southeast Corner of Lot 20 Block 3 Sunset Terrace Fourth Addition; Thence Northwesterly along the Southwesterly line of said Lot 20 to the most Westerly Corner of said Lot 20; Thence Northeasterly along the Northwesterly line of said Lot 20 to the Southern most corner of Lot 19 Block 3 of Sunset Terrance Fourth Addition; Thence Northwesterly along the Southwesterly Line of Said Lot 19 to the most Westerly corner of said Lot 19; Thence Southwesterly on a line extended in prolongation of the lot line between Lots 18 and 19, Block 3 Sunset Terrace Fourth Addition for a distance 95.51 feet to the Northeasterly right of way line of C.S.A.H. No. 4 as said road right of way was platted in Sunset Terrance Sixth Addition; Thence Northwesterly along said Northeasterly right of way line to the most Westerly corner of Lot 1 Block 1 of Sunset Terrace Sixth Addition; Thence Northeasterly along the Northerly line of said Lot 1 to the most Northerly corner of said Lot 1, said point also being on the Westerly line of Sunset Terrace Fourth Addition; Thence Northwesterly along the Westerly line of said addition for a distance of 70.80 feet ot the Southerly most corner of Lot 1 Block 3 Sunset Terrace Fourth Addition and the West line of the Southwest Quarter of said Section 27; Thence North along the West line of said Southwest Quarter to the point of beginning, being the Northwest Corner of the Southwest Quarter of said Section 27.

Containing 0.73 acres more or less.

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

IV. That the area proposed for annexation was moved to be reduced to the following described property and that these Findings of Fact are of the reduced area:

(Maas Property)

All that part of the Southwest Quarter (S.W. $\frac{1}{4}$ ) of Section 27 Township 107 North, Range 14 West, Olmsted County Minnesota, described as follows. Beginning at the most westerly corner of Lot 19 Block 3, SUNSET TERRACE FOURTH ADDITION to the City of Rochester; thence S 45°09'57"W on a line extended in prolongation of the Lot line between Lot 18 and 19 in said Block and Addition for a distance of 131.32 feet to a point 50.00 feet easterly (measured radially) from the construction center ine of CSAH #4 as said highway was constructed in 1969; Thence Southeasterly along a line 50 feet easterly and concentric with said construction centerline, said line being a curve of 760.24 foot radius, delta angle of 24°51'04", for a distance of 329.74 feet, the chord of said curve bears S 62°28'36"E, to the intersection of the west line of 21st Ave. N.W. as said street is platted in Sunset Terrace Second Addition; thence N 0°24'58"E along said west line of 21st Ave. N.W. for a distance of 104.18 feet to the S.E. Corner of Lot 20 Block 3

of Sunset Terrace Fourth Addition; thence Northwesterly along the Southwesterly line of said Lot 20 to the most westerly corner of said Lot 20; thence Northeasterly along the Northwesterly line of Lot 20 for a distance of 11.62 feet to the most Southerly Corner of Lot 19 Block 3 of said Addition; thence Northwesterly along the Southwesterly line of said Lot 19 to the most westerly corner of said Lot 19 and the point of beginning.

Containing 31,966 square feet or 0.734 acres.

( C.S.A.H. 4 Right-of-Way )

A part of the C.S.A.H. No. 4 right-of-way and a part of 19th Street N.W. right-of-way lying and being in the Southeast Quarter of Section 28, Township 107 North, Range 14 West and in the Southwest Quarter of Section 27, Township 107 North, Range 14 West, Olmsted County, Minnesota described as follows:

Commencing at the Northeast corner of the Southeast Quarter of said Section 28; Thence N 90 degrees 00 minutes W (assumed bearing) along the North line of said Southeast Quarter for a distance of 588.37 feet to the point of beginning of the parcel to be described; Thence S 0 degrees 02 minutes 30 seconds E for a distance of 150.43 feet; Thence S 48 degrees 02 minutes 30 seconds E for a distance of 216.7 feet; Thence N 89 degrees 57 minutes 30 seconds E for a distance of 169.21 feet; Thence S 0 degrees 02 minutes 30 seconds E for a distance of 167.18 feet; Thence S 38 degrees 07 minutes E for a distance of 347.8 feet more or less to the most Westerly corner of Lot 1, Block One SUNSET TERRACE SIXTH SUBDIVISION; Thence Southeasterly along the Northeasterly line of Valleyhigh Drive N.W. as said line is platted in SUNSET TERRACE SIXTH SUBDIVISION to the most Southerly corner of Lot 16, Block One said SUBDIVISION; Thence Southwesterly on an extension of the southeasterly line of said Lot 16 for a distance of 35.81 feet; Thence Southeasterly along a curve, concave northeasterly, radius of 760.24 feet, delta angle of 24 degrees 51 minutes 04 seconds, for a distance of 329.74 feet to the intersection with the West line of 21st Avenue N.W. as said street is platted in SUNSET TERRACE SECOND ADDITION, said point of intersection being 104.18 feet southerly from the S.E. corner of Lot 20, Block Three SUNSET TERRACE FOURTH ADDITION; Thence southerly on said West line of 21st Avenue N.W. to the Northeast corner of Lot 4, Block One SUNSET TERRACE SEVENTH DIVISION; Thence Northwesterly along the Southwesterly line of Valleyhigh Drive N.W. as said line is platted in SUNSET TERRACE SEVENTH SUBDIVISION and in SUNSET TERRACE EIGHTH SUBDIVISION to the intersection with the South line of 19th Street N.W. as said line is platted in SUNSET TERRACE EIGHTH SUBDIVISION; Thence Westerly along the South line of said 19th Street N.W. to the intersection with the Easterly right-of-way line of the Chicago and Great Western Railway Company; Thence Northwesterly along said right-of-way line to a point on the North line of said Southeast Quarter of Section 28; Thence East to the point of beginning.

Containing 7 acres more or less.

V. 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 approximately 7.73 acres.

C. 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. In the Township of Cascade:

1. In 1976, there were 2,760 residents.
2. By 2000, the projected population is 1,000.

C. In area subject to annexation:

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: 3,245.5 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. Institutional: 7 acres
2. Vacant land: 0.73 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: Federal, State, County, and City Roads
- b. In the area subject to annexation: C.S.A.H. road and City Street

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

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. Subdivision Regulations: 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: for a planned unit development to avoid polluting the area; City sewer and water is needed.
- 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 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.

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. 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 and 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. 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 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:

(Maas Property)

All that part of the Southwest Quarter (S.W. $\frac{1}{4}$ ) of Section 27 Township 107 North, Range 14 West, Olmsted County Minnesota, described as follows. Beginning at the most westerly corner of Lot 19 Block 3, SUNSET TERRACE FOURTH ADDITION to the City of Rochester; thence S 45°09'57"W on a line extended in prolongation of the Lot line between Lot 18 and 19 in said Block and Addition for a distance of 131.32 feet to a point 50.00 feet easterly (measured radially) from the construction center line of CSAH #4 as said highway was constructed in 1969; Thence Southeasterly along a line 50 feet easterly and concentric with said construction centerline, said line being a curve of 760.24 foot radius, delta angle of 24°51'04", for a distance of 329.74 feet, the chord of said curve bears S 62°28'36"E, to the intersection of the west line of 21st Ave. N.W. as said street is platted in Sunset Terrace Second Addition; thence N 0°24'58"E along said west line of 21st Ave. N.W. for a distance of 104.18 feet to the S.E. Corner of Lot 20 Block 3 of Sunset Terrace Fourth Addition; thence Northwesterly along the Southwesterly line of said Lot 20 to the most westerly corner of said Lot 20; thence Northeasterly along the Northwesterly line of Lot 20 for a distance of 11.62 feet to the most Southerly

Corner of Lot 19 Block 3 of said Addition; thence Northwesterly along the Southwesterly line of said Lot 19 to the most westerly corner of said Lot 19 and the point of beginning.

Containing 31,966 square feet or 0.734 acres.

(C.S.A.H. 4 Right-of-Way)

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Containing 7 acres more or less.

II. IT IS FUTHER 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 11, 1980.

Dated this 11th day of July, 1980

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

*Terrence A. Merritt*

Terrence A. Merritt  
Executive Director