

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Douglas A. Krueger	Ex-Officio Member
Harley Boettcher	Ex-Officio Member

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)

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 March 4th, 1981, 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 Harley Boettcher, ex-officio members of the Board. The City of Rochester appeared by and through Elizabeth Lozinski and the Town of Cascade appeared by George Farnham, Township 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. The joint resolution for orderly annexation was adopted by the City of Rochester, and the Town 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 January 8th, 1981 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

That part of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 21, Township 107 North, Range 14 West, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 21, T107N, R14W; thence northerly along the West line of the Northwest Quarter of said Section 21 to its intersection with the westerly right-of-way line of the former Chicago and Northwestern Transportation Company right-of-way line; thence southeasterly along said westerly Transportation Company right-of-way line to its intersection with the northerly right-of-way line of County State Aid Highway 4; thence easterly along said northerly right-

of-way line of County State Aid Highway 4 to its intersection with a line parallel with and 100 feet easterly from said westerly Transportation Company right-of-way line; thence southeasterly along said line parallel with and 100 feet easterly from said Transportation Company right-of-way line to its intersection with the northerly line of Lot 2, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision; thence northwesterly along said lot line to the Northwest corner of Lot 2, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision; thence southeasterly along the westerly line of Lots 2 and 1, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision to the southwest corner of said Lot 1; also being a point on South line of the Northwest Quarter of the Southwest Quarter of Section 21, T107N, R14W; thence South 89 degrees 03 minutes, 30 seconds West along said South line, 141.32 feet; thence North 38 degrees 11 minutes 16 seconds West, parallel with the centerline of railroad 326.92 feet; thence North 64 degrees 35 minutes 03 seconds West, 89.55 feet to a point which is 300.00 feet North of, as measured at right angles to the south line of said Quarter Quarter Section; thence South 89 degrees 03 minutes 30 seconds West, parallel with the south line of said Quarter Quarter Section, 276.59 feet to a point on a line being 310.00 feet southwesterly of, as measured at right angles to and parallel with the centerline of said railroad; thence North 38 degrees 11 minutes 16 seconds West, along said line, 232.44 feet; thence South 89 degrees 03 minutes 30 seconds West, parallel with the south line of said Quarter Quarter Section, 287.69 feet to the west line thereof; thence North 00 degrees 45 minutes 29 seconds West along said west line 831.08 feet to the point of beginning. Being subject to a 33.00 foot easement over the most southerly boundary thereof.

Also:

Lots 1 and 2, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision.

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

IV. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 16.47 acres in size, and abuts the City of Rochester by approximately 6.4% of its border. The City of Rochester is approximately 17.2 square miles in size.

V. The natural terrain of the area proposed for annexation is primarily level having been developed for industrial use.

VI. In 1980 the City of Rochester had a population of 57,408 people and it is projected that by the year 2000 the population will be 85,130.

VII. The area proposed for annexation has no resident population nor is any projected for the future given its use as industrial land.

VIII. The Town of Cascade's population in 1980 was 2,683 people and it is projected by the year 2000 the township will have a population of 1,000 since much of the population from the township is in areas planned for annexation.

IX. The City of Rochester has approximately 11,843.9 acres in single family land use, 1,920 acres in medium density residential use, 1,094.6 acres in commercial use, 2,245.5 acres in industrial use, 6,374.9 acres in parks and open space use, 938.4 acres in agricultural use, and 346 acres in common facilities.

X. The Town of Cascade has approximately 1,191.9 acres in single family residential use, 95.1 acres in commercial use, 112.6 in industrial use, 157.2 acres in parks and open space use, 1,200 acres in suburban density residential use, 10,313.8 acres in agricultural use, and 40.3 acres in common facilities.

XI. In the area proposed for annexation there is approximately 4.2 acres of platted industrial property, approximately 9.85 acres of unplatted industrial property and approximately 2.34 acres of public road right-of-way or railroad right-of-way.

XII. The City of Rochester presently has zoning, flood plain zoning, subdivision controls, a recently adopted future land use plan, a capital improvements program, fire code, building inspector, and planning commission.

XIII. The County of Olmsted has zoning, flood plain zoning, subdivision controls, and planning commission.

XIV. The Town of Cascade receives a majority of its land use control and planning services from the County-wide program. Cascade Township does not have separate zoning, subdivision or land use controls in place at this time.

XV. The area proposed for annexation is presently zoned M-1, light manufacturing district under the regulations of Olmsted County.

XVI. The City of Rochester urban service area land use plan pursuant to its future land use map designates the area proposed for annexation as an industrial area.

XVII. Direct access to the property proposed for annexation is provided by County State Aid Highway No. 4 on the north side of the property and by a private drive on the west side of the railroad tracks on the south side of the area proposed for annexation.

XVIII. C.S.A.H. No. 4 is an "arterial street" as defined in the City of Rochester area currently held valid thorough-fare plan.

XIX. In the area proposed for annexation is a 25 foot wide right-of-way of the Chicago Northwestern Railroad line which abuts the property. This has a spur line in place that provides service to the eastern warehouse building.

XX. The Town of Cascade provides its residents with street improvements and maintenance and fire protection by a contract with the City of Rochester.

XXI. The City of Rochester provides its residents with water, sewer, fire protection, police protection, street improvements, maintenance, recreational opportunities, and administrative service.

XXII. The Rochester public service department estimates that the earliest extension of sewer service would be from the stub end at the Pace Dairy property located to the south of the area proposed for annexation along County State Aid Highway No. 4. Water service to the area proposed for annexation could also be provided by the extension of a 12 inch water main presently in place at the Pace plant site. The water supply available will be limited for fire protection but is satisfactory for domestic use. The fire rating of the City of Rochester is three and for the Town of Cascade is nine.

XXIII. Bonded indebtedness for the City of Rochester as of January 1, 1980 was \$8,885,000. As of January 1, 1980 the bonded indebtedness of School District No. 535 was \$13,866,000. As of January 1, 1980 the bonded indebtedness of Cascade Township was 0.

XXIV. The assessed valuation of Cascade Township in 1980 was \$12,154,652.

XXV. The assessed valuation of the City of Rochester in 1980 was \$295,869,390.

XXVI. The estimated market value of the area proposed for annexation is \$1,235,867. The assessed valuation of the area proposed for annexation is \$496,180.

XXVII. The mill rate in 1981 for the City of Rochester is 24.317, for School District 535 is 48.537, for Olmsted County within the City of Rochester is 21.087, for Region 10 is .070, for Cascade Township is 5.160, and for Olmsted County in Cascade Township is 22.511.

XXVIII. The area proposed for annexation is located within School District No. 535 as is all of the City of Rochester.

XXIX. The area proposed for annexation is too small to incorporate into its own governmental unit.

XXX. The assessed valuation of the Town of Cascade if the area proposed for annexation is annexed is \$11,658,472.

XXXI. Necessary governmental services could best be provided by annexation to the City of Rochester since it is the only adjacent municipality to the area proposed for annexation.

XXXII. The Town of Cascade does not intend to deliver water or sewer to the area proposed for annexation, as the Township does not have central water and sewer service.

XXXIII. The annexation is consistent with the joint resolution for orderly annexation between the Town of Cascade and the City of Rochester.

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 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 of the area proposed for annexation.

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 resolution for orderly annexation.

VI. Three years will be required to effectively provide full municipal services to the annexed area, and to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up rate.

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

O R D E R

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 a part thereof:

That part of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 21, Township 107 North, Range 14 West, described as follows:

Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 21, T107N, R14W; thence northerly along the West line of the Northwest Quarter of said Section 21 to its intersection with the westerly right-of-way line of the former Chicago and Northwestern Transportation Company right-of-way line; thence southeasterly along said westerly Transportation Company right-of-way line to its intersection with the northerly right-of-way line of County State Aid Highway 4; thence easterly along said northerly right-of-way line of County State Aid Highway 4 to its intersection with a line parallel with and 100 feet easterly from said westerly Transportation Company right-of-way line; thence southeasterly along said line parallel with and 100 feet easterly from said Transportation Company right-of-way line to its intersection with the northerly line of Lot 2, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision; thence northwesterly along said lot line to the Northwest corner of Lot 2, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision; thence southeasterly along the westerly line of Lots 2 and 1, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision to the southwest corner of said Lot 1; also being a point on South line of the Northwest Quarter of the Southwest Quarter of Section 21, T107N, R14W; thence South 89 degrees 03 minutes, 30 seconds West along said South line, 141.32 feet; thence North 38 degrees

11 minutes 16 seconds West, parallel with the centerline of railroad 326.92 feet; thence North 64 degrees 35 minutes 03 seconds West, 89.55 feet to a point which is 300.00 feet North of, as measured at right angles to the south line of said Quarter Quarter Section; thence South 89 degrees 03 minutes 30 seconds West, parallel with the south line of said Quarter Quarter Section, 276.59 feet to a point on a line being 310.00 feet southwesterly of, as measured at right angles to and parallel with the centerline of said railroad; thence North 38 degrees 11 minutes 16 seconds West, along said line, 232.44 feet; thence South 89 degrees 03 minutes 30 seconds West, parallel with the south line of said Quarter Quarter Section, 287.69 feet to the west line thereof; thence North 00 degrees 45 minutes 29 seconds West along said west line 831.08 feet to the point of beginning. Being subject to a 33.00 foot easement over the most southerly boundary thereof.

Also:

Lots 1 and 2, Block 1, Replat of Lots 3 and 4, Kocer's Subdivision.

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 April 28, 1981.

Dated this 28th day of April, 1981

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


Terrence A. Merritt
Executive Director