

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
Joan T. Sass	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 April 15, 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 A. Krueger and Joan T. Sass, ex-officio members of the board. The City of Rochester appeared by and through Elizabeth Losinski, the Town of Cascade appeared by Lyndon Geselle, 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 21, 1981 requesting annexation of certain property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to the annexation which is as follows:

That part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Nine (9), Township One Hundred Seven North (107N), Range Fourteen West (14W), Olmsted County, Minnesota, described as follows:

That part of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) lying between the Easterly right-of-way line of Trunk Highway 52 and the East line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4); and also: all right, title and interest to those lands in said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) which are designated as right-of-way for Trunk Highway 52 and that township road (formerly called

Trunk Highway 52) adjacent to the East line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) not heretofore conveyed by Helen M. or Glen C. Goodman.

Containing 1.7 acres more or less.

That part of the North one-half (N1/2) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section Nine (9), Township One Hundred Seven (107), Range Fourteen (14), Olmsted County, Minnesota, lying Easterly of the right-of-way line of Minnesota Trunk Highway 52, more exactly described as follows:

Beginning at the Northeast corner of the said Southwest Quarter (SW1/4) of Section Nine (9); thence South 89 degrees 11 minutes 30 seconds West (for purposes of this description bearings are assumed), along the North line of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4) 407.70 feet to the Easterly right-of-way line of said Highway 52; thence South 5 degrees 57 minutes 10 seconds East, along said right-of-way line 657.01 feet to the South line of said North one-half (N1/2) of Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 89 degrees 15 minutes 15 seconds East, along said South line, 339.18 feet to the East line of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 0 degrees 03 minutes 02 seconds West along said East line, 652.08 feet to the point of beginning; subject to right-of-way for a township road over the Easterly side thereof;

Containing 5.6 acres more or less including said township road right-of-way and containing 4.2 acres, more or less excluding said township road right-of-way.

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 area, approximately 7.3 acres in size, and abuts the City of Rochester by approximately 41% of its perimeter with a southern section of land proposed for annexation, and by approximately 16.5% of its perimeter for the northern portion of the area proposed for annexation. The City of Rochester is approximately 19.2 square miles.

V. The natural terrain of the area proposed for annexation is vacant land that is rolling with the highest portion located in its eastern area sloping toward Trunk Highway 52.

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 residential population nor is any projected for the future given its intended use as commercial land.

VIII. The Town of Cascade's population in 1980 was 2,683 people and it is projected by the year 2000 that the Township will have a population of 1,000 since much of the population from the Township is an area 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 acres 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 4.89 acres of public road right of way and approximately 7.38 acres of unplatted property.

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 a planning commission.

XIV. The Town of Cascade receives the 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 A-G, agricultural in Olmsted County. The City of Rochester believing that the northern 5.6 acre tract was within the City of Rochester zoned by ordinance the property B-4, general business district.

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 a planned commercial area.

XVII. Both of these properties have frontage on Trunk Highway 52, a planned "expressway" on the Rochester areas currently held valid thorough-fare plan. Although the properties front on the highway, no direct access is permitted by the Minnesota Department of Transportation. Vehicular access is provided from Bandel Road NW, a local street, found along the eastern side of the properties.

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

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

XX. Both properties in this annexation request can be served with Rochester's sanitary sewer by the extensions of sewer mains in the Cascade ridge subdivision located to the southeast property. Rochester City water service is available from the 20" main in place in Bandel Road NW, along the east side of the properties which connects to an existing City water storage facility at the northern termination of Bandel Road.

XXI. The 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.

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

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

The estimated market value of the area proposed for annexation is \$3,694. The assessed valuation of the area proposed for annexation is \$1,259.

XXIV. The mill rate in 1981 for the City of Rochester is 24.317, for School District No. 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.

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

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

XXVII. The assessed valuation of the Town of Cascade, if the area proposed for annexation is annexed is \$12,153,393.

XXVIII. 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.

XXIX. 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.

XXX. 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 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 period.

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 the 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

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 a part thereof:

That part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section Nine (9), Township One Hundred Seven North (107N), Range Fourteen West (14W), Olmsted County, Minnesota, described as follows:

That part of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) lying between the Easterly right-of-way line of Trunk Highway 52 and the East line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4); and also: all right, title and interest to those lands in said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) which are designated as right-of-way for Trunk Highway 52 and that township road (formerly called Trunk Highway 52) adjacent to the East line of said Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) not heretofore conveyed by Helen M. or Glen C. Goodman.

Containing 1.7 acres more or less.

That part of the North one-half (N1/2) of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section Nine (9), Township One Hundred Seven (107), Range Fourteen (14), Olmsted County, Minnesota, lying Easterly of the right-of-way line of Minnesota Trunk Highway 52, more exactly described as follows:

Beginning at the Northeast corner of the said Southwest Quarter (SW1/4) of Section Nine (9); thence South 89 degrees 11 minutes 30 seconds West (for purposes of this description bearings are assumed), along the North line of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4) 407.70 feet to the Easterly right-of-way line of said Highway 52; thence South 5 degrees 57 minutes 10 seconds East, along said right-of-way line 657.01 feet to the South line of said North one-half (N1/2) of Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 89 degrees 15 minutes 15 seconds East, along said South line, 339.18 feet to the East line of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 0 degrees 03 minutes 02 seconds West along said East line, 652.08 feet to the point of beginning; subject to right-of-way for a township road over the Easterly side thereof;

Containing 5.6 acres more or less including said township road right-of-way and containing 4.2 acres, more or less excluding said township road right-of-way.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Rochester and the property herein ordered annexed shall be increased in substantially equal porportions 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 May 18, 1981.

Dated this 18th day of May, 1981

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


Terrence A. Merritt
Executive Director