

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Douglas Krueger	Ex-Officio Member
Richard Chase	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 27, 1977 at Rochester, Minnesota. The hearing was conducted by William A. Neiman pursuant to Minnesota Statutes 414.01, Subd. 12. The City of Rochester appeared by and through Gerald Swanson and Cascade Township was represented by Lyndon Geselle. 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

1. That a joint resolution for orderly annexation was adopted by the City of Rochester and the Township of Cascade and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, the City of Rochester, on May 2, 1977 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 South Half of the Southeast Quarter  
(S 1/2 of SE 1/4) of Section Nine (9), Township  
One Hundred Seven (107) North, Range Fourteen (14)  
West, except that land described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of said Section 9, Township 107 North, Range 14 West, thence East along the South line of said section a distance of 547.79 feet to the point of beginning of the land to be described, thence deflecting left  $111^{\circ} 41'$  and running Northwesterly parallel with Trunk Highway #52 a distance of 732.19 feet, thence deflecting left  $67^{\circ} 40'$  a distance of 325.63 feet to the Easterly right-of-way of Trunk Highway #52 as monumented, thence deflecting left  $112^{\circ} 20'$  and running along the said Easterly right-of-way line a distance of 645.19 feet to the right-of-way corner as monumented, thence deflecting left  $34^{\circ} 37'$  along the right-of-way as monumented a distance of 92.90 feet to the right-of-way corner as monumented thence deflecting right  $34^{\circ} 37'$  along the right-of-way a distance of 35.51 feet to the South line of Section 9, thence East along said South line 267.35 feet to the point of beginning, containing 5.0 acres.

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

4. 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 16 square miles. The total area of the territory subject to annexation is 75 acres.
- c. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: rolling terrain, sloping upward to the north.

5. Population Data

- a. The City of Rochester is growing, with a projected population of 78,000 by the year 2000.
- b. The area subject to annexation has zero population but, as the area is developed, is expected to have a population of approximately 500.

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the State Planning Agency. The area is within the Rochester Land Use Plan. A general development plan, low-density residential with some commercial, has been approved by Rochester.

b. What land use controls are presently being employed.

1) In the City of Rochester

a) Zoning - Yes

b) Subdivision Regulations - Yes

c) Housing and Building Codes - Yes

d) Other - Comprehensive Plan

2) In the area to be annexed:

a) Zoning - County

b) Subdivision Regulations - Unknown

c) Housing and Building Codes - County

c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Rochester with necessary growth space? Yes, especially residential development.

d. The present pattern of physical development is:

1) In the City of Rochester development of all types is occurring.

2) In the area subject to annexation the area is presently agricultural but soon will be developed with residential and commercial development.

## 7. Governmental Services

a. Presently, the Township of Cascade provides the area subject to annexation with the following services:

1) Water - No

5) Street Improvements - No

2) Sewer - No

6) Street Maintenance - Yes

3) Fire Protection - By contract with city.

7) Recreational - No

4) Police Protection - No

b. Presently, the City of Rochester provides its citizens with all city services.

c. Presently the City of Rochester provides the area subject to annexation with fire and electrical service.

d. Plans to extend municipal services to the area subject to annexation include the following: All services including utilities, can be extended within three (3) years.

e. There are existing or potential pollution problems which are: Ground water quality could be adversely affected by intensive development utilizing septic tanks.

The following additional services will help resolve this situation: City sewer

- f. That the City of Rochester is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next three (3) years.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to annexation is now or is about to become urban or suburban in nature.
3. The City of Rochester is capable of providing the services required by the area described herein within a reasonable time.
4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a three (3) year period.
5. 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 following described property lying in the Township of Cascade, County of Olmsted, State of Minnesota be and the same hereby is annexed to the City of Rochester the same as if it had originally been made a part thereof:

A part of the South Half of the Southeast Quarter (S 1/2 of SE 1/4) of Section Nine (9), Township One Hundred Seven (107) North, Range Fourteen (14) West, except that land described as follows:


Commencing at the Southwest Corner of the Southeast Quarter of said Section 9, Township 107 North, Range 14 West, thence East along the South line of said Section a distance of 547.79 feet to the point of beginning of the land to be described, thence deflecting left  $111^{\circ} 41'$  and running Northwesterly parallel with Trunk Highway #52 a distance of 732.19 feet, thence deflecting left  $67^{\circ} 40'$  a distance of 325.63 feet to the Easterly right-of-way of Trunk Highway #52 as monumented, thence deflecting left  $112^{\circ} 20'$  and running along the said Easterly right-of-way line a distance of 645.19 feet to the right-of-way corner as monumented, thence deflecting left  $34^{\circ} 37'$  along the right-of-way as monumented a distance of 92.90 feet to the right-of-way corner as monumented, thence deflecting right  $34^{\circ} 37'$  along the right-of-way a distance of 35.51 feet to the South line of Section 9, thence East along said South line 267.35 feet to the point of beginning, containing 5.0 acres.

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 (3) years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the effective date of this order is August 22, 1977.

Dated this 22 day of August, 1977

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

  
William A. Neiman  
Executive Secretary