

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Harley Boettcher	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 )  
OR 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 May 20th, 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 Carol Kamper, and Harley Boettcher, ex-officio members of the board. The City of Rochester appeared by and through Elizabeth Losinski, the Town of Cascade appeared by and through Stanley Hunter, Township Chairman, and the property owners, Berg and Schmidt appeared by and through Robert W. Patterson. 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, City of Rochester, on February 26th, 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:

PARCEL A

That part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 107 N, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the Southeast corner of the Southwest Quarter of said Section 9; running thence West 133 feet; thence North

183 feet; thence East 133 feet; thence South 183 feet to the place of beginning.

Containing 0.56 acres of which 0.55 acres is encumbered by an existing highway easement.

#### PARCEL B

That part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, described as follows:

Beginning at a point in the South line of said Southwest Quarter, 133.00 feet westerly from the Southeast corner thereof; thence South 89 degrees 05 minutes 13 seconds West, along said South line of Southwest Quarter (for the purposes of this description bearings are assumed), a distance of 297.88 feet; thence North 0 degrees 03 minutes 02 seconds West, along a line parallel with the East line of said Southwest Quarter, 1116.47 feet to the Westerly right-of-way of Minnesota Trunk Highway 52; thence Southerly, along said Westerly right-of-way line, on a curved course, concave Easterly (curve data: delta angle = 5 degrees 00 minutes 28 seconds; radius = 3984.72 feet; chord bearing and distance = South 18 degrees 34 minutes 26 seconds East, 348.17 feet), an arc distance of 348.28 feet, to a point of tangency with a spiral easement curve; thence Southerly, along said spiral easement curve, concave Easterly (Northbound centerline spiral curve data: centerline offset = 165.00 feet; spiral angle = 1 degree 07 minutes 30 seconds; length of spiral curve = 150.00 feet), a distance along said spiral curve of 153.25 feet (chord bearing and distance = South 21 degrees 49 minutes 28 seconds East, 153.23 feet) to its point of tangency; thence continue Southerly along said highway right-of-way line, South 22 degrees 12 minutes 10 seconds East, 46.60 feet; thence Easterly along said highway right-of-way line, North 67 degrees 47 minutes 50 seconds East, 15.00 feet; thence Southerly along said highway right-of-way line, South 22 degrees 12 minutes 10 seconds East, 451.29 feet to its intersection with a line, 183.00 feet Northerly from and parallel with said South line of Southwest Quarter; thence South 89 degrees 05 minutes 13 seconds West, along said parallel line 71.25 feet; thence South 0 degrees 03 minutes 02 seconds East, parallel with said East line of Southwest Quarter, 183.00 feet to said point of beginning; subject to right-of-way for 55th Street Northwest over the Southerly side thereof; containing 5.00 acres, more or less, including said street right-of-way.

#### PARCEL C

That part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section Nine (9), Township One Hundred Seven (107) North, Range Fourteen (14) West, Olmsted County, Minnesota, described as follows:

Beginning at a point in the South line of the Southwest Quarter, 430.88 feet Westerly from the Southeast corner of said Southwest Quarter; thence South 89 degrees 05 minutes 13 seconds West (for purposes of this description bearings are assumed), along said South line, 886.26 feet to the Southwest corner of said Southeast Quarter of Southwest Quarter; thence North 0 degrees 02 minutes 38 seconds East, along the West line of said Southeast Quarter of Southwest Quarter, 1306.75 feet to the Northwest corner thereof; thence North 89 degrees 11 minutes 54 seconds East, along the North line of said Southeast Quarter of Southwest Quarter, 799.22 feet to a point in the Westerly right-of-way line of Minnesota Trunk Highway 52; thence Southerly along said

right-of-way line on a curve course, concave Easterly (curve data: radius = 4019.72 feet, delta angle = 1 degree 58 minutes 46 seconds; chord bearing and distance = South 14 degrees 09 minutes 22 seconds East, 138.87 feet), an arc distance of 138.87 feet; thence continue along said highway right-of-way. North 74 degrees 51 seconds 12 minutes East, 35.00 feet; thence continue Southerly along said highway right-of-way on a curved course, concave easterly (curve data: radius = 3984.72 feet; delta angle = 0 degrees 55 minutes 23 seconds; chord bearing and distance = South 15 degrees 36 minutes 32 seconds East, 64.20 feet), an arc distance of 64.20 feet; thence South 0 degrees 03 minutes 02 seconds East, 1116.47 feet to said point of beginning; subject to 55th Street Northwest over the Southerly side thereof; containing 26.32 acres, more or less, including said 55th Street 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 31.88 acres in size, and abuts the City of Rochester by approximately 1,317.14 feet of its perimeter, along its southern boundary. The City of Rochester is approximately 19.23 square miles.

V. The eastern .56 acre of the area proposed for annexation is natural terrain is vacant land almost entirely within the public right-of-way, the next five acres are urban land with a showroom and shop, parking display area, metal pole building and ground advertising sign, and the remaining property has rolling topography with a former borrow pit located in the NW portion of the property, with the land used for pasture land or tillable acreage. The natural drainage way flows across the northern portion of this property draining to the southeast.

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

VII. The area proposed for annexation has a population of one person with the two eastern most parcels having no resident population.

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

IX. The City of Rochester has approximately 11,843.9 acres in single family land use, approximately 1,920 acres in medium density residential use, 1,094.6 acres in commercial use, 2,257.8 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, approximately 95.1 acres in commercial use, approximately 100.3 acres in industrial use, approximately 157.2 acres in park and open space use, approximately 1,200 acres in suburban density use, approximately 10,313.8 acres in agricultural use, and approximately 40.3 acres in common facilities.

XI. In the area proposed for annexation, the eastern most .56 acres are owned by the State of Minnesota and presently in the right-of-way of the 55th Street NW. This property is zoned agricultural by Olmsted County. The next eastern most five acres is zoned general commercial and is used for an auto dealership and attendant structures. The remaining 26.32 acres are zoned agricultural, and presently there are single family homes and associated farm buildings on a portion of the property with the majority of the land vacant.

XII. The City of Rochester's future land use map of the Rochester urban service area land use plan designates all the area proposed for annexation outside of the drainage areas for "low density residential" use.

XIII. All property in the area proposed for annexation are presently provided access from 55th Street NW, the planned "expressway" northern leg of Circle Drive as identified on the Currently Held Valid Thoroughfare Plan.

55th Street NW along this property is maintained, under agreement with Cascade Township, by the City of Rochester. The City maintains 55th Street N.W. west of T.H. 52 to 41st Avenue N.W.

The Thoroughfare Plan indicates an interchange at the 55th Street T.H. 52 intersection. Preliminary MN DOT right-of-way maps indicate that all of Parcel A and the majority of Parcel B would be needed for future right-of-way for the interchange planned. Additional right-of-way along the south side of Parcel C would also be required to expand 55th Street N.W. to expressway standards.

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

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

XVI. Sewer and water service from the City of Rochester's system can be provided by the extension of existing mains in the area. Both water and sewer mains are located on the west side of Trunk Highway 52 where they cross the highway, some 520 feet south of 55th Street NW.

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

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

XIX. 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.

XX. The bonded indebtedness for the City of Rochester as of May 15th, 1981 is \$18,305,000. As of May 15th, 1981 the bonded indebtedness of School District #535 is \$11,870,000. As of May 15th, 1981 the bonded indebtedness of Cascade Township was 0.

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

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

XXIII. The assessed valuation for the area proposed for annexation is \$38,373.

XXIV. 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.

XXV. The area proposed for annexation is located within School District #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 \$12,116,279.

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 area and to comply with 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:

PARCEL A

That part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 107 N, Range 14 West, Olmsted County, Minnesota, described as follows:

Beginning at the Southeast corner of the Southwest Quarter of said Section 9; running thence West 133 feet; thence North 183 feet; thence East 133 feet; thence South 183 feet to the place of beginning.

Containing 0.56 acres of which 0.55 acres is encumbered by an existing highway easement.

PARCEL B

That part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, described as follows:

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PARCEL C

That part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section Nine (9), Township One Hundred Seven (107) North, Range Fourteen (14) West, Olmsted County, Minnesota, described as follows:

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thence continue along said highway right-of-way. North 74 degrees 51 seconds 12 minutes East, 35.00 feet; thence continue Southerly along said highway right-of-way on a curved course, concave easterly (curve data: radius = 3984.72 feet; delta angle = 0 degrees 55 minutes 23 seconds; chord bearing and distance = South 15 degrees 36 minutes 32 seconds East, 64.20 feet), an arc distance of 64.20 feet; thence South 0 degrees 03 minutes 02 seconds East, 1116.47 feet to said point of beginning; subject to 55th Street Northwest over the Southerly side thereof; containing 26.32 acres, more or less, including said 55th Street 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 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 9, 1981.

Dated this 9th day of July, 1981

MINNESOTA MUNICIPAL BOARD  
Suite 165 Metro Square Building  
7th and Robert Streets  
St. Paul, Minnesota

  
Terrence A. Merritt  
Executive Director