

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

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

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 Harley Boettcher and Carol Kamper, ex-officio members of the Board. The City of Rochester appeared by and through Elizabeth Losinski and the Town of Cascade appeared by and through Stanley Hunter, Town Board Member. 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 April 7th, 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:

All that part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 28, Township 107 North, Range 14 West in the County of Olmsted, State of Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 28; thence South 0 degrees 02 minutes 30 seconds East a distance of 701.73 feet; thence South 51 degrees 53 minutes West a distance of 55.45 feet to the Easterly right-of-way of CSAH No. 4; thence along said right-of-way North 38 degrees 07 minutes West a distance of 347.75 feet; thence North 0 degrees 02 minutes 30 seconds West a distance of 167.18 feet; thence South 89 degrees 57 minutes

30 seconds West a distance of 169.21 feet; thence North 48 degrees 02 minutes 30 seconds West a distance of 216.70 feet; thence North 0 degrees 02 minutes 30 seconds West a distance of 150.43 feet to the East-West Quarter line of said Section 28; thence East along said East-West Quarter line a distance of 588.37 feet to the point of beginning, and there terminating. Subject to conditions of right-of-way of Nineteenth Street N.W. along the North side thereof, and of Twenty-fifth Avenue N.W. along the East side thereof.

Also, that part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 27, Township 107 North, Range 14 West described as follows:

Commencing at the West Quarter corner of said Section 27; thence South along the West line of said Southwest Quarter a distance of 611.12 feet to the point of beginning for parcel to be described; thence deflect left 38 degrees 04 minutes a distance of 70.80 feet; thence deflect right 90 degrees a distance of 55.45 feet to the West line of said Southwest Quarter; thence North along the West line of said Southwest Quarter a distance of 39.93 feet to the point of beginning, and there terminating.

Containing 5.4 acres more or less.

ALSO

All that part of the CSAH No. 4 right-of-way which lies Northeasterly of the Northeasterly right-of-way line of Chicago and Great Western Railway Co. in the Northeast Quarter of Section 28 - T107N - R14W Olmsted County, Minnesota.

Also, all that part of the right-of-way of 19th Street N.W. lying East of the Northeasterly right-of-way line of the Chicago and Great Western Railway Co. in the Northeast Quarter of Section 28 - T107N R14W Olmsted County, Minnesota.

Contains 9.9 Acres more or less.

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 15.3 acres in size, and abuts the City of Rochester by approximately 80% of its border. The City of Rochester is approximately 19.23 square miles in size.

V. The natural terrain of the area proposed for annexation is primarily level, with 9.9 acres in public right-of-way use.

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.

VII. The area proposed for annexation has a population of one.

VIII. The Town of Cascade in 1980 had a population of 2,683 and it is projected by the year 2000 the population will be 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, 2,257.8 acres in industrial use, 6,374.9 acres in parks and open space use, 938.4 acres in agricultural use, and 346.0 acres in common facilities.

X. The Town of Cascade has approximately 1,191.9 acres in single family 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 there is approximately 5.4 acres of unplatted private land containing a single family home, a green house, and nursery on it and approximately 9.9 acres of public road right-of-way.

XII. The City of Rochester presently has zoning, flood plain zoning and subdivision controls, a recently adopted future land use map, 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. In the Town of Cascade the majority of its land use control and planning services in 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 agricultural 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 in a low density residential area between lands planned for medium density residential use.

XVII. Access to the area proposed for annexation is from 19th Street NW, and "Arterial" Street on the currently held valid thorough-fare plan, and the street is presently maintained by the City. Valley High Drive NW (C.S.A.H. #4 is a "collector street") south of 19th Street NW and "Arterial" Street to the north. Valley High Drive NW is maintained by Olmsted County.

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 services.

XX. The property proposed for annexation can be served with sewer and water from the City of Rochester by the extension of trunk lines in 19th Street NW and the 25th Avenue NW right-of-way which is found along the east side of the property.

XXI. Bonded indebtedness for the City of Rochester as of May 15, 1981 is \$18,305,000. As of May 15, 1981 the bonded indebtedness of School District 535 is \$11,870,000. As of May 15, 1981 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.

XXIV. The estimated market value of the area proposed for annexation is \$36,960 and the assessed valuation of the area proposed for annexation is \$15,894.

XXV. The mill rates 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.

XXVI. The area is located within School District #535 as is all of the City of Rochester.

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

XXVIII. The assessed valuation of the Town of Cascade if the area proposed for annexation is annexed is \$12,138,758.

XXIX. 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.

XXX. 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.

XXXI. 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.
- 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.
- 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 here is hereby annexed to the City of Rochester, Minnesota the same as if it had been originally a part thereof:

All that part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section 28, Township 107 North, Range 14 West in the County of Olmsted, State of Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 28; thence South 0 degrees 02 minutes 30 seconds East a distance of 701.73 feet; thence South 51 degrees 53 minutes West a distance of 55.45 feet to the Easterly right-of-way of CSAH No. 4; thence along said right-of-way North 38 degrees 07 minutes West a distance of 347.75 feet; thence North 0 degrees 02 minutes 30 seconds West a distance of 167.18 feet; thence South 89 degrees 57 minutes 30 seconds West a distance of 169.21 feet; thence North 48 degrees 02 minutes 30 seconds West a distance of 216.70 feet; thence North 0 degrees 02 minutes 30 seconds West a distance of 150.43 feet to the East-West Quarter line of said Section 28; thence East along said East-West Quarter line a distance of 588.37 feet to the point of beginning, and there terminating. Subject to conditions of right-of-way of Nineteenth Street N.W. along the North side thereof, and of Twenty-fifth Avenue N.W. along the East side thereof.

Also, that part of the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 27, Township 107 North, Range 14 West described as follows:

Commencing at the West Quarter corner of said Section 27; thence South along the West line of said Southwest Quarter a distance of

611.12 feet to the point of beginning for parcel to be described; thence deflect left 38 degrees 04 minutes a distance of 70.80 feet; thence deflect right 90 degrees a distance of 55.45 feet to the West line of said Southwest Quarter; thence North along the West line of said Southwest Quarter a distance of 89.93 feet to the point of beginning, and there terminating.

Containing 5.4 acres more or less.

ALSO

All that part of the CSAH No. 4 right-of-way which lies Northeasterly of the Northeasterly right-of-way line of Chicago and Great Western Railway Co. in the Northeast Quarter of Section 28 - T107N - R14W Olmsted County, Minnesota.

Also, all that part of the right-of-way of 19th Street N.W. lying East of the Northeasterly right-of-way line of the Chicago and Great Western Railway Co. in the Northeast Quarter of Section 28 - T107N R14W Olmsted County, Minnesota.


Contains 9.9 Acres more or less.

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 June 9, 1981.

Dated this 9th day of June, 1981

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

  
Terrence A. Merritt  
Executive Director