

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Douglas Krueger	Ex-Officio Member
Harley Boettcher	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 OF 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 September 23, 1981 at Rochester, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Harley Boettcher and Douglas Krueger, ex-officio members of the Board. The City of Rochester appeared by and through Elizabeth Losinski, the Town of Cascade appeared by and through Lyndon Geselle, 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 July 28, 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:

Moehnke's First Subdivision together with 29.18 acres of unplatted land described as the Northeast Quarter of the Southwest Quarter, Township 107 North, Range 14 West, (Cascade Township) less the following legally described property previously annexed:

A part of the Southwest Quarter Section 15, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southwest Quarter; thence North 00 degrees 20 minutes 20 seconds West, assumed bearing along the East line of said Southwest Quarter, 1315.17 feet, to the Southeast corner

of the Northeast Quarter of the Southwest Quarter of said Section 15; thence South 89 degrees 57 minutes 46 seconds West, along the South line of said Quarter Quarter section, 706.10 feet, for a point of beginning; thence continue South 89 degrees 57 minutes 46 seconds West, along said South line, 613.87 feet, to the Southwest corner of said Quarter Quarter section; thence North 00 degrees 17 minutes 41 seconds West, along the West line of said Quarter Quarter section, 310.64 feet; thence North 67 degrees 24 minutes 36 seconds East, 133.69 feet; thence North 50 degrees 02 minutes 52 seconds East, 140.00 feet; thence South 39 degrees 57 minutes 08 seconds East, 10.01 feet; thence North 67 degrees 16 minutes 34 seconds East, 140.07 feet; thence Southeasterly 148.42 feet, along a nontangential curve concave to the Northeast central angle of 24 degrees 48 minutes 48 seconds, radius of 342.71 feet, and the chord of said curve bears South 35 degrees 07 minutes 50 seconds East, 147.26 feet; thence South 47 degrees 32 minutes 14 seconds East, 57.69 feet; thence South 42 degrees 27 minutes 46 seconds West, 123.73 feet; thence South 39 degrees 42 minutes 15 seconds East, 321.40 feet to the point of beginning.  
Containing 4.62 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 35.38 acres in size and abuts the City of Rochester by approximately 75% of its border. The City of Rochester is approximately 19.91 square miles in size.

V. The area proposed for annexation is relatively level terrain consisting of silt and sandy loam soils. The area is vacant farm land with no wetlands or wooded areas.

VI. In 1980 the City of Rochester had a population of 57,871 people and it is projected by the year 2,000 the population will be 85,130.

VII. The area proposed for annexation had no population in 1970 and has none at present. It is projected that by the year 2000 the population will be 560 people.

VIII. The Town of Cascade in 1980 had a population of 2,384 and it is projected that by the year 2000 the population will be 1,000 since much of the population for the township is in the area planned for annexation.

IX. The City of Rochester has approximately 6,500 acres in residential use, 2,079 acres in institutional and park use, 700 acres in commercial use, 1,200 acres in industrial use, and 1,200 acres in agricultural and vacant use. The City of Rochester has approximately 700 acres remaining

for residential use, approximately 250 acres remaining for commercial use, and approximately 250 acres remaining for industrial use.

X. The Town of Cascade has approximately 950 acres zoned for residential use, zero acres zoned for institutional use, 128 acres zoned for commercial use, 319 acres zoned for industrial use, and 14,039 acres zoned for agricultural use.

XI. In the area proposed for annexation all 35.38 acres are presently zoned agricultural and they are planned for future low density residential use.

XII. The City of Rochester presently has zoning, floodplain zoning, subdivision controls, official mapping program, capital improvements program, fire code, building inspector, and planning commission.

XIII. Olmsted County provides the same planning services as the City of Rochester.

Cascade Township's land use and planning controls are provided through the county-wide program and administered by the Consolidated Planning Department. Cascade Township does not have any separate land use controls in place at this time. As part of the orderly annexation agreement, subdivision authority was granted the City of Rochester. The City subdivision ordinance is in effect in the orderly annexation area.

XIV. The area proposed for annexation lies in the "Potential Urban Service Area" of the City of Rochester as designated on the General Land Use Plan for the Olmsted County Area adopted county-wide in 1978.

In 1980 the city and the county also adopted a future land use plan for the Rochester urban service area which designates the area proposed for annexation as being best suited for "low density residential" use.

XV. The annexation of the area proposed for annexation will not necessitate amending the comprehensive plan. All planning documents recognize this area as potentially being annexed to the City of Rochester to permit development on public services.

XVI. A future general city street arrangement and lot layout was prepared for the area proposed for annexation by the developer of the land to the south. It was adopted in form by the City of Rochester in 1977 and is known as the Western Walls General Development Plan.

XVII. Temporary access to Moehnke's first subdivision, the area owned by the church, will be granted from 18th Avenue N.W., a collector street along the east side of the area proposed for annexation. Eighteenth Avenue N.W. is a county

road maintained by the City of Rochester south of 43rd Street N.W.

and by the county as it passes in front of the area proposed for annexation.

XVIII. The annexation will have no known adverse affect on the transportation system.

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

XX. The City of Rochester can provide the area proposed for annexation the entire complement of services which it presently provides other residents of the city. Sewer lines are already in place through the property and the extension of water mains, from the termination of 44th Street N.W. just southwest of Moehnke's first subdivision, can be readily made.

The Town of Cascade provides street improvements and maintenance and fire protection.

XXI. As of September 23rd, 1981 the City of Rochester had a bonded indebtedness of \$18,305,000, the School District 535 had a bonded indebtedness of \$11,870,000 and Cascade Township had no bonded indebtedness.

XXII. The 1980 assessed valuation of the Town of Cascade is \$12,154,652.

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

XXIV. The estimated market value of the area proposed for annexation is \$49,427. The assessed value of the area proposed for annexation is \$9,390.

XXV. In 1981 the mill rates were as follows:

1. City of Rochester	24.317 mills
2. School District 535	48.537 mills
3. County	21.087 mills
4. Region 10	<u>.070 mills</u>
Total for City	94.011 mills
1. Cascade Township	5.160 mills
2. School District 535	48.537 mills
3. County	22.511 mills
4. Region 10	<u>.070 mills</u>
Total for Township	76.278 mills

XXVI. The City of Rochester has a fire insurance rating of three. Cascade Township has a rating of nine.

XXVII. The City of Rochester and its adjacent outlying areas are served by School District 535. The annexation in the area proposed for annexation will not impact upon the school district.

XXVIII. The City of Rochester is the only municipality adjacent 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.

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.

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.

ORDER

I. IT IS HEREBY ORDERED: That the property described herein in Finding of Fact II be and the same hereby is annexed to the City of Rochester, Minnesota the same as if it had been originally a part thereof.

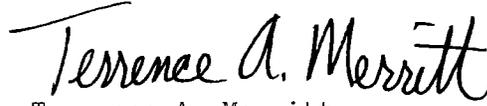
II. IT IS FURTHER ORDERED: That the mill levy of the City of Rochester of the property herein ordered annexed shall be increased in substantially

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: The effective date of this order is December 9, 1981.

Dated this 9th day of December, 1981

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

A handwritten signature in black ink that reads "Terrence A. Merritt". The signature is written in a cursive style with a prominent horizontal stroke at the beginning.

Terrence A. Merritt  
Executive Director