

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Harley Boettcher	Ex-Officio Member
Douglas Krueger	Ex-Officio Member

-----

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

-----

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on April 21st, 1982 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 Krueger, 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 Town Board Chairman, and the Bandels appeared by and through J.H. Dingle. 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. That a 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 February 11, 1982 requesting the 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:

That part of the North Half of the Northeast Quarter of Southwest Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, lying westerly from the westerly right-of-way line of Minnesota Trunk Highway 52, being more exactly described as follows: Beginning at the Northwest corner of said Northeast Quarter of Southwest Quarter of Section 9; thence South 0 degrees 02 minutes 38 seconds West (for purposes of this description bearings are assumed), along the West line of said Northeast Quarter of Southwest Quarter, 653.38

feet to the Southwest corner of said North Half of Northeast Quarter of Southwest Quarter; thence North 89 degrees 15 minutes 15 seconds East, along the South line of said North Half, 723.65 feet to a point in the westerly right-of-way line of Highway 52; thence North 5 degrees 57 minutes 10 seconds West, along said right-of-way line, 121.00 feet; thence North 84 degrees 02 minutes 50 seconds East, along said highway right-of-way line, 25.00 feet; thence North 5 degrees 57 minutes 10 seconds West, along said highway right-of-way line, 533.49 feet to a point in the North line of said Northeast Quarter of Southwest Quarter; thence South 89 degrees 11 minutes 30 seconds West, along said North line, 680.15 feet to the point of beginning; containing 10.65 acres, more or less.

That part of the South Half of Northeast Quarter of Southwest Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, lying westerly from the westerly right-of-way line of Minnesota Trunk Highway 52, being more exactly described as follows: Beginning at the Northwest corner of said South Half of Northeast Quarter of Southwest Quarter of Section 9; thence North 89 degrees 15 minutes 15 seconds East (for purposes of this description bearings are assumed), along the North line of said South Half of Northeast Quarter of Southwest Quarter, 723.65 feet to a point in the westerly right-of-way line of said Highway 52; thence South 5 degrees 57 minutes 10 seconds East, along said highway right-of-way line, 76.08 feet to a point of tangency with a spiral easement curve; thence southerly along said spiral easement curve, concave easterly (Northbound lane centerline spiral curve data centerline offset = 175.00 feet; spiral angel = 1 degree 07 minutes 30 seconds; length of spiral = 150.00 feet), a distance along said spiral curve of 153.43 feet; thence South 82 degrees 55 minutes 20 seconds West, 25.00 feet; thence southerly along said right-of-way line on a circular curve, concave easterly (curve data: radius = 4019.72 feet; delta angle = 6 degrees 05 minutes 22 seconds; chord bearing and distance = South 10 degrees 07 minutes 21 seconds East, 427.02 feet), an arc distance of 427.22 feet to a point in the South line of said Northeast Quarter of Southwest Quarter; thence South 89 degrees 11 minutes 54 seconds West, along said South line, 799.22 feet to the Southwest corner of said Northeast Quarter of Southwest Quarter; thence North 0 degrees 02 minutes 38 seconds East, along the West line of said Northeast Quarter of Southwest Quarter, 653.38 feet to the point of beginning; containing 11.24 acres, more or less.

A part of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) and the Southeast Quarter (SE 1/4) of Southwest Quarter (SW 1/4) in Section No. 9, Township 107, Range 14, more particularly described as: Commencing at the southwest corner of the Southeast Quarter (SE 1/4) of Section No. 9, 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 degrees 41 minutes and running northwesterly parallel to Trunk Highway No. 52 a distance of 732.19 feet, thence deflecting left 67 degrees 40 minutes a distance of 325.63 feet to the easterly right-of-way Trunk Highway No. 52 as monumented thence southwesterly at right angles to the easterly

right-of-way line to the centerline of said Trunk Highway No. 52, thence southerly and easterly along said centerline to the south line of said Section No. 9, thence easterly along the south line of said section to the point of beginning. Containing 3.4 acres more or less, less the T.H. 52 right of way.

All the T.H. 52 right-of-way lying in the S 1/2 of Section 9, T107N, R14W and all the Cascade Township Road, formerly T.H. 52 right-of-way, lying in the South 800 feet of the S 1/2 of Section 9, T107N, R14W. containing 16.4 Acres.

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 41.69 acres in size and abuts the City of Rochester by approximately 51.3% for approximately 38.29 acres proposed for annexation and 100% surrounded for 3.4 acres proposed for annexation. The City of Rochester is approximately 12,923 acres in size.

V. There are no public waterways included in the area proposed for annexation. Approximately 21.89 acres lying on the west side of Trunk Highway 52 is vacant farmland with rolling terrain. Natural surface drainage flows across this property from the northwest to the southeast in three defined waterways and along the Trunk Highway 52 right-of-way. The terrain and closeness to bedrock of this property causes it to be poorly suited for crop cultivation. The 3.4 acres at the northeast corner of Trunk Highway 52 and 55th Street N.W. is relatively level land. The remaining 16.4 acres is T.H. 52 right-of-way.

VI. In 1970 the City of Rochester had 53,766 people. In 1980 it had 57,890 people and it is projected that by the year 2000 it will have 85,130 people.

VII. The Town of Cascade had 2,442 people in 1970, 2,384 people in 1980, and it is projected that by the year 2000 it will have 1,000 people

VIII. In the area subject to annexation there was no population in either 1970 or 1980 and it is projected that by the year 2000 it will have a population of 407.

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, 1,203 acres in industrial use, and 1,241 acres in agricultural and vacant land use.

X. The City of Rochester has the following land remaining for various uses; approximately 700 acres for residential use, 250 acres for commercial use, and 250 acres for industrial use.

XI. In 1979, 1,301 building permits were issued, in 1980 1,138 building permits were issued, and in 1981, 990 building permits were issued.

XII. In the Town of Cascade land is zoned for the following uses, 950 acres for residential use, 128 acres for commercial use, 316 acres for industrial use, and 13,999 acres for agricultural use.

XIII. In the Town of Cascade in 1979, 46 building permits were issued. In 1980, 19 building permits were issued and in 1981, 27 building permits were issued.

XIV. In the area proposed for annexation all of the property is presently zoned agricultural. All of the land outside of the highway right-of-way is planned for future "low-density" residential use on the county portion of the adopted urban services area future land use map.

XV. No building permits have been issued in the area proposed for annexation.

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

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

XVIII. Cascade Township's land use and planning controls are provided through the county wide program 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 to the City of Rochester. The City's subdivision ordinance is in effect in the orderly annexation area.

XIX. 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 of the Olmsted County area adopted county-wide in 1978.

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

XXI. This 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.

XXII. T.H. 52 in this vicinity is a classified "freeway" as planned in the Currently Held Valid Throughfare Plan for the City of Rochester and the surrounding townships.

Preliminary plans for the upgrading of T.H. 52 and the proposed interchange with 55th Street N.W. will require a right-of-way with all of the land included in this annexation in the east side of T.H. 52. Presently access is available to this portion by Bandel Road N.W., the existing T.H. 52 frontage road. 55th Street N.W. is the northern leg of the planned circle expressway around Rochester known as Circle Drive. The property on the west side of T.H. 52 presently has an at-grade access from the southbound lane of T.H. 52. Preliminary plans do not indicate any additional right-of-way will be needed for this property. Future public street access will be developed through the property lying adjacent to the south.

XXIII. 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.

XXIV. The Town of Cascade provides the area with some street maintenance on Bandel Road, which is a township road, and fire protection.

XXV. The City of Rochester has a fire insurance rating of 3 and Cascade Township has a rating of 9. The City of Rochester can provide the property on the west side of T.H. 52 with sewer and water service by the extension of mains presently located approximately 500 feet south of 55th Street N.W. This property is subject to sanitary sewer and water storage tank assessments on an acreage basis. Land on the east side of T.H. 52 could readily be served with sewer and water if needed, from the mains in the platted frontage road immediately east of the area proposed for annexation.

The City of Rochester is willing to extend all of its present municipal services to the area proposed for annexation if that area is annexed.

XXVI. Goals expressed in both the "General Land Use Plan for the Olmsted County Area" and in the "Future Land Use Plan for the Rochester Urban Service Area" point to the development on public sewer and water whenever possible to avoid additional use of private sewage disposal systems. Annexation will permit the use of available city services.

XXVII. Cascade Township presently has no plans to provide the area proposed for annexation with the necessary sewer and water service.

XXVIII. As of April 19th, 1982 the City of Rochester had a bonded indebtedness of \$23,370,000. School District #535 had a bonded indebtedness of \$9,754,000. Cascade Township had no bonded indebtedness.

XXIX. In 1982 the assessed valuation in Cascade Township is \$13,442,796.

XXX. The assessed valuation in the City of Rochester for 1982 is \$310,810,567.

XXXI. The assessed market value of the area proposed for annexation in 1981 was \$44,482 with an assessed value of \$13,197 and in 1982 taxes were in the amount of \$1,174.56.

XXXII. In 1982 the mill rates were as follows:

City of Rochester	26.184	9.515 (Rural Service)
School District 535	60.454	60.454
County	<u>23.427</u>	<u>23.427</u>
Total for City	110.065	93.396

Cascade Township	6.771
School District 535	53.881
County	<u>24.927</u>
Total for Township	85.579

XXXIII. The City of Rochester and its adjacent outlying area are served by school District #535 and therefore this annexation would have no effect on the school district.

XXXIV. The City of Rochester is the only municipality adjacent to the area proposed for annexation.

XXXV. 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 or to comply with 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 in Findings 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 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 16, 1982.

Dated this 16th day of June, 1982

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

*Terrence A. Merritt*

Terrence A. Merritt  
Executive Director