

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
Joan Sass	Ex-Officio Member

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)

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 June 7th, 1982 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 Joan Sass 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 Stanley Hunter, Town Board Chairman, and I.O.I. appeared by and through Arthur Swan. 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 May 6th, 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:

A part of the Southeast Quarter of Section 28 and a part of the Northeast Quarter of Section 33, all in Township 107 North, Range 14 West, Rochester, Minnesota, described as follows:

Beginning at the northeast corner of the Northeast Quarter of said Section 33; thence South 01 degree 02 minutes 30 seconds East, assumed bearing along the east

line of said Northeast Quarter, 109.91 feet to the centerline of Seventh Street NW; thence North 66 degrees 00 minutes 44 seconds West, along said centerline, 138.18 feet; thence Northwesterly 335.71 feet along said centerline and along a tangential curve concave southerly, central angle of 31 degrees 20 minutes 00 seconds, and radius of 613.88 feet; thence North 07 degrees 20 minutes 44 seconds West, 157.32 feet; thence North 52 degrees 46 minutes 54 seconds West, 1116.52 feet; thence North 51 degrees 52 minutes 21 seconds East, 1289.79 feet to a point in the westerly right-of-way line of the Chicago Northwestern Transportation Company; thence South 38 degrees 07 minutes 39 seconds East along said right-of-way line, 560.30 feet to the east line of the Southeast Quarter of said Section 28; thence South 00 degrees 02 minutes 56 seconds East along said east line, 1181.20 feet to the point of beginning. Together with all of the Chicago and Northwestern Transportation Company right-of-way lying adjacent to the above described property. Being subject to an easement for Seventh Street NW right-of-way across the southerly boundary thereof. Also being subject to a gas line easement recorded in Book 2 of Miscellaneous on page 156 and a public utility easement recorded in Book R-3 of Miscellaneous on page 338, Olmsted County Recorders office.

AND

A part of the Southwest Quarter of Section 29, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

That part of the North One-half of the South Half of the Southwest Quarter lying Southwesterly of the westerly right-of-way line of the Chicago and Northwestern Transportation Company, together with all of the adjacent Chicago and Northwestern Transportation Company right-of-way lying northerly to the north line of 15th Street NW to the extension of the west line of the above described property.

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

IV. The Minnesota Municipal Board met on June 22nd, 1982 and reduced the area under consideration before it to the following described property which is referred to in the following Findings of Fact, Conclusions of Law and Order as the area subject to annexation.

A part of the Southeast Quarter of Section 28 and a part of the Northeast Quarter of Section 33, all in Township 107 North, Range 14 West, Rochester, Minnesota, described as follows:

Beginning at the northeast corner of the Northeast Quarter of said Section 33; thence South 01 degree 02 minutes 30 seconds East, assumed bearing along the east line of said Northeast Quarter, 109.91 feet to the centerline of Seventh Street NW; thence North 66 degrees 00 minutes 44 seconds West, along said centerline, 138.18 feet; thence Northwesterly 335.71 feet along said centerline and along a tangential curve concave southerly, central angle of 31 degrees 20 minutes 00 seconds, and

radius of 613.88 feet; thence North 07 degrees 20 minutes 44 seconds West, 157.32 feet; thence North 52 degrees 46 minutes 54 seconds West, 1116.52 feet; thence North 51 degrees 52 minutes 21 seconds East, 1289.79 feet to a point in the westerly right-of-way line of the Chicago Northwestern Transportation Company; thence South 38 degrees 07 minutes 39 seconds East along said right-of-way line, 560.30 feet to the east line of the Southeast Quarter of said Section 28; thence South 00 degrees 02 minutes 56 seconds East along said east line, 1181.20 feet to the point of beginning. Together with all of the Chicago and Northwestern Transportation Company right-of-way lying adjacent to the above described property. Being subject to an easement for Seventh Street NW right-of-way across the southerly boundary thereof. Also being subject to a gas line easement recorded in Book Z of Miscellaneous on page 156 and a public utility easement recorded in Book R-3 of Miscellaneous on page 338, Olmsted County Records office.

AND

All of the Chicago and Northwestern Transportation Company railroad right-of-way lying northerly of 15th Street NW, in the SW $\frac{1}{4}$ of Section 27, Township 107 North, Range 14 West.

V. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 32.7 acres in size and abuts the City of Rochester by approximately 35.29%. The City of Rochester has a total land area of approximately 19.98 square miles.

VI. Cascade Township has a total area of approximately 24.05 square miles.

VII. There are no public waterways in the area proposed for annexation. The north run of the north fork of Cascade Creek is located to the west of the area proposed for annexation. A very small portion of the area proposed for annexation is in the floodplain of Cascade Creek along the western boundary of the annexation area.

VIII. Approximately 2.7 acres is railroad right-of-way, the remaining approximately 30 acres has level lands with slopes of approximately 2%. Property has been used for agricultural crop production.

IX. In 1970 the City of Rochester had a population of 53,766. Its 1980 population was 57,890, and it is projected that by the year 2000 it will have a population of 85,130.

X. Cascade Township had a population in 1970 of 2,442. Its 1980 population was 2,384 and it is projected that by the year 2000 it will have a population of 1,000.

XI. In the area proposed for annexation, there was no population in either 1970 or 1980 and it is projected by the year 2000 there will be no population if the area is developed for industrial use.

XII. 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, 1,206 acres in industrial use and approximately 1,241 acres in agricultural and vacant land use.

In the City of Rochester the area remaining for residential use is approximately 700 acres, for commercial use is approximately 250 acres, and for industrial use approximately 250 acres.

In the City of Rochester 1,301 building permits were issued in 1979, 1,138 were issued in 1980, 990 in 1981, and to April of 1982, 255.

XIII. Cascade Township has zoned 950 acres for residential use, 128 acres for commercial use, 313 acres for industrial use, and 13,999 acres for agricultural use.

In 1979 Cascade Township issued 46 building permits; in 1980, 19 permits were issued; in 1981, 27 permits were issued; and to April, 1982 five permits were issued.

XIV. All of the property proposed for annexation is presently zoned agricultural in Cascade Township.

XV. In 1980 the City and the County adopted a "Future Land Use Plan for the Rochester Urban Service Area" which designates the area proposed for annexation as being best suited for "Industrial Use".

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

XVII. 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.

XVIII. Olmsted County provides the same planning service as the City of Rochester.

XIX. 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 subdivision ordinance is in effect in the orderly annexation area.

XX. 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.

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. Presently access to the area proposed for annexation is available from the south from Seventh Street N.W., a planned arterial street on the throughfare plan. Seventh Street N.W. is maintained by the City of Rochester.

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 township provides its residents with fire protection and street maintenance.

XXV. The area proposed for annexation is serviceable with sewer and water from mains in place at Seventh Street N.W. A trunk line sanitary sewer is in the 20 foot wide easement along the south side of this area and the area is subject to an area assessment and linear foot direct service charge. Watermain construction on Seventh Street N.W. also makes this property subject to linear foot assessment.

XXVI. The City of Rochester has a fire insurance rating of 3 and Cascade Township has a rating of 9.

XXVII. 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.

XXVIII. 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.

XXIX. The Town of Cascade presently has no plans to provide the area proposed for annexation with the necessary water and sewer service.

XXX. 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 and Cascade Township had no bonded indebtedness.

XXXI. The assessed valuation in Cascade Township in 1982 is \$13,442,796.

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

XXXIII. The assessed valuation on the area proposed for annexation is approximately \$20,691 and an estimated market value of approximately \$108,099.

XXXIV. 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	60.454	
County	<u>24.927</u>	
Total for Township	92.152	

XXV. The City of Rochester and the area proposed for annexation are served by the School District No. 535 and therefore this annexation would have no effect on the school district.

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

XXVII. 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 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 in Findings of Fact IV, 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 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 June 29, 1982.

Dated this 29th day of June, 1982

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

A handwritten signature in black ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a large, stylized initial "T".

Terrence A. Merritt
Executive Director