

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 ANNEXA-)	<u>FINDINGS OF FACT,</u>
TION OF CERTAIN LAND TO THE CITY OF)	<u>CONCLUSIONS OF LAW,</u>
ROCHESTER)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 21st, 1982, at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director,, pursuant to Minnesota Statutes 414.01, Subdivision 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 Terry Hall, Assistant City Attorney, and the Town of Cascade appeared by and through Stanley Hunter, Town Board Chairman. 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 11th, 1982, requesting the annexation of certain property within the orderly annexation area. The resolution contained all of the information required by Statute including a description of the property subject to annexation which is as follows:

Beginning at the Southwest corner of Northwest Quarter of Section 24, Township 107 North, Range 14 West; thence on an assumed bearing of due North along the West line of said Section, 966.53 feet to a point in the centerline of County Road No. 22; thence South 67 degrees, 05 minutes East along said centerline 1434.29 feet to a point in the centerline of T.H. 63; thence South 10 degrees 02 minutes West, along said centerline, 439.49 feet to a point in the South line of the Northwest Quarter of said Section 24; thence North 88 degrees 52 minutes West along the South line of said Quarter Section 1245.10 feet to the point of beginning. Being subject to easements along the West, North and East boundaries thereof for highway 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 agreement area, approximately 20.9 acres in size and abuts the City of Rochester by approximately 10.7%. The City of Rochester is approximately 12,860.8 acres in size.

V. The Town of Cascade has a total land area of approximately 15,318.4 acres.

VI. There are no waterways in or adjacent to the subject area. Property has very level terrain and is made up of a single soil type, Soils 27 A & B, Dickinson Sandy Loam, which are poorly suited for septic tank development. Soil lies over approximately 60 inches of sand and the bedrock layer is 5 to 8 feet below the surface. The soil acts as a very poor filter allowing the septic effluent to pollute underground water supplies.

The western portion of this property is vacant land that is prime agricultural land. This property has a rating of 65 under a system developed by the Soil Conservation Service. The rating does not take into account whether the land has been, is now, or will be used for agricultural purposes.

VII. In 1970 the City's population was 53,766, its population in 1980 was 57,890, and it is projected by the year 2000 to have the population of 85,130.

VIII. Cascade Township's 1970 population was 2,442, its 1980 population was 2,384, and by the year 2000 it is projected to have a population of 1,000.

IX. In the area proposed for annexation there was no population in 1970, 1980, the present, and by the year 2000 there is no anticipated population as the area is planned for commercial development.

X. The City of Rochester has approximately 6,400 acres in residential use, approximately 2,079 acres in institutional and park use, approximately 700 acres in commercial use, approximately 1,206 acres in industrial use, and approximately 1,232 acres in agricultural and vacant land use.

In the City of Rochester there remains planned for various uses approximately 700 acres for residential use, approximately 250 acres for commercial use, and approximately 250 acres for industrial use.

XI. In Cascade Township land is zoned as follows, approximately 1,040 acres for residential use, approximately 128 acres for commercial use, approximately 313 acres for industrial use, and approximately 13,855 acres for agricultural use.

XII. The City of Rochester issued 1,301 building permits in 1979, 1,138 in 1980, 990 in 1981, and to June 1982 - 434.

XIII. The Town of Cascade issued 46 building permits in 1979, 19 building permits in 1980, 27 building permits in 1981, and to June 1982 - 8 building permits.

XIV. The City of Rochester has a zoning ordinance, subdivision regulations, shore-land regulation, flood plain regulation, an official mapping program, capital improvements program, fire code, uniform building code, Minnesota plumbing code, and a Planning and Zoning Commission.

XV. Cascade Township has no independent land use planning, and its land use planning controls are provided through the county-wide program administered by the Consolidated Planning Department.

XVI. The County of Olmsted has a zoning regulation, subdivision regulation, shore-land regulations, flood plain regulation, an official mapping program, a building code, Minnesota plumbing code, sanitation ordinance, human services program, and a capital improvement and budget program.

XVII. Olmsted County general land use plan designates the area proposed for annexation in the "potential urban service area" of the City of Rochester.

XVIII. The City of Rochester and Olmsted County revised a future land use map to designate the area proposed for annexation as best suited for "commercial" use.

XIX. The annexation is consistent with the local comprehensive plans.

XX. The property is presently zoned C-1, Highway Commercial, and upon entry to the City of Rochester the area annexed would be zoned R-1 requiring a rezoning petition from the owner to a B-4, General Business Zone.

XXI. The City of Rochester presently provides water, sanitary sewer and wastewater treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational and library services to its residents.

XXII. Cascade Township provides its residents with fire protection through a contract with the City of Rochester and street improvements and maintenance.

XXIII. Presently there is a car dealership located on the area proposed for annexation. Its septic system was installed with the understanding that it would be a temporary system and eventually municipal services would be extended.

XXIV. The City of Rochester has 196.24 improved miles consisting of: 12.3 miles of trunk highway; 8.82 miles of county state aid highway; 2.02 miles of county-municipal state aid highway; 173.1 miles of local streets.

XXV. Cascade Township has 71.36 miles of improved road consisting of the following:

6.5 miles of trunk highway; 32.21 miles of county roads; 32.65 miles of town roads.

XXVI. The area proposed for annexation includes 75.91 feet of Trunk Highway 63 right-of-way for a distance of 439.49 feet along its eastern side. It further includes right-of-way of County State Aid Highway 22 on its northern boundary. Its western boundary includes right-of-way of Third Avenue Northeast.

XXVII. The assessed valuation of the City of Rochester in 1982 was \$310,810,567.

XXVIII. The assessed valuation of Cascade Township in 1982 was \$13,442,796.

XXIX. The assessed valuation of the area proposed for annexation in 1982 was \$105,001.

XXX. The mill rate for Olmsted County is 23.427, and School District mill levy is 60.454.

XXXI. Cascade Township mill levy in 1982 is 6.771.

XXXII. The City of Rochester mill levy in 1982 was 26.184 and its rural service mill levy was 9.515.

XXXIII. The fire rating for the City of Rochester is 3. The fire rating for the Town of Cascade is 9.

XXXIV. The total bonded indebtedness of the City of Rochester as of 12/31/81 was \$23,370,000.

XXXV. The total bonded indebtedness of Cascade Township was zero as of 12/31/81.

XXXVI. The proposed annexation if completed will not impact on the School District No. 535, as all of the City of Rochester and its outlying areas are within the same school district.

XXXVII. The City of Rochester is willing to provide the area proposed for annexation with all of the municipal services it presently provides its residents.

XXXVIII. The Township does not have the ability to provide public sewer and water to the area proposed for annexation.

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

XXXX. 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 hereof.

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 September 14, 1982.

Dated this 14th day of September, 1982.

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


Terrence A. Merritt
Executive Director