

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)	
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 September 29, 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 Douglas Krueger and Harley Boettcher, 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. 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 August 17, 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:

Lot 4, Morris's Second Subdivision, together with the North one-half of the adjacent right-of-way of 32nd Street Northeast and the East one-half of the adjacent right-of-way of Third Avenue Northeast.

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 one-half acre in size and abuts the City of Rochester by approximately 43%. The City of Rochester is approximately 12,890.8 acres in size.

V. The Town of Cascade has a total land area of approximately 15,297.5 acres.

VI. There are no waterways in or adjacent to the area proposed for annexation. The property has very level terrain and is made up of a single soil type, 27B - Dickinson Sandy Loam. The soil is excessively drained well suited to building development, but poorly suited for most sanitary facilities. The septic tank effluent is easily absorbed, but the underlying material is a poor filter. The land is not considered prime agricultural soil.

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

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

IX. In the area proposed for annexation there was no population in 1970 or 1980, and it is projected that by the year 2000 the population will be approximately 9.

X. The City of Rochester has approximately 6,400 acres in residential use, 2,079 acres in institutional and park use, approximately 705 acres in commercial use, approximately 1,206 acres in industrial use, and approximately 1,247 acres in agricultural use and vacant land.

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 107 acres for commercial use, approximately 313 acres for industrial use, and approximately 13,855 acres for agricultural use.

XII. The City of Rochester has issued 1,301 building permits in 1979, 1,138 in 1980, 990 in 1981, and to August, 1982 - 475.

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

XIV. The City of Rochester has a zoning ordinance, subdivision regulations, shoreland and flood plain regulations, an official mapping program, the uniform building code, Minnesota plumbing code, fire code, and the capital improvement and budget program, 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 regulations, shoreland regulations, flood plain regulations, an official mapping program, a building code, Minnesota plumbing code, sanitation ordinance, human services program, and a capital improvement and budget program.

XVII. The area proposed for annexation is presently zoned R-1, Residential. If the area is annexed, the property will automatically be zoned Single-Family Residential in the City of Rochester.

The area proposed for annexation lies in an area planned for "low density residential" development as designated on the Future Land Use Map of the Rochester Urban Service Area Land Use Plan. The Olmsted County General Land Use Map designates the area proposed for annexation as in the "Potential Urban Service Area" of the City of Rochester.

XVIII. The City of Rochester provides its residents with water, sanitary sewer and wastewater treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and library services in conjunction with Olmsted County.

XIX. Cascade Township provides its residents with fire protection and street improvements and maintenance.

XX. Health inspection is provided on a county wide basis by Olmsted County.

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

XXII. Cascade Township has 71.36 miles of improved roads as follows: 6.5 miles of trunk highway; 32.21 miles of county roads; and 32.65 miles of town roads.

XXIII. The area proposed for annexation includes the east half of the right-of-way of 3rd Avenue Northeast along the property's entire west side, and the north right-of-way of 32nd Street Northeast along the southern boundary of the area proposed for annexation.

Both 3rd Avenue Northeast and 32nd Street Northeast are "local streets" as designated on the adopted currently held valid thoroughfare plan for the City of Rochester and the Township of Cascade. There is no upgrading planned for either street at this time.

XXIV. The extension of sewer from the City of Rochester to service development on the area proposed for annexation will help to protect the quality of the ground water in the area from possible contamination from septic tank effluent.

XXV. In 1982 the assessed valuation of the City of Rochester was \$310,810,567.

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

XXVII. The assessed valuation of the area proposed for annexation in 1982 is \$2,400.

XXVIII. The mill rate for Olmsted County is 23.427 for land within the City of Rochester and 24.927 for land in Cascade Township. School District 535 has a 1982 mill levy of 60.454.

XXIX. Cascade Township mill levy in 1982 is 6.771. Cascade Township had a bonded indebtedness of 0 as of 12/31/81.

XXX. The City of Rochester mill levy in 1982 is 26.184 and the City had a rural service mill levy of 9.515. The total bonded indebtedness of the City of Rochester as of 12/31/81 was \$23,370,000.

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

XXXII. The proposed annexation if completed will not impact on School District #535 as all of the City of Rochester and its outlying areas are within the same school district.

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

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

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

XXXVI. 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.

ORDER

I. IT IS HEREBY ORDERED: That the property described herein in Findings of

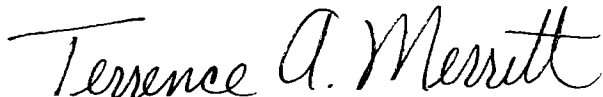
Fact II be and the same hereby is annexed to the City of Rochester, Minnesota, the same as if it had been originally a part thereof.

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 November 4, 1982.

Dated this 4th day of November, 1982.

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


Terrence A. Merritt
Executive Director