

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Harley Boettcher	Ex-Officio Member
Douglas Krueger	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

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on April 6, 1984, 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 Fredrick Suhler, Jr., 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

1. 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.

2. A resolution was filed by one of the signatories to the joint

resolution, the City of Rochester, on March 2, 1984, 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:

The East 900.00 feet of the North 619.20 feet of the Northeast Quarter of the Southeast Quarter of Section 23, Township 107 North, Range 14 West, Olmsted County, Minnesota.

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

4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 12.79 acres plus the road right-of-way, and abuts the City of Rochester by approximately 20% of its perimeter. The City of Rochester is approximately 19.91 square miles in size.

5. The Town of Cascade has a total area of approximately 23.9 square miles.

6. None of the area proposed for annexation lies in the classified floodplain or wetland area. The south fork of the Zumbro River flows 950 feet west of the westerly boundary of the area proposed for annexation.

7. In 1970 the city's population was 53,766, in 1980 its population was 57,890, and in 1982 its population was 58,391.

8. The Town of Cascade had a population of 2,442 in 1970, 2,384 in 1980, and its population in 1982 was 2,498.

9. In the area proposed for annexation, there has been no population in either 1970 or 1980. The Olmsted County Planning Department projects a possible population of 96 by the year 2000, if residential development does occur as projected.

10. The City of Rochester has approximately 6,400 acres in residential use, approximately 2,079 acres in institutional and park use, approximately

709 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.

11. In Cascade Township, land is zoned as follows: approximately 1,040 acres for residential use, approximately 103 acres for commercial use, approximately 313 acres for industrial use, and approximately 13,855 acres for agricultural use.

12. In the annexation area, approximately 2.96 acres presently are used for a ceramic tile and dry wall business. Presently, remaining land is vacant horse pasture.

It is anticipated that this land would be used for single-family residential development. At present, no subdivision proposal has been set forth. The remainder of the land is right-of-way for Third Avenue Northeast, which is located along the eastern side of the annexation area.

13. The City of Rochester has issued 1,138 building permits in 1980, 990 in 1981, 1,191 in 1982, and 1,707 in 1983.

14. The Town of Cascade has issued 19 building permits in 1980, 27 in 1981, 29 in 1982, and 52 in 1983.

15. The City of Rochester has a zoning ordinance, subdivision regulations, shoreland regulations, flood plain regulations, an official mapping program, a building code, Minnesota Plumbing Code, the NFPA Fire Code, and a capital improvement and budget program.

16. Olmsted County adopted a General Land Use Plan, which designates the annexation area in the Potential Urban Service Area of the City of Rochester. Olmsted County adopted a Future Revised Land Use Map in 1980. The text

accompanying the map designates the annexation area as best suited for "commercial" use. Olmsted County has an official mapping program, a zoning ordinance, subdivision regulations, Minnesota Plumbing Code, sanitation ordinances, a capital improvement and budget program, and a human services program.

17. The Town of Cascade has no independent land use planning document.

18. The annexation area is presently zoned agricultural/urban expansion. If annexed to the city, the property will be zoned R-1. A recent amendment to the land use map has indicated that the city will recognize the existing business on the area proposed for annexation as a conforming land use and has designated 2.96 acres of this 12.79 acre tract as suitable for "commercial" land use. The remainder of the annexation area is designated as low density residential use.

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

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

21. The city is willing to extend all the services to the annexation area which it presently provides its residents.

22. Sewer and water lines of the City of Rochester are in place adjacent to the area proposed for annexation. These lines are capable of servicing the annexation area. The City of Rochester's ability to provide this property with public sanitary sewage service will help to protect the quality of the ground water in the area from possible contamination from septic tank effluent.

23. The City of Rochester has 196.24 improved miles of roads, 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.

24. 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.

25. The annexation area includes the right-of-way for Third Avenue Northeast. Access to the annexation area is provided from this street.

26. In 1984, the assessed valuation of the City of Rochester is \$329,296,364.

27. In 1984, the assessed valuation of the Town of Cascade is \$14,051,664.

28. The assessed valuation of the area proposed for annexation in 1984 is \$26,718.

29. The mill rate for Olmsted County in 1984 is 26.194 for the City of Rochester and 27.833 for the Town of Cascade.

30. School District #535 has a 1984 mill levy of 63.924.

31. Cascade Township mill levy in 1984 is 7.972. Cascade Township has a bonded indebtedness of \$0 as of 12-31-83.

32. The City of Rochester mill levy in 1984 is 28.739. The bonded indebtedness for the City of Rochester, as of 12-31-83, is \$36,095,000.

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

34. The proposed annexation, if completed, will not impact on School District #535, as all of the City of Rochester and the annexation area are within the same school district.

35. The town does not have the ability to provide public sewer and water

to the area proposed for annexation.

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

37. The annexation is consistent with the joint resolution for orderly annexation between the Town of Cascade and the City of Rochester.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. 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.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the area proposed for annexation.

4. The annexation would be in the best interests of the area proposed for annexation.

5. The annexation is consistent with the terms of the joint resolution for orderly annexation.

6. 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.

7. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be and the same hereby is annexed to the City of Rochester, Minnesota, the same as if it had been originally a part thereof.

2. 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.

3. IT IS FURTHER ORDERED: That the effective date of this order is July 3, 1984.

Dated this 3rd day of July, 1984.

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

  
Terrence A. Merritt  
Executive Director

M E M O R A N D U M

The Board notes that the Town of Cascade objected to the proposed annexation not on the basis of any disagreement as to the urban or suburban nature of the land, but rather out of a desire to discuss with the City of Rochester a possible reimbursement for lost tax revenues. The Board urges the parties to meet and discuss this issue, so as to address it. The Board hopes that the parties can preserve the long-standing relationship of cooperation between the Town of Cascade and the City of Rochester.

YMM 7-3-84