

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Richard Chase	Ex-Officio Member
Rosemary Ahmann	Ex-Officio Member

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

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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 October 3, 1977, at Rochester, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. The City of Rochester appeared by and through Harvey TePoel and the property owner represented himself. 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. That a joint resolution for orderly annexation was adopted by the City of Rochester and the Township of Cascade and duly filed with the Minnesota Municipal Board.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Rochester, on July 28, 1977, requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute

including a description of the territory subject to annexation which is as follows:

Lot 1, Block 1, Riverview Subdivision, according to the plat thereof on file and of record in the office of the County Recorder in and for said County.

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Rochester.
- b. The total area of the City of Rochester is 16 square miles. The total area of the territory subject to annexation is about 1 acre.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: abuts for 270 feet.

5. Population Data

- a. The City of Rochester has grown continuously since 1960 and is expected to continue to grow through the year 2000.
- b. The area subject to annexation: There are presently 7 persons residing there, and one more home might be built.

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency. The area already has a twinplex on the property. The owner plans to construct another home.
- b. What land use controls are presently being employed.
  - 1) In the City of Rochester

- a) Zoning - Yes
- b) Subdivision regulations - Yes
- c) Housing and building codes - Yes
- d) Other - Land Use Plan

2) In the area to be annexed:

- a) Zoning - Olmsted County
- b) Subdivision regulations - Yes, Rochester under the joint agreement.
- c) Housing and building codes - Olmsted County

c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Rochester with necessary growth space? Yes, but an insignificant amount.

d. The present pattern of physical development is:

- 1) In the City of Rochester: all types of development.
- 2) In the area subject to annexation: residential.

#### 7. Governmental Services

a. Presently, the Township of Cascade provides the area subject to annexation with the following services:

- |                                |                                  |
|--------------------------------|----------------------------------|
| 1) Water - No                  | 5) Street Improvements - Unknown |
| 2) Sewer - No                  | 6) Street Maintenance - Unknown  |
| 3) Fire Protection - Unknown   | 7) Recreational - Unknown        |
| 4) Police Protection - Unknown |                                  |

b. Presently, the City of Rochester provides its citizens with the following services:

- |                            |                              |
|----------------------------|------------------------------|
| 1) Water - Yes             | 5) Street Improvements - Yes |
| 2) Sewer - Yes             | 6) Street Maintenance - Yes  |
| 3) Fire Protection - Yes   | 7) Recreational - Yes        |
| 4) Police Protection - Yes |                              |

c. Presently the City of Rochester provides the area subject to annexation with the following services:

- |                            |                                  |
|----------------------------|----------------------------------|
| 1) Water - No              | 5) Street Improvements - Unknown |
| 2) Sewer - No              | 6) Street Maintenance - Yes      |
| 3) Fire Protection - Yes   | 7) Recreational - Yes            |
| 4) Police Protection - Yes |                                  |

- d. Plans to extend municipal services to the area subject to annexation include the following: All services, including utilities, can be extended within a reasonable time after annexation.
- e. There are existing or potential pollution problems which are: the area's septic systems are failing, threatening the groundwater quality. The following additional services will help resolve this situation: city sewer.
- f. That the City of Rochester is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next 3 years.

8. Fiscal Data

- a. In the area subject to annexation, the assessed valuation is \$49,100, and the mill rate is 4.91.
- b. Will the annexation have any effect upon area school districts? No.

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.
- 3. The City of Rochester is capable of providing the services required by the area described herein within a reasonable time.
- 4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a 3 year period.

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

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of Cascade, County of Olmsted, State of Minnesota, be and the same hereby is annexed to the City of Rochester the same as if it had originally been made a part thereof:

Lot 1, Block 1, Riverview Subdivision, according to the plat thereof on file and of record in the office of the County Recorder in and for said County.

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 3 years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the population of the City of Rochester be and the same hereby is increased by 7 persons to 59,317 for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Township of Cascade be and the same hereby is decreased by 7 persons to 2,256 for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is January 12, 1978.

Dated this 12th day of January, 1978.

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

  
William A. Neiman  
Executive Secretary