

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
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)	<u>FINDINGS OF FACT</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW</u>
CITY OF 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 May 9, 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 Harley Boettcher and Joan T. Sass, 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 Al Wiens, Town Board Supervisor. 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 16, 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:

A part of the West One-Half of Section 15, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of said West One-Half; thence North 00 degrees 20 minutes 20 seconds West, assumed bearing, along the east line of said West One-Half, 2631.41 feet to the southeast corner of the Northwest Quarter of said Section 15 for a point of beginning; thence continue North 00 degrees 20 minutes 20 seconds West along said east line 140.73 feet; thence South 89 degrees 57 minutes 46 seconds West, 537.34 feet; thence northerly 72.88 feet along a nontangential curve concave northwesterly, radius of 683.20 feet, central angle of 06 degrees 06 minutes 42 seconds and the chord of said curve bears North 28 degrees 33 minutes 13 seconds East, 72.84 feet; thence North 64 degrees 30 minutes 08 seconds West, 114.21 feet; thence South 39 degrees 13 minutes 22 seconds West, 160.00 feet; thence South 45 degrees 09 minutes 02 seconds West, 185.26 feet to the south line of the Northwest Quarter of said Section 15; thence North 89 degrees 55 minutes 34 seconds East along said south line, 838.96 feet to the point of beginning. Being subject to an existing sanitary sewer easement. Also being subject to C.S.A.H. No. 112 (18th Avenue Northwest) right-of-way across the easterly boundary thereof.

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 2.79 acres in size, and abuts the City of Rochester along its entire eastern and southern boundaries 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 23.90 square miles.

6. None of the area proposed for annexation lies in the classified floodplain or wetland area.

7. In 1970 the City of Rochester had a population of 53,766, its

population in 1980 was 57,890, and in 1982 its population was 58,391.

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

9. The area proposed for annexation had no population in 1970 and 1980, and it is projected that by the year 2000, if developed for residential purposes, it will have a population of approximately 26.

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 land planned for approximately 700 acres of residential use, approximately 258 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. The area proposed for annexation is presently vacant farmland.

It is anticipated that the area, if annexed, will be used for approximately 11 single-family lots in conjunction with the planning of an area known as "Western Walls".

13. The City of Rochester has issued 1,138 building permits in 1980, 990 in 1981, 1,191 in 1982, 1,707 in 1983, and 193 through April, 1984.

14. The Town of Cascade has issued 19 building permits in 1980, 27 in 1981, 29 in 1982, 52 in 1983, and 4 through April, 1984.

15. The City of Rochester has a zoning ordinance, subdivision

regulations, shoreland and floodplain regulations, an official mapping program, the Uniform Building Code, the Minnesota Plumbing Code, the NFPA Fire Code, and a capital improvement and budget program.

16. Olmsted County has a zoning regulations, subdivision regulations, shoreland and floodplain regulations, a building code, the Minnesota Plumbing Code, sanitation ordinances, Human Services Programs, and the capital improvement and budget program.

17. Cascade Township has no independent land use planning document.

18. The City of Rochester and Olmsted County adopted a revised Future Land Use Map based on the General Land Use Plan for the Olmsted County area. This plan has designated the area proposed for annexation as best suited for "low density" residential use.

19. This annexation is consistent with the local comprehensive plans.

20. The area proposed for annexation is presently zoned A-4 (Agricultural-Urban Expansion) District pursuant to the Olmsted County Zoning Ordinance. If the annexation area were annexed, it would automatically be zoned R-1 which is low density residential development.

21. The development of the area proposed for annexation is a part of a general proposed development plan developed back in 1978.

22. 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 opportunities and library services in conjunction with Olmsted County.

23. There are presently water and sewer lines in place adjacent or near the area proposed for annexation which have the capacity to service the area

proposed for annexation.

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

24. Cascade Township provides the area proposed for annexation with fire protection and street improvements and maintenance.

25. The City of Rochester has 196.24 miles of improved 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.

26. 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.

27. Access to the area proposed for annexation would be from streets platted according to the "Western Walls" general development plan.

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

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

30. The assessed valuation of the area proposed for annexation in 1984 is \$2,660.

31. The mill rate for Olmsted County in 1984 is 26.194 for the City of Rochester and 27.883 for the Town of Cascade.

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

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

34. 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.

35. The fire insurance rating for the City of Rochester is 3. The fire

Insurance rating for the Town of Cascade is 9.

36. 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.

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

38. The City of Rochester's ability to provide the area proposed for annexation with public sanitary sewage service will help to protect the quality of the groundwater in the area from possible contamination from septic tank effluent.

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

40. 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.

O R D E R


1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same is hereby 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 October 8, 1984.

Dated this 8th day of October, 1984.

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