

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Douglas Krueger	Ex-Officio Member
Joan T. Sass	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF ROCHESTER AND THE)	
TOWN OF CASCADE FOR THE ORDERLY)	FINDINGS OF FACT
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 June 29, 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 Kenneth F. Sette, Vice Chairman of the Municipal Board and County Commissioners Douglas Krueger and Joan T. Sass, Ex-Officio Members of the Board. The City of Rochester appeared by and through Douglas Gregor, Assistant City Attorney, and the Town of Cascade appeared by and through Stan 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 April 17, 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 triangular piece of land in the southeast corner of the Southeast Quarter of Section 33, Township 107 North, Range 14 West, lying south of County State Aid Highway No. 34 being more particularly described as follows: commencing at a point on the South line of said Section 37.6 feet west of the southeast corner of said Section for a place of beginning, running thence due west on the south line of said Section a distance of 491.4 feet, running thence due north at right angles to said south line a distance of 193.1 feet more or less to the right-of-way line of said County State Aid Highway No. 34, thence southeasterly along the South line of said right-of-way to place of beginning, together with: the easterly 15 feet of that part of the South Half of the Southeast Quarter of Section 33, Township 107 North of Range 14 West in Olmsted County, Minnesota, described as follows: commencing at the southeast corner of said Section and running thence North 89° 8' West along the South line thereof a distance of 739 feet for a place of beginning; thence North 89° 8' West along said South line a distance of 442.23 feet, thence North 14° 8' East a distance of 492.39 feet to a point in the centerline of County State Aid Highway No. 34, thence South 65° 55' East along the centerline of said Highway a distance of 357.94 feet, thence South 0° 52' West a distance of 337.53 feet to the place of beginning; together with the tract of land described by metes and bounds as follows: commencing at a point on the South line of Section Thirty-three (33), Township One Hundred Seven (107), Range Fourteen (14), 529 feet West of the southeast corner of said Section for a place of beginning, running thence due west on the South line of said Section a distance of 210 feet, running thence due north at right angles to said South line to the right-of-way of County State Aid Highway No. 34, thence southeasterly along the South line of said right-of-way to a point 193.1 feet due north of the place of beginning, thence South 193.1 feet to place of beginning; together with: that part of the right-of-way of County State Aid Highway No. 34 lying west of the East line of the Southeast Quarter of Section 33, and north of and adjacent to the lands previously described.

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 2.27 acres in size, and abuts the City of Rochester along its eastern boundary. The City of Rochester is approximately 21.57 square miles in size.

5. The Town of Cascade has a total area of approximately 23.8 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 a population of two in 1970 and 1980, and it is anticipated to have a population of two by the year 2000.

10. The City of Rochester has approximately 6,400 acres in residential use, approximately 2,112 acres in institutional and park use, approximately 712 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 91 acres for commercial use, approximately 313 acres for industrial use, and approximately 13,803 acres for agricultural use.

12. The area proposed for annexation is presently the site of the offices of Glenn Miller and Associates, which are located in a frame house, as well as a wooded hillside and approximately 80,000 square feet of right-of-way owned by Olmsted County, which is a part of County State Aid Highway 34.

This property along with property located south of the area proposed for annexation is proposed for a residential planned unit development

consisting of condominium units.

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 capital improvement and budget program.

16. Olmsted County has a zoning regulation, subdivision, 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 H-C (Highway Commercial). If annexed, the property would automatically be zoned R-1 (Single Family Residential).

21. The City of Rochester provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities and library services.

22. 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.

Existing sewer and water mains in County State Aid Highway 34 right-of-way presently terminate at 23rd Avenue Southwest and could be extended to serve the Miller property. These mains have sufficient capacity to provide service. It is anticipated that a high level tower will be built within the next year approximately one mile south of the area proposed for annexation for increased water pressure that will be able to service the area under consideration as well as other areas.

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

24. 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.

25. 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.

26. Access to the area proposed for annexation is from County State Aid Highway 34 located along the entire northern boundary of the area proposed for annexation.

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

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

29. The assessed valuation of the area proposed for annexation in 1984 is \$9,400.

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

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

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

33. 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.

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

35. 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.

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

37. 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.

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

39. 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 16, 1984.

Dated this 16th day of October, 1984.

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


Terrence A. Merritt
Executive Director