

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

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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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on October 3, 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 Joan T. Sass, Ex-Officio Members of the Board. The City of Rochester appeared by and through Frederick Suhler, Jr., 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 July 5, 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 north half of the Southeast Quarter of Section 9, Township 107 North, Range 14 West, Olmsted County, Minnesota except the north 200 feet of the west 653.4 feet 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 77 acres in size, and abuts the City of Rochester along the property's southern and western boundaries for approximately 47.4% of its perimeter. The City of Rochester is approximately 21.73 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 59,307.

8. The Town of Cascade had a population of 2,442 in 1970, a population of 2,384 in 1980, and a population of 2,491 in 1982.

9. The area proposed for annexation has on it a single-family residence, the farmstead, and it is anticipated that through development by the year 2000 the population of the area proposed for annexation will be 1,000.

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. Presently the area proposed for annexation has the eastern 57 acres cultivated crop land and the west 20 acres has been used for pasture and is the farmstead site with the house and associated agricultural buildings located thereon.

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 1,382 through August, 1984.

14. The Town of Cascade has issued 19 building permits in 1980, 27 in 1981, 29 in 1982, 52 in 1983, and 16 through June, 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. Originally the area was designated as "low density" residential use. Earlier in 1984 the Rochester City Council received a Land Use Plan Amendment on the area proposed for annexation to designate the western 17 acres to be planned for "medium density" residential use. The remaining eastern 60 acres would be planned for "low density" residential use. The plan was amended consistent with the amendment request.

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. Final action on the zoning of the property would be after the property was annexed.

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 can be extended to service the area proposed for annexation from the subdivision located immediately south. Further, there is a water main in place in Bandel Road northwest along the western side of the area proposed for annexation.

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 either from Bandel Road Northwest, located west of the area proposed for annexation, or 25th Avenue Northwest which abuts the southern boundary of the area proposed for annexation, or 25th Street Northwest which is located approximately one quarter of a mile to the south 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 \$29,281.

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

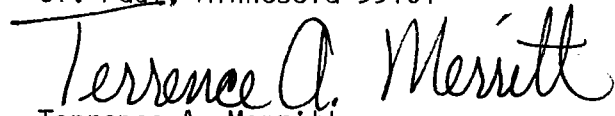
1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally a part thereof.

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 December 11, 1984.

Dated this 11th day of December, 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 for the record that it has issued a memorandum accompanying its order dealing with file OA-122-35 Rochester. Rather than reiterating the entire memo, it is incorporated herein by reference.

Additionally, the board takes this opportunity to indicate to the parties that the issue of reimbursement is bound up with many facets of the provision of services to its residents by local units of government. It is not only the provision of these services, but also the determination of who will pay for these services. Each government must examine to what extent payment will be borne by those receiving the services as opposed to the indirect absorption by others of the costs of service delivery.

Platitudes and general statements are inadequate in addressing such complex issues. Further, it is the board's hope that through very systematic and careful analysis, the parties may discover additional areas where cooperation would lead to a reduction in the cost of service delivery to the parties.

As has been previously stated in its memorandum accompanying OA-122-35, the board is confident that the parties have the capability of reviewing this issue and developing an agreement to assist them in setting parameters to address each proceeding on its merits. 12-11-84 TM