

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Rosemary Ahmann	Ex-Officio Member
Richard Chase	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 CITY)	<u>CONCLUSIONS OF LAW,</u>
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 December 21, 1977, at Rochester, Minnesota. The hearing was conducted by Chairman Gerald J. Isaacs pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Rosemary Ahmann and Richard Chase, ex-officio members of the Board. The City of Rochester appeared by and through Charles Reiter, and Cascade Township was represented by its board members. 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 October 5, 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:

That part of the Southwest Quarter of the Northeast Quarter of Section 34, Township 107 North, Range 14 West which lies west of the westerly right of way line of T.H. No. 52 and south of the southerly right of way line of T.H. No. 14 less the south 28.9 feet thereof and more particularly described as follows: Commencing at the southwest corner of said quarter section; thence north along the west line of said quarter section a distance of 28.9 feet for a point of beginning; thence continue north along said west line a distance of 188.67 feet to a point in the southerly right of way line of T.H. No. 14; thence easterly at a deflection angle of $97^{\circ}46'$ to the right along said right of way line a distance of 145.5 feet to a point in the west right of way line of T.H. No. 52, and said point being on a curve whose radius is 23,058.32 feet and whose chord is at a deflection angle of $81^{\circ}23'$ to the right from the previous described course; thence south, deflecting to the left along said curve, a distance of 169.9 feet to a point, which is 28.9 feet north of the south line of said quarter section; thence west parallel with the south line of said quarter section a distance of 146.83 feet to the point of beginning.

That part of the East Half of Section 34, Township 107, Range 14 West described as follows: north 130.4 feet of that part of the East Half of Section 34 beginning at a point on the north and south quarter section line drawn through the center of Section 34 which said point is 28.9 feet north of said center of Section 34, running thence east on a line at right angles to the center line of Trunk Highway 52 for a distance of 277.65 feet to the said center line of Trunk Highway 52, running thence south along the center line of Trunk Highway 52, 360.4 feet running thence west on a line parallel with the north line of Southeast Quarter of said Section 34 for a distance of 275.67 feet to the west line of said East Half of said Section 34, running thence north along said west line of said East Half of Section 34, 358.9 feet to the place of beginning.

The south 115 feet of that part of the East Half, Section 34, Township 107, Range 14, which is bounded and described as follows, to-wit: beginning at a point on the north and south quarter section line drawn through the center of Section 34, which said point is 28.9 feet north of said center of Section 34; running thence east on a line at right angles to the center line of Trunk Highway No. 52 for a distance of 277.5 feet to the said center line of Trunk Highway No. 52; running thence south along the said center line of Trunk Highway No. 52 for a distance of 360.4 feet; running thence west on a line parallel with the north line of the Southeast Quarter, for a distance of 275.67 feet to the west line of the said East Half, Section 34; running thence north along said west line of the East Half of Section 34, 358.9 feet to the place of beginning.

The north 115 feet of the south 230 feet of that part of the East Half, Section 34, Township 107, Range 14, which is bounded and described as follows: beginning at a point on the north and south quarter section line drawn through the center of Section 34, which said point is 28.9 feet north of said center of Section 34; running thence east on a line at right angles to the center line of Trunk Highway No. 52 for a distance of

277.5 feet to the said center line of Trunk Highway No. 52, running thence south along the said center line of Trunk Highway No. 52 for a distance of 360.4 feet; running thence on a line parallel with the north line of the Southeast Quarter of Section 34 for a distance of 275.67 feet to the west line of the said East Half of Section 34, running thence north along the said west line of the East Half of Section 34, 358.9 feet to the place of beginning.

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 approximately 16.75 square miles. The total area of the territory subject to annexation is 2.81 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: the area abuts the corporate limits of the City along its northern boundary a distance of 145.5 feet and along its eastern boundary approximately 100 feet.

5. Population Data

- a. The City of Rochester
 - 1) Past population growth: 1970 - 53,766
 - 2) Present population: 59,317
 - 3) Projected population: 2000 - 85,130
- b. The area subject to annexation
Present population: 0

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 is zoned general commercial, and the City Land Use Map for Rochester shows this area best suited by commercial use.
- 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 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 a small 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: commercial (one acre devoted to public street right of way).
- 7. Governmental Services
 - a. Presently, the Township of Cascade provides the area subject to annexation with the following services:
 - 1) Water - No
 - 2) Sewer - No
 - 3) Fire Protection - Unknown
 - 4) Police Protection - Unknown
 - 5) Street Improvements - Yes
 - 6) Street Maintenance - Yes
 - 7) Recreational - Unknown
 - b. Presently, the City of Rochester provides its citizens with the following services:
 - 1) Water - Yes
 - 2) Sewer - Yes
 - 3) Fire Protection - Yes
 - 4) Police Protection - Yes
 - 5) Street Improvements - Yes
 - 6) Street Maintenance - Yes
 - 7) Recreational - Yes
 - c. Presently, the City of Rochester provides the area subject to annexation with the following services:
 - 1) Water - No
 - 2) Sewer - No
 - 3) Fire Protection - Unknown
 - 4) Police Protection - Unknown
 - 5) Street Improvements - Unknown
 - 6) Street Maintenance - Unknown
 - 7) Recreational - Unknown
 - 8) Other - Unknown
 - d. Plans to extend municipal services to the area subject to annexation include the following: the city can provide

sewer, water and other available city services within a reasonable time after the annexation.

- e. There are existing or potential pollution problems which are: Private sewer on this area fully utilized as commercial property would threaten 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 three years.

8. Fiscal Data

- a. In the area subject to annexation, the assessed valuation is \$44,000.
- b. The mill rates in the following units of government are:
 - 1) City: 105.25
 - 2) School District: 535 - 88.25, 531 - 90.82
 - 3) Township: 88.24
- c. 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 with 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 three-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:

That part of the Southwest Quarter of the Northeast Quarter of Section 34, Township 107 North, Range 14 West which lies west of the westerly right of way line of T.H. No. 52 and south of the southerly right of way line of T.H. No. 14 less the south 28.9 feet thereof and more particularly described as follows: Commencing at the southwest corner of said quarter section; thence north along the west line of said quarter section a distance of 28.9 feet for a point of beginning; thence continue north along said west line a distance of 188.67 feet to a point in the southerly right of way line of T.H. No. 14; thence easterly at a deflection angle of $97^{\circ}46'$ to the right along said right of way line a distance of 145.5 feet to a point in the west right of way line of T.H. No. 52, and said point being on a curve whose radius is 23,058.32 feet and whose chord is at a deflection angle of $81^{\circ}23'$ to the right from the previous described course; thence south, deflecting to the left along said curve, a distance of 169.9 feet to a point, which is 28.9 feet north of the south line of said quarter section; thence west parallel with the south line of said quarter section a distance of 146.83 feet to the point of beginning.

That part of the East Half of Section 34, Township 107, Range 14 West described as follows: north 130.4 feet of that part of the East Half of Section 34 beginning at a point on the north and south quarter section line drawn through the center of Section 34 which said point is 28.9 feet north of said center of Section 34, running thence east on a line at right angles to the center line of Trunk Highway 52 for a distance of 277.65 feet to the said center line of Trunk Highway 52, running thence south along the center line of Trunk Highway 52, 360.4 feet running thence west on a line parallel with the north line of Southeast Quarter of said Section 34 for a distance of 275.67 feet to the west line of said East Half of said Section 34, running thence north along said west line of said East Half of Section 34, 358.9 feet to the place of beginning.

The south 115 feet of that part of the East Half, Section 34, Township 107, Range 14, which is bounded and described as follows, to-wit: beginning at a point on the north and south quarter section line drawn through the center of Section 34, which said point is 28.9 feet north of said center of Section 34; running thence east on a line at right angles to the center line of Trunk Highway No. 52 for a distance of 277.5 feet to the said center line of Trunk Highway No. 52; running thence south along the said center line of Trunk Highway No. 52 for a distance of 360.4 feet; running thence west on a line parallel with the north line of the Southeast Quarter, for a distance of 275.67 feet to the west line of the said East Half, Section 34; running thence north along said west line of the East Half of Section 34, 358.9 feet to the place of beginning.

The north 115 feet of the south 230 feet of that part of the East Half, Section 34, Township 107, Range 14, which is bounded and described as follows: beginning at a point on the north and south quarter section line drawn through the center of Section 34, which said point is 28.9 feet north of said center of Section 34; running thence east on a line at right angles to the center line of Trunk Highway No. 52 for a distance of

277.5 feet to the said center line of Trunk Highway No. 52, running thence south along the said center line of Trunk Highway No. 52 for a distance of 360.4 feet; running thence on a line parallel with the north line of the Southeast Quarter of Section 34 for a distance of 275.67 feet to the west line of the said East Half of Section 34, running thence north along the said west line of the East Half of Section 34, 358.9 feet to the place of beginning.


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.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days during which time any party of record may demand an oral review by the full Municipal Board.

IT IS FURTHER ORDERED: That the effective date of this order is April 14, 1978.

Dated this 15th day of March, 1978.

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


William A. Neiman
Executive Secretary