

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Carol Kamper	Ex-Officio Member
Harley Boettcher	Ex-Officio Member

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)

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 November 27, 1985, 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, Chairman, and County Commissioners Carol Kamper and Harley Boettcher, 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 Stanley 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 October 7, 1985 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:

That part of the Southwest Quarter of Section 33, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows: Beginning at a point in the South line of said Southwest Quarter (for purposes of this description bearing of said South line is assumed South 90 degrees 00' 00" East), a distance of 654.6 feet easterly from the Southwest corner of said Southwest Quarter at the Southeast corner of Lot A, Country Club Manor First Addition; thence North 1 degree 19' 30" West, along the East line of said Lot A, 1621.57 feet; thence South 90 degrees 00' 00" East, parallel with the South line of said Southwest Quarter, 1453.62 feet to a point in the easterly bank of Cascade Creek; thence in a generally southwesterly direction, along said easterly bank of Cascade Creek on the following 13 courses: 1) thence South 25 degrees 13' 30" West, 187.26 feet; 2) thence South 33 degrees 18' 30" West, 62.26 feet; 3) thence South 21 degrees 35' 30" West, 82.33 feet; 4) thence South 38 degrees 51' 30" West, 263.90 feet; 5) thence South 43 degrees 02' 30" West, 106.63 feet; 6) thence South 36 degrees 10' 30" West, 181.40 feet; 7) thence South 48 degrees 00' 30" West, 223.02 feet; 8) thence South 23 degrees 08' 30" West, 91.61 feet; 9) thence South 32 degrees 14' 30" West, 258.20 feet; 10) thence South 42 degrees 04' 30" West, 239.50 feet; 11) thence South 13 degrees 33' 00" West, 72.01 feet; 12) thence South 61 degrees 33' 00" West, 143.65 feet; 13) thence South 29 degrees 13' 00" West, 52.38 feet, thence departing from said easterly bank of Cascade Creek North 39 degrees 00' 00" West, 63.67 feet; thence South 51 degrees 00' 00" West, 205.00 feet to a point in said South line of Southwest Quarter; thence North 90 degrees 00' 00" West, 58.29 feet to the point of beginning; containing 32.02 acres, more or less; together with the following described tract: Commencing at the Southwest corner of the Southwest Quarter (SW 1/4) of Section 33, thence East along the South line of said quarter for a distance of 712.89 feet for a place of beginning, thence northeasterly at a deflection angle of 39 degrees to the left for a distance of 205 feet, thence angle right 90 degrees to the East boundary of Johnson, Drake & Piper Inc., property as described in Book 307 of Deeds, page 649 in the office of the Register of Deeds, thence southwesterly along said East boundary thereof to the South boundary of said southwest quarter (SW 1/4) which is 180 feet east of the place of beginning, thence west along said south boundary thereof to the place of beginning and there terminating, containing 0.31 acres more or less.

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 32.49 acres in size, and abuts the City of Rochester for approximately 60% of its perimeter. The City of Rochester is approximately 22.26 square miles in size.

5. The Town of Cascade has a total area of approximately 23.17 square miles.

6. Cascade Creek is found along the eastern boundary of the area proposed for annexation. A private body of water created by gravel excavation is also on this property.

7. In 1970 the City of Rochester had a population of 53,766, its population in 1980 was 57,890, and its 1983 population was 59,575.

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 1983.

9. The area proposed for annexation has no present population. The estimated total future population is 186.

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 1,536 acres for residential use, approximately 112 acres for commercial use,

approximately 346 acres for Industrial use, and approximately 12,505 acres for agricultural use.

12. The area proposed for annexation will consist of single-family residential dwellings.

13. The City of Rochester has issued 1,138 building permits in 1980, 990 in 1981, 1,191 in 1982, 1,707 in 1983, 1,626 in 1984, and 1,544 through October, 1985.

14. The Town of Cascade has issued 19 building permits in 1980, 27 in 1981, 29 in 1982, 52 in 1983, 42 in 1984, and 26 through September, 1985.

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, an official mapping program, 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 1978 General Land Use Plan for the Olmsted County area adopted by Olmsted County designates the area proposed for annexation in the "Potential Urban Service Area" of the City of Rochester. The future land use plan map designates the area proposed for annexation as medium density residential use.

19. The area proposed for annexation is presently zoned A-4 (Agricultural Urban Expansion) under the Olmsted County Zoning Ordinance.

20. If annexed, the area will automatically be zoned R-1 (Single Family Residential).

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

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

23. 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 205.37 miles of improved roads as follows: 12.3 miles of Trunk Highway, 8.82 miles of County State Aid Highway, and 184.25 miles of local streets.

26. Cascade Township has 70.91 miles of improved roads as follows: 6.5 miles of Trunk Highway, 32.21 miles of County Roads, and 32.2 miles of Town Roads.

27. The area proposed for annexation contains no public roads. New public roads are proposed to serve this property, according to the preliminary plat that has been filed. Any new streets built to serve this property would be done at the owners expense.

28. In 1985 the assessed valuation of the City of Rochester is \$351,098,333.

29. In 1985 the assessed valuation of the Town of Cascade is \$14,813,863.

30. The assessed valuation of the area proposed for annexation in 1985 is \$17,233. In 1985, this property pays \$136.07 to Cascade Township in taxes.

31. The mill rate for Olmsted County in 1985 is 28.2 for the City of Rochester and 30.036 for the Town of Cascade.

32. School District #535 has a 1985 mill levy of 57.035.

33. Cascade Township mill levy in 1985 is 7.896. Cascade Township has a bonded indebtedness of \$0 as of 12-31-84.

34. The City of Rochester mill levy in 1985 is 29.116. The bonded indebtedness for the City of Rochester is \$30,715,000.

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

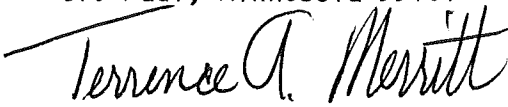
1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally a part thereof.

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 January 17, 1986.

Dated this 17th day of January, 1986.

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


Terrence A. Merritt
Executive Director