

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Mike Podulke	Ex-Officio Member
Paul Stellpflug	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 January 21, 1987, 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, Chair, Shirley J. Mihelich, Vice Chair, and County Commissioners Mike Podulke and Paul Stellpflug, 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 Chair. 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 24, 1986 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 Southeast Quarter of Section 8, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 8; thence West, assumed bearing, along the south line thereof, 241.58 feet for the point of beginning; thence continue West, along said south line, 744.75 feet; thence North 01 degrees 14 minutes 00 seconds East, 590.64 feet; thence West, 297.00 feet; thence South 01 degrees 14 minutes 00 seconds West, 590.64 feet to the south line of said Southeast Quarter; thence West, 33.00 feet to the southwest corner of the Southeast Quarter of said Southeast Quarter; thence North 01 degrees 04 minutes 03 seconds East, along the west line of said Southeast Quarter of the Southeast Quarter, 1290.55 feet; thence North 48 degrees 55 minutes 57 seconds West, 500.00 feet; thence North 38 degrees 11 minutes 59 seconds East 499.97 feet; thence East 910.00 feet to the westerly line of Lot 1, Block 3, 55TH STREET ESTATES FIRST SUBDIVISION (the next five courses are along the westerly line of said subdivision); thence South 36 degrees 06 minutes 38 seconds West, 200.00 feet to the most westerly corner of said Lot 1, Block 3; thence southeasterly 371.90 feet along a nontangential curve, concave southwesterly, radius of 1152.40 feet, delta angle of 18 degrees 29 minutes 26 seconds and the chord of said curve bears South 59 degrees 54 minutes 42 seconds East, 370.29 feet; thence South 39 degrees 20 minutes 01 seconds West, 416.00 feet; thence southeasterly 651.20 feet along a nontangential curve, concave southwesterly, radius of 736.40 feet, delta angle of 50 degrees 40 minutes 00 seconds and the chord of said curve bears South 25 degrees 19 minutes 59 seconds East, 630.19 feet; thence South 143.12 feet to the southwest corner of Lot 3, Block 1, 55TH STREET ESTATES FIRST SUBDIVISION; thence continue South, 630.00 feet to the point of beginning.

Also:

That part of the Northeast Quarter of the Northeast Quarter of Section 17, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the northeast corner of the Northeast Quarter of said Section 17; thence West, assumed bearing, along the north line thereof, 530.00 feet for the point of beginning; thence South 349.82

feet to the north line of lands previously conveyed to the City of Rochester; thence North 75 degrees 56 minutes 30 seconds West, along said north line, 727.65 feet to the centerline of the public road; thence North 01 degrees 05 minutes 00 seconds East, along said centerline 173.00 feet to the north line of said Northeast Quarter, thence East, along said north line, 702.58 feet to the point of beginning.

Containing 48.80 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 48.8 acres in size, and abuts the City of Rochester for approximately 7% of its perimeter. The City of Rochester is approximately 23.54 square miles in size.

5. The Town of Cascade has a total area of approximately 23.04 square miles.

6. There are no public waters in the annexation area. There is an old, no longer used, gravel pit located in the area proposed for annexation.

7. In 1970 the City of Rochester had a population of 53,766, its population in 1980 was 57,890, and its 1985 population was 62,158.

8. The Town of Cascade had a population of 2,442 in 1970, a population of 2,384 in 1980, and a population of 2,377 in 1985.

9. The area proposed for annexation has no present population. It is projected that within five years the area proposed for annexation will have a population of 444.

10. The City of Rochester has approximately 6,636 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 12,269 acres for agricultural use.

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

The area proposed for annexation is a part of a larger general development plan proposed for eventual development by the owners of the area under consideration. The total area in the general development plan is approximately 250 acres in size.

13. The City of Rochester has issued 1,191 building permits in 1982, 1,707 in 1983, 1,672 in 1984, 1,750 in 1985, and 1,752 in 1986.

14. The Town of Cascade has issued 29 building permits in 1982, 52 in 1983, 42 in 1984, 33 in 1985, and 56 in 1986.

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 low and medium density residential use.

19. The area proposed for annexation is presently zoned RA (Rural Residential) and 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 243.09 miles of improved roads as follows: 15.27 miles of Trunk Highway, 8.98 miles of County State Aid Highway, 2.02 miles of County Municipal State Aid, 38.22 miles of Municipal State Aid, 0.68 miles country roads, and 181.44 miles of local streets.

26. Cascade Township has 67.06 miles of improved roads as follows: 6.5 miles of Trunk Highway, 32.21 miles of County Roads, and 28.35 miles of Town Roads.

27. The area proposed for annexation includes that portion of 55th Street, Northwest that abuts the area proposed for annexation up to the centerline. A portion of 55th Street adjacent to the area proposed for annexation will remain within the Town of Cascade.

28. The area proposed for annexation is part of a watershed area for approximately 4,000 acres. The area drains southerly and eventually into King's Run, a creek located within the City of Rochester and south of the area proposed for annexation.

29. It is anticipated that the City of Rochester's Department of Public Works will require the developers to prepare a comprehensive drainage study for the area proposed for annexation.

30. In 1986 the assessed valuation of the City of Rochester was \$443,292,734.

31. In 1986 the assessed valuation of the Town of Cascade was \$15,196,344.

32. The assessed valuation of the area proposed for annexation in 1986 was \$7,797. In 1986, this property paid \$100.12 to Cascade Township in taxes.

33. The mill rate for Olmsted County in 1986 was 32.060 for the City of Rochester and 34.176 for the Town of Cascade.

34. School District #535 had a 1986 mill levy of 55.758.

35. Cascade Township mill levy in 1986 was 12.840. Cascade Township had a bonded indebtedness of \$0.

36. The City of Rochester's mill levy in 1986 was 27.002. The bonded indebtedness for the City of Rochester was \$52,215,000.

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

38. 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.

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

40. 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.

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

42. 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

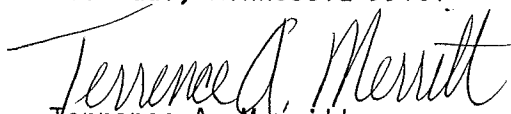
1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally a part thereof.

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 March 9, 1987.

Dated this 9th day of March, 1987.

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, in approving the proposed annexation, notes that 55th Street, Northwest will be a shared road. It is anticipated that the city and the town will work together to economically service that road.

The board anticipates that the City of Rochester's analysis of the surface water runoff will look for the most efficient and effective method of dealing with surface water drainage and not base its decision solely on which method is the most inexpensive. The testimony before the board indicated that drainage is a concern of the town, the property owners, and the city. Such a concern warrants the most effective action possible to address that matter. Further, the board is confident that the city will address the clearing of the King's Run drainage ditch raised at the hearing. *JAM 3-9-87*