

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
Jean Michaels	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF ROCHESTER AND THE)	<u>FINDINGS OF FACT</u>
TOWN OF CASCADE FOR THE ORDERLY)	<u>CONCLUSIONS OF LAW</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>AND ORDER</u>
CITY OF ROCHESTER)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 20, 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, John W. Carey, Commissioner, and County Commissioners Jean Michaels and Mike Podulke, Ex-Officio Members of the Board. The City of Rochester appeared by and through Douglas Gregor, Deputy City Attorney, and the Town of Cascade appeared by and through Lyndon Geselle, Town Board Supervisor. 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 March 19, 1987 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 NW 1/4 NE 1/4 Section 33, Town 107, Range 14, Olmsted County, Minnesota, described as follows: Commencing at the northwest corner of said NE 1/4 Section 33; thence south 0°09'30" west along the west line of said NE 1/4, 384.92 feet to the centerline of the west bound lane of Trunk Highway No. 14; thence south 71°50'30" east along the centerline of said lane, 713.57 feet to the point of beginning; thence south 8°09'13" west 410.72 feet; thence north 71°50'30" west parallel with said west bound land, 213.71 feet; thence north 27°29'05" west to a point in the northerly line of 7th Street NW as revised; thence continue northerly along said north line and an extension thereof to a point on the centerline of the west lane of Trunk Highway No. 14 which is 80.9 feet westerly of the point of beginning; thence southeasterly along said right-of-way line to the point of beginning.

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 1.75 acres in size, and abuts the City of Rochester for approximately 51% of its perimeter. The City of Rochester is approximately 23.71 square miles in size.

5. The Town of Cascade has a total area of approximately 22.96 square miles.

6. There are no public waters in the annexation area. A portion of the area proposed for annexation is in the floodplain for Cascade Creek.

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.

10. The City of Rochester has approximately 6,687 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 12,218 acres for agricultural use.

12. The area proposed for annexation is commercially developed.

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, 1,752 in 1986, and 410 as of April 1987.

14. The Town of Cascade has issued 29 building permits in 1982, 52 in 1983, 42 in 1984, 33 in 1985, 56 in 1986, and 6 as of April 1987.

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 HC (Highway Commercial) under the Olmsted County Zoning Ordinance.

20. If annexed, the area will be zoned R-1 (Single Family Residential) under the City of Rochester Zoning Code. The owner must petition to rezone the property to B-4 (General Business) District under the City Zoning Code.

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. The development needs city water. The property is presently receiving city sewer.

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 annexation area includes right-of-way for 7th Street Northwest and Trunk Highway 14.

28. The 1986, payable 1987, assessed valuation for the City of Rochester is \$443,292,734.

29. The 1986, payable 1987, assessed valuation for the Town of Cascade is \$15,196,344.

30. The assessed valuation of the area proposed for annexation for 1986, payable 1987, is \$20,640. In 1987, this property will pay \$266.59 to Cascade Township in taxes.

31. The mill rate for Olmsted County in 1987 was 33.245 for the City of Rochester and 35.735 for the Town of Cascade.

32. School District #535 has a 1987 mill levy of 59.211.

33. Cascade Township mill levy in 1987 is 12.916. Cascade Township has a bonded indebtedness of \$0.

34. The City of Rochester's mill levy in 1987 is 27.811. The bonded indebtedness for the City of Rochester is \$52,215,000.

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 June 18, 1987.

Dated this 18th day of June, 1987.

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


Terrence A. Merritt
Executive Director