

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Douglas Krueger	Ex-Officio Member
Rosemary Ahman	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION
BETWEEN THE CITY OF ROCHESTER AND
CASCADE TOWNSHIP 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 February 21, 1978 at Rochester, Minnesota. The hearing was conducted by Chairman Gerald Isaacs pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Douglas Krueger and Rosemary Ahman, ex-officio members of the Board. The City of Rochester appeared by and through Gerald Swanson, and Lyndon Gesselle appeared for Cascade Township. 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, Rochester, on November 22, 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:

Commencing at a point 364.82 feet North of the South 1/4 Corner Section, running thence North 1,945 feet to a point 330 feet South of Center Section, thence East 176.23 feet to the West line of Trunk Highway U.S. 52, thence South 1,945 feet to a point 364.82 feet North of South line Section, thence West 164.76 feet to the point of beginning, less 1.53 acres to standforth, and including half the adjacent right-of-way of Trunk Highway U.S. 52, Section 34, Township 107 North, Range 14 West, Cascade Township, containing 6.18 acres.

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 16.75 square miles. The total area of the territory subject to annexation is 6.18 acres.

c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: 71%

5. Population Data

a. The City of Rochester

- 1) Past population growth: 53,766 in 1970
- 2) Present population: Estimated at 57,400
- 3) Projected population: 85,130 by 2000

b. The area subject to annexation

- 1) Past population growth: 0
- 2) Present population: 0
- 3) Projected 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 Rochester Land Use Plan projects commercial development.

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

2) In the area to be annexed:

- a) Zoning: yes, by County
- b) Subdivision regulations: yes, by orderly annexation agreement, The municipal regulations.
- c) Housing and building codes: yes, by County

c. The present pattern of physical development is:

- 1) In the City of Rochester, all types of development are occurring.
- 2) In the area subject to annexation: Plans are for commercial use with some open space. Land is presently undeveloped.

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: Yes, by contract
- 4) Police Protection: No
- 5) Street Improvements: Yes
- 6) Street Maintenance: Yes
- 7) Recreational: No

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 no services.

d. Plans to extend municipal services to the area subject to annexation include the following: All services can be extended within a reasonable time.

e. There are existing or potential pollution problems which are: None

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 City of Rochester, the assessed valuation trend is rising and the present bonded indebtedness is \$6,885,000.

b. In the area subject to annexation, the assessed valuation trend is rising and the present bonded indebtedness is 0.

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 within 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.

ORDER

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 has originally been made a part thereof:

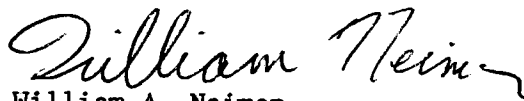
Commencing at a point 364.82 feet North of the South 1/4 Corner Section, running thence North 1,945 feet to a point 330 feet South of Center Section, thence East 176.23 feet to the West line of Trunk Highway U. S. 52, thence South 1,945 feet to a point 364.82 feet North of South line Section, thence West 164.76 feet to the point of beginning, less 1.53 acres to standforth, and including half the adjacent right-of-way of Trunk Highway U. S. 52, Section 34, Township 107 North, Range 14 West, Cascade Township, containing 6.18 acres.

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 the effective date of this order is June 6, 1978.

Dated this 6th day of June, 1978.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101


William A. Neiman
Executive Secretary