

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 F. Chase	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF ROCHESTER AND)	
THE TOWNSHIP OF CASCADE FOR THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY 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 November 20, 1978, at Rochester, Minnesota. The hearing was conducted by Robert W. Johnson, Vice-chairman, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Rosemary Ahmann and Richard F. Chase, ex-officio members of the Board. The City of Rochester appeared by and through Gerald Swanson, the Township of Cascade appeared by and through George Farnham and Stanley Hunter. 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

I. That a joint resolution for orderly annexation was adopted by the City of Rochester and the Township of Cascade on September 7, 1976 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Rochester, on October 10, 1978 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 NE ¼ SE ¼ Section 23, Town 107, Range 14, Olmsted County, Minnesota, described by metes and bounds as follows: Beginning at a point on the East line of Section 23 which is 981.0 feet South of the NE corner of the SE ¼ of said Section, thence West at right angles to the Section line a distance of 204.7 feet, thence South parallel with the Section line a distance of 173.85 feet, thence Easterly at a deflection angle of 94° 6' to the left a distance of 205.23 feet to the East line of said Section, thence North along the East line of said Section 188.52 feet to the point of beginning. Comprising approximately ½ acre.

III. Due, timely and adequate legal notice of the hearing was published, served and filed.

IV. 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 17.2 square miles. The total area of the territory subject to annexation is .85 acres.
- C. The perimeter of the area to be annexed is about 25% bordered by the municipality.

V. Population Data

- A. The City of Rochester:
 - 1. In 1970, there were 53,766 residents.
 - 2. The present estimated population is 59,337.
 - 3. By 2000, the projected population is 85,130.
- B. The area subject to annexation: The present estimated population is 2, and the projected population is 2.
- C. The Township of Cascade:
 - 1. In 1976, there were 2,760 residents.
 - 2. By 2000, the projected population is 1,000.

VI. Development Issues

- A. The pattern of physical development:
 - 1. In the City of Rochester:
 - a) Residential: Approximately 18,000 acres
 - b) Institutional: 346 acres
 - c) Commercial: Approximately 1,300 acres
 - d) Industrial: 2,245 acres
 - e) Agricultural: 999.4 acres
 - f) Vacant Land: 6,374 acres, including park and open space
 - 2. In the area subject to annexation:
 - a) Residential: .85 acres
 - b) Institutional: 0 acres
 - c) Commercial: 0 acres
 - d) Industrial: 0 acres
 - e) Agricultural: 0 acres
 - f) Vacant land: 0 acres

3. In the Township of Cascade:

- a) Residential: 1,191.9 acres
- b) Institutional: 40.3 acres
- c) Commercial: 95.1 acres
- d) Industrial: 112.6 acres
- e) Agricultural: 10,379.8 acres
- f) Vacant land: 157.2 acres including park and open space.

B. Transportation:

- 1. The present transportation network is: the property has direct access to a local residential street.
- 2. Potential transportation issues include: None

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Rochester:

- a. Zoning - Yes
- b. Subdivision Regulations - Yes, including the area proposed for annexation under the orderly annexation agreement.
- c. Comprehensive Plan - Yes.
- d. Capital Improvements Program - Yes
- e. Building Inspector - Yes
- f. Planning Commission - Yes

2. In the County of Olmsted:

- a. Zoning - Yes
- b. Subdivision Regulations - Yes
- c. Comprehensive Plan - Yes
- d. Capital Improvements Program - Yes
- e. Building Code and Inspection - Yes
- f. Planning Commission - Yes
- g. Other - Public Health Code

3. The Metropolitan Council provides the following planning and land use services: Not applicable

4. If there is an inconsistency between the proposed development and the planning and land use controls for the area, what is the reason for said inconsistency? There is no inconsistency.

VII. Governmental Services

- A. The Town of Cascade provides the area subject to annexation with the following services:
- | | |
|--------------|-----------------------------|
| 1. Water: No | 3. Street Maintenance: Yes |
| 2. Sewer: No | 4. Street improvements: Yes |
- B. The City of Rochester provides its residents 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
 8. Administrative services: Yes
 9. Other: Health Department
- C. Existing or potential environmental problems and the need for additional services to resolve these problems: the private sewer system is malfunctioning, and community sewer service is required.
- D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include:
- All services can be provided within a reasonable time.
- E. Services will be available to the annexed area within 3 years.

VIII. Tax Data

- A. In the City of Rochester:
- A. In the City of Rochester:
1. Mill rate in 1978 is 105.38.
 2. Bonded indebtedness in 1978 is \$6,885,000.
- B. In the Township of Cascade:
1. Mill rate in 1978 is (including all levies) approximately 90.
 2. Bonded indebtedness in 1978 is 0.
- C. In the area subject to annexation:
1. Mill rate in 1978 is (including all levies) approximately 90.
 2. Bonded indebtedness in 1978 is 0.

- IX. Is annexation to the City of Rochester the best alternative?
- A. Relationship and effect of the proposed annexation on area school districts and on adjacent communities: None
 - B. Adequacy of town government to deliver services to the area proposed for annexation: No utility service
 - C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? No
 - D. Present assessed valuation of proposed annexation area: \$19,700.
 - E. Can Cascade Township continue to function without the area subject to annexation? Yes
- X. The annexation is consistent with the joint agreement.

CONCLUSIONS OF LAW

- I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- II. 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.
- III. The existing township form of government is not adequate to protect the public health, safety, and welfare.
- IV. The annexation would be in the best interests of the area proposed for annexation.
- V. The annexation does not conflict with terms of the joint agreement.
- VI. Three years will be required to effectively provide full municipal services to the annexed area.
- VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

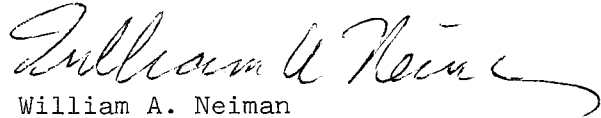
O R D E R

- I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Olmstead, State of Minnesota, be and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally made a part thereof:
- II. IT IS FURTHER ORDERED: That the mill levy of the City of Rochester on the property herein ordered annexed shall be increased substantitally equal proportions over a period of three years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is December 21, 1978.

Dated this 21st day of December, 1978.

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

A handwritten signature in cursive script, reading "William A. Neiman", with a long, sweeping flourish extending to the right.

William A. Neiman
Executive Director