

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Rosemary Ahmann	Ex-Officio Member
Douglas Krueger	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 CITY)	<u>AND ORDER</u>
OF ROCHESTER)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on June 4, 1979, at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Rosemary Ahmann and Douglas Krueger, ex-officio members of the Board. The City of Rochester appeared by and through Kenneth Moen, the Township of Cascade appeared by and through 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 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 March 16, 1979 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 Section 23, Township 107, Range 14, Olmsted County, Minnesota, described as follows:

Commencing at the center of Section 23, Township 107 North, Range 14 West; thence due South along the West line of the Southeast Quarter of said section a distance of 107 feet for a point of beginning; thence due West parallel to the North line of the Southwest Quarter of said section a distance of 332.01 feet; thence due North parallel to the West line of the Northeast Quarter of said section to a point located on the centerline of 37th Street N.W.; said point being located on the South line of the North half of the Northeast Quarter of said section; thence

due East along the South line of the North Half of the Northeast Quarter of said section to the center of Zumbro River; thence Southerly along the center of Zumbro River to its intersection with the South line of said section; thence due West along the South line of Section 23 to the Southwest corner of the Southeast Quarter of said section; thence due North along the West line of the Southeast Quarter of said section to the point of beginning.

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

IV. That the Minnesota Municipal Board on October 4, 1979 moved to decrease the area proposed for annexation to the following described property:

That part of Section 23, Township 107, Range 14, Olmsted County, Minnesota, described as follows:

Commencing at the center of Section 23, Township 107 North, Range 14 West; thence due South along the West line of the Southeast Quarter of said section a distance of 107 feet for a point of beginning; thence due West parallel to the North line of the Southwest Quarter of said section a distance of 332.01 feet; thence due North parallel to the West line of the Northeast Quarter of said section to a point located on the centerline of 37th Street N.W.; said point being located on the South line of the North half of the Northeast Quarter of said section; thence due East along the South line of the North Half of the Northeast Quarter of said section to the center of Zumbro River; thence Southerly along the center of Zumbro River to its intersection with the South line of said section; thence due West along the South line of Section 23 to the Southwest corner of the Southeast Quarter of said section; thence due North along the West line of the Southeast Quarter of said section to the point of beginning.

Except therefrom the following described property:

Starting at the Northeast (NE) corner of the Southwest Quarter of Section 23, Township 107N, Range 14W (Cascade Township) for a place of beginning, thence south along the east line of said Southwest Quarter a distance of 167 feet; thence west, along a line perpendicular to the east line of said quarter section a distance of 239.4 feet, thence north, along a line parallel to the east line of said quarter section, a distance of 267 feet, thence east to a point on the east line of the Northwest Quarter of Section 23, thence south to the point of beginning. Said property being located in Cascade Township, Olmsted County, Minnesota.

V. Geographic Features

- A. The reduced area subject to annexation is unincorporated and abuts the City of Rochester.
- B. The total area of the City of Rochester is 17.2 square miles.
The total reduced area of the territory subject to annexation is approximately 82 acres.
- C. The perimeter of the reduced area to be annexed is 62% bordered by the municipality.
- D. The natural terrain of the reduced area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: gently rolling terrain.

VI. 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 reduced area subject to annexation:

1. In 1970, there were 0 residents.
2. The present population is 0.

C. The Township of Cascade:

1. In 1976, there were 2760 residents.
2. By 2000, the projected population is 1,000.

VII. Development Issues

A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

a. In the City of Rochester:

1. Residential: 17948.1 acres
2. Institutional: 346 acres
3. Commercial: 1,094.6 acres
4. Industrial: 2,245.5 acres
5. Agricultural: 999.4 acres
6. Park and Open land: 6,374.9 acres

b. In the reduced area subject to annexation:

1. Institutional: 5 acres
2. Agricultural or vacant land 77 acres.

c. In the Township of Cascade:

1. Residential: 1,191.9 acres
2. Institutional: 40.3 acres
3. Commercial: 95.1 acres
4. Industrial: 112.6 acres
5. Agricultural: 10,379.8 acres
6. Park and Open land: 157.2 acres

B. Transportation:

1. The present transportation network is:

- a. In the City of Rochester: Federal, State and City Roads
- b. In the area subject to annexation: Federal, State and Township Roads

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
- c. Comprehensive Plan: to be adopted
- d. Capital Improvements Program: yes
- e. Fire Code: yes
- f. Building Inspector: yes
- g. Planning Commission: yes

2. In the Township of Cascade:
 - a. Zoning: provided by the County
 - b. Subdivision Regulations: provided by the County
 - c. Comprehensive Plan: provided by the County
 - d. Capital Improvements Program: provided by the County
 - e. Fire Code: provided by the County
 - f. Building Inspector: provided by the County
 - g. Planning Commission: provided by the County
3. In the County of Olmsted:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: yes
 - d. Official Map: no
 - e. Capital Improvements Program: yes
 - f. Fire Code: yes
 - g. Building Inspector: yes
 - h. Planning Commission: yes
4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VIII. Governmental Services

- A. The Town of Cascade provides the area subject to annexation with the following services:
 1. Water: no
 2. Sewer: no
 3. Fire protection and rating: yes
 4. Police protection: no
 5. Street improvements: yes
 6. Street maintenance: yes
 7. Recreational: no
 8. Administrative services: no
- B. The City of Rochester provides its residents with the following services:
 1. Water: yes
 2. Sewer: yes
 3. Fire protection and rating: yes
 4. Police protection: yes
 5. Street improvements: yes
 6. Street maintenance: yes
 7. Recreational: yes
 8. Administrative services: yes
- C. The City of Rochester provides the reduced area subject to annexation with the following services:
 1. Water: no
 2. Sewer: no
 3. Fire protection and rating: by contract with the Township
 4. Police protection: no
 5. Street improvements: no
 6. Street maintenance: no
 7. Recreational: no
 8. Administrative services: no
- D. There are no existing or potential environmental problems.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: development of improved transportation in the area and extension of sewer, water and police and fire protection.
- F. The following services will be available to the annexed area within three years: improved roads and sewer and water.

IX. Tax Base

- A. In the City of Rochester, the tax base includes the following:
- Residential property, commercial property, industrial property, agricultural property and parks and open land.
- B. In the Township of Cascade, the tax base includes the following:
- Residential property, commercial property, industrial property, agricultural land, and parks and open land.
- C. In the reduced area subject to annexation, the tax base includes the following:
- Industrial property, agricultural property, and vacant land.

X. Tax Data

- A. In the City of Rochester
1. Mill rate in 1979 is 23.877.
 2. Bonded indebtedness in 1978 was \$6,885,000.
- B. In the Township of Cascade:
1. Mill rate in 1979 is 4.679..
 2. Bonded indebtedness in 1978 was \$0.
- C. In the reduced area subject to annexation:
1. Mill rate in 1979 is 4.679.
 2. Bonded indebtedness in 1978 was \$0.
- D. Mill rate in the appropriate governmental units:
1. County in 1979 is 22.869 for the township and 21.263 for the City.
 2. School district in 1979 is 58.618.
 3. Township in 1979 is 4.679.

XI. Annexation to the City of Rochester is the best alternative.

- A. There is no effect on area school districts and on adjacent communities if the area is annexed.
- B. The town government is inadequate to deliver the services to the area proposed for annexation that it presently needs, namely sewer and water and the new road.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
- D. Present assessed valuation of the Town of Cascade: \$9,964,312
- Present assessed valuation of proposed annexation area: \$30,442
- New valuation of the Town of Cascade if entire reduced area is annexed: \$9,933,870.
- E. Cascade Township can continue to function without the area subject to annexation.

XII. The annexation is consitent 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 decreased area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Olmsted, 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:

That part of Section 23, Township 107, Range 14, Olmsted County, Minnesota, described as follows:

Commencing at the center of Section 23, Township 107 North, Range 14 West; thence due South along the West line of the Southeast Quarter of said section a distance of 107 feet for a point of beginning; thence due West parallel to the North line of the Southwest Quarter of said section a distance of 332.01 feet; thence due North parallel to the West line of the Northeast Quarter of said section to a point located on the centerline of 37th Street N.W.; said point being located on the South line of the North half of the Northeast Quarter of said section; thence due East along the South line of the North Half of the Northeast Quarter of said section to the center of Zumbro River; thence Southerly along the center of Zumbro River to its intersection with the South line of said section; thence due West along the South line of Section 23 to the Southwest corner of the Southeast Quarter of said section; thence due North along the West line of the Southeast Quarter of said section to the point of beginning.

Except therefrom the following described property:

Starting at the Northeast (NE) corner of the Southwest Quarter of Section 23, Township 107N, Range 14W (Cascade Township) for a place of beginning, thence south along the east line of said Southwest Quarter a distance of 167 feet; thence west, along a line perpendicular to the east line of said quarter section a distance of 239.4 feet, thence north, along a line parallel to the east line of said quarter section, a distance of 267 feet, thence east to a point on the east line of the Northwest Quarter of Section 23, thence south to the point of beginning. Said property being located in Cascade Township, Olmsted County, Minnesota.

II. 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.

III. IT IS FURTHER ORDERED: That the effective date of this order is November 13, 1979.

Dated this 13th day of November, 1979.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt
Executive Director