

A-1635, A-1636, A-1637,  
A-1638, and A-1639

# 21538  
O.D.

M E M O R A N D U M

We are ordering three and denying two annexations sought by the City of Rochester. With respect to the annexations granted the record shows that much of the land is already urban in nature. The remaining land, all held in small parcels, is about to become urban or suburban in nature. The land covered by the two annexations denied is rural in nature. The City has not sustained its burden of proof that this land is about to become urban or suburban in nature.

In reaching these decisions we have ruled that the proceedings are under Minnesota Statutes 1967, Chapter 414 as amended by Laws of Minnesota 1969, Chapter 1146. The proceedings were not initiated, insofar as the Commission is concerned, until all of the jurisdictional prerequisites had been met. Here, the jurisdictional requirements were fulfilled at the time that the objections were filed with the Commission, and this was after the effective date of the 1969 amendment. This ruling is not controlling as to our two denials, however, as the City failed to sustain its burden of proof under either the law in effect prior to the 1969 amendments, or the law as amended by the 1969 session of the legislature.

We have now disposed of 167 annexations and have pending 10 annexations to the City of Rochester. For several reasons the climate seems right for discussions of a long-range solution.

First. All parties are in agreement that the present piecemeal course is expensive, time consuming and frustrating.

Second. The growth of the greater Rochester area is continuing and is variously projected at 80,000 to 100,000 persons for 1985. There is a widely held feeling that the various units of government should be actively engaged in fruitful discussions and planning to cope with this growth.

21538

Third. The Rochester Olmsted Transportation Planning Study (ROTPS) has been completed and this study, which we understand has been accepted by the city and county, includes data on such things as population, land use and general development and should be of great value in projecting the governmental requirements of the area.

Fourth. The 1969 Legislature passed legislation which may provide the mechanism for reaching a long-term solution. We refer to the orderly annexation procedure. This would allow all affected townships and the City to discuss and agree on the ultimate boundaries of the City. The Commission could then order annexations within the area so agreed upon as the need arises and as the City shows its ability to provide the necessary services. The City would then assume the responsibility for long-term planning for the delivery of services to the agreed upon area. Residents of the annexed areas have their taxes increased to the municipal rate over a three-to-five year period as the services are increased.

Now is the time for town, city, and county officials to take the initiative to provide a master plan for orderly annexation of the areas surrounding the City of Rochester.

#21538  
STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED

MAY - 4 1970

*James A. Benson*  
Secretary of State

A-1636

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Member
Lawrence W. Schulz	Ex-Officio Member
Richard L. Towey	Ex-Officio Member

---

IN THE MATTER OF THE ANNEXATION OF)	FINDINGS OF FACT,
CERTAIN LANDS TO THE CITY OF )	CONCLUSIONS OF
ROCHESTER, MINNESOTA )	LAW AND ORDER

---

This proceeding under Minnesota Statutes 1967, Section 414.03, as amended, for the annexation to the City of Rochester, Minnesota, of certain real estate located in the Town of Cascade, Olmsted County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Olmsted County Courthouse in the City of Rochester, on November 6, 1969.

Robert W. Johnson, Chairman of the Commission presided at the hearing. Also in attendance were Robert Ford, Member, and Lawrence Schulz and Richard Towey, Olmsted County Board of Commissioners.

The City of Rochester was represented at the hearing by Gerald A. Swanson, City Attorney, and the Town of Cascade was represented by Franklin Michaels, its attorney.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, and all other evidence, the arguments of the counsel, and the files and records herein, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely, and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was posted, published, served and filed.

2. The area proposed for annexation contains approximately 111 acres as compared to the 8,552 acres in the City of Rochester. The area borders the north-central part of the City of Rochester and is bounded on the east by U. S. Highway No. 63 and a residential development known as Northern Heights, on the south by the Northbrook Shopping Center, on the west by a residential development known as Valhalla, and on the north by two residential developments known as Riverview Subdivision and Sehl's First and Second Subdivisions. The area is 85 per cent surrounded by the City limits.

3. The area proposed to be annexed contains approximately 56 residences and 2 commercial buildings. Approximately 90 per cent of the area surrounding the area proposed for annexation is platted and 68 acres in the area itself are platted into 44 lots. The remaining 43 acres of unplatted land in the area proposed for annexation are divided into 23 parcels under separate ownership. The largest unplatted parcel is 9 acres in size, and none of the unplatted parcels are used for agricultural purposes.

4. The population of the area proposed to be annexed is approximately 179 persons compared to approximately 52,800 in the City of Rochester.

5. The assessed valuation of the area proposed to be annexed is approximately \$124,600.00 as compared to approximately \$47,142,863.00 for the City of Rochester.

6. The City of Rochester is a rapidly expanding City of the second class having increased in population from 29,885 in 1950, to 40,663 in 1960, to 47,797 in 1965, and is now estimated to have a population of 52,880. On the basis of planning projections, a population in the range of 95,000 - 100,000 persons is forecast for the City of Rochester by 1985.

7. The area proposed to be annexed is in the same school district

as the City of Rochester and therefore the school levy in the area will not be affected by annexation.

8. The present mill rate for general ad valorem taxes levied against property in the area proposed to be annexed is 77.17 mills (1969) exclusive of the tax levy for schools. This mill rate is computed as follows:

Olmsted County (outside Rochester)	69.34
Cascade Township	<u>7.83</u>
Total	<u>77.17</u>

The present mill rate for general ad valorem taxes levied against property in the City of Rochester is 154.13 mills, exclusive of the tax levy for schools, and is computed as follows:

Olmsted County (inside Rochester)	66.46
City of Rochester	<u>87.67</u>
Total	<u>154.13</u>

The property taxes paid to the Town of Cascade by the area proposed to be annexed compared to the property taxes the area would have paid if it were a part of the City of Rochester in 1969 is as follows:

Township Taxes (1969)	\$975.62
City Taxes (estimated)	\$10,923.68

9. The Town of Cascade in which the area proposed to be annexed is situated, has no paid employees, other than a part-time clerk, operates no water or sanitary sewer facilities; provides no police protection; provides no fire protection, other than that which it may provide by contract with other governmental units; neither owns nor operates any park or recreation facilities; and retains no qualified personnel for present or long-range planning. The City of Rochester operates public water and sanitary sewer facilities; maintains an engineering department which provides complete engineering and street, water and sewer maintenance services; provides police and fire protection

with permanent paid employees; maintains a planning and building inspection department staffed by permanent paid employees; and owns and operates an extensive public park and recreation system. All of the foregoing services are available and adequate to serve the area proposed to be annexed.

10. The Olmsted County Public Health Engineer supervised tests of 27 domestic wells within the area proposed to be annexed and determined that 26 of the wells were contaminated. The Town of Cascade offers no governmental services for sewer and water in the area proposed to be annexed.

11. The City of Rochester has constructed water mains, water towers and sanitary sewers either in or adjacent to the area proposed to be annexed which are, with proper extension and connections, adequate to serve said area.

12. The area proposed to be annexed is urban in character.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The area proposed to be annexed is so conditioned and so located as to be properly subjected to municipal government of the City of Rochester.

3. The Township form of government is not adequate to cope with the problems of the area proposed to be annexed.

4. There is no need for the continuance of any Township government within the area proposed to be annexed.

5. Municipal government by the City of Rochester in the area proposed to be annexed is necessary and required to protect the public health, safety and welfare and to provide proper needed governmental services.

6. The City of Rochester is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area to be annexed.

7. The proposed annexation to the City of Rochester will not materially affect the capability of the Town of Cascade to continue its normal operation.

8. The annexation of the area to the City of Rochester would not be in the best interests of the area affected in the City of Rochester.

9. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Rochester, Minnesota, the real estate located in Olmsted County, Minnesota, described herein.

#### ORDER

IT IS HEREBY ORDERED: That the real estate situated in the County of Olmsted, State of Minnesota, described as follows 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:

Lands in the NE $\frac{1}{4}$  of Section 26, the S.E. $\frac{1}{4}$  of Section 23, the SW $\frac{1}{4}$  of Section 24 and the NW $\frac{1}{4}$  of Section 25, T107N, R14W described as follows: Commencing at the intersection of the Centerline of U.S. 63 North and the south line of the NE $\frac{1}{4}$  of Section 26, T107N, R14W for a place of beginning; Thence west along the south line of said NE $\frac{1}{4}$  to the centerline of the Zumbro River; thence northeasterly along the centerline of the Zumbro River to its intersection with the east line of the West one-half of the NE $\frac{1}{4}$  of Section 26, T107N, R14W; thence north along the east line of said west one-half to the north line of the NE $\frac{1}{4}$  of Section 26, T107N, R14W; thence east along the north line of the NE $\frac{1}{4}$  of said Section 26, to its intersection with the centerline of 3rd Ave. N.E. (East River Road); thence northeasterly along the centerline of 3rd Ave. N.E. to its intersection with the centerline of 24<sup>th</sup> St. N.E.; thence southeasterly along the centerline of 24<sup>th</sup> St. N.E. to its intersection with the centerline of U.S. 63 North; thence southwesterly along the centerline of said U.S. 63 North to the place of beginning, less Lots 10 and 17, Christensen-Sehl Subdivision.

Dated this 27<sup>th</sup> day of April, 1970  
MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
St. Paul, Minnesota

#21538  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY - 4 1970

*Joseph A. Johnson*  
Secretary of State

*Bruce Rasmussen*  
Bruce Rasmussen  
Executive Secretary

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Member
Lawrence W. Schulz	Ex-Officio Member
Richard L. Tovey	Ex-Officio Member

-----

IN THE MATTER OF THE RESOLUTION FOR THE )	
ANNEXATION OF CERTAIN LANDS TO THE CITY OF )	FINDINGS OF FACT,
ROCHESTER CONTAINING APPROXIMATELY 283.13 )	CONCLUSIONS OF
ACRES LOCATED IN AN AREA NORTHWESTERLY OF )	LAW AND ORDER
THE PRESENT CITY OF ROCHESTER )	

-----

The Resolution for annexation of the land described herein came on for a hearing before the Minnesota Municipal Commission at the Olmsted County Courthouse in the City of Rochester on the 6<sup>th</sup> day of November, 1969. Robert W. Johnson, Chairman, Robert J. Ford, Member, Lawrence W. Schultz and Richard L. Tovey, Olmsted County Board of Commissioners attended the hearing. Vice Chairman, Arthur R. Swan, disqualified himself from sitting on the matter. The City of Rochester was represented by Gerald A. Swanson, City Attorney, and the Board of Supervisors of the Town of Cascade was represented by Franklin Michaels, Esq.

The Commission having duly considered the testimony of the witnesses, and exhibits received in evidence and all the other evidence upon all the files and records being fully advised of the premises makes and enters the following:

FINDINGS OF FACT

I.

Due, timely and adequate legal notice of the Resolution and the hearing herein, including adjourned sessions thereof, was posted, published, served and filed.



II.

The area which was the subject matter of the Resolution is approximately 85% surrounded on three sides by the territorial limits of the City of Rochester.

III.

The area proposed to be annexed is not nor is it about to become urban or suburban in character.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceedings.

II.

The area proposed to be annexed is not now nor is it about to become urban or suburban in character.

O R D E R

IT IS HEREBY ORDERED: That the Resolution of the City of Rochester to annex the following described property in Olmsted County, Minnesota, should and hereby is denied without prejudice.

Commencing at a point that is 497.5 feet south of the N.W. corner of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 33, T107N, R14W for a place of beginning; Thence east parallel to the north line of the NW $\frac{1}{4}$  of Section 33 to a point on the east line of said NW $\frac{1}{4}$  of Section 33, thence north a distance of 497.5 feet to the N.E. corner of the N.W. $\frac{1}{4}$  of Section 33, thence east along the north line of the N.E. $\frac{1}{4}$  of Section 33 to the N.E. corner of the N.E. $\frac{1}{4}$  of Section 33, thence north along the east line of the S.E. $\frac{1}{4}$  of Section 28, T107N, R14W a distance of 660.4 feet, thence east along the north line of Valleyhigh Second Subdivision and Valleyhigh Replat to the S.W. corner of Sunset Terrace Second Addition, thence north along the west line of Sunset Terrace Second Addition to the S.E. corner of Lot 20, Block 3, Sunset Terrace Fourth Addition, thence northwesterly on the arc of a curve having a central angle of 17°-47'-53" and a radius of 553.59 feet a distance of 171.96 feet to the S.W. corner of Lot 20, Block 3, Sunset Terrace Fourth Addition, thence northeasterly along a radial line to

said curve a distance of 11.62 feet to the S.E. corner of Lot 19, Block 3, Sunset Terrace Fourth Addition, thence northwesterly on the arc of a curve having a central angle of  $14^{\circ}-27'-35''$  and a radius of 541.97 feet a distance of 136.78 feet to a point of tangency, thence northwesterly along the southwesterly line of Block 3, Sunset Terrace Fourth Addition a distance of 967.57 feet to the west line of the S.W. $\frac{1}{4}$  of Section 27, thence north along the east line of Section 28 to the centerline of 19<sup>th</sup> St. N.W.; thence west along the centerline of 19<sup>th</sup> St. N.W. to a point of curvature with the centerline of County State Aid Highway No. 4; thence northwesterly along a curve to the point of tangency; thence northwest along the centerline of County State Aid Highway No. 4 to its intersection with the west line of the N.E. $\frac{1}{4}$  of Section 28, T107N, R14W; thence south along the east line of the N.W. $\frac{1}{4}$  of Section 28 to the S.E. corner of the N.W. $\frac{1}{4}$  of Section 28, thence west along the south line of the NW $\frac{1}{4}$  of Section 28 to its intersection with the west line of the east half of the N.W. $\frac{1}{4}$  of Section 28, thence south along the west line of the east half of the S.E. $\frac{1}{4}$  of Section 28 and along the west line of the E $\frac{1}{2}$  of the N.W. $\frac{1}{4}$  of Section 33 to the place of beginning.

Dated this *27<sup>th</sup>* day of April, 1970

MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
St. Paul, Minnesota 55101

*Bruce Rasmussen*

Bruce Rasmussen  
Executive Secretary

# 21538

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

MAY - 4 1970

*Joseph L. Olson*  
Secretary of State

A-1637

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Member
Lawrence W. Schulz	Ex-Officio Member
Richard L. Towey	Ex-Officio Member

-----

IN THE MATTER OF THE RESOLUTION FOR THE )	
ANNEXATION OF CERTAIN LANDS TO THE CITY )	
OF ROCHESTER CONTAINING APPROXIMATELY 770.25 )	FINDINGS OF FACT,
ACRES LOCATED AND BOUNDED ON THE EAST BY THE )	CONCLUSIONS OF
MAIN PORTION OF THE CITY OF ROCHESTER AND ON )	LAW AND ORDER
THE WEST BY THE AREA IN ROCHESTER KNOWN AS )	
COUNTRY CLUB MANOR )	

-----

The Resolution for annexation of the land described herein came on for a hearing before the Minnesota Municipal Commission at the Olmsted County Courthouse in the City of Rochester on the 6<sup>th</sup> day of November, 1969. Robert W. Johnson, Chairman, Robert J. Ford, Member, Lawrence W. Schultz and Richard L. Towey, Olmsted County Board of Commissioners attended the hearing. Vice Chairman, Arthur R. Swan, disqualified himself from sitting on the matter. The City of Rochester was represented by Gerald A. Swanson, City Attorney, and the Board of Supervisors of the Town of Cascade was represented by Franklin Michaels, Esq.

The Commission having duly considered the testimony of the witnesses, and exhibits received in evidence and all the other evidence upon all the files and records being fully advised of the premises makes and enters the following:

FINDINGS OF FACT

I.

Due, timely and adequate legal notice of the Resolution and the hearing herein, including adjourned sessions thereof, was posted, published, served and filed.

II.

The area which was the subject matter of the Resolution is approximately 85% surrounded on three sides by the territorial limits of the City of Rochester.

III.

The area proposed to be annexed is not now nor is it about to become urban or suburban in character.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission duly acquired and now has jurisdiction over the within proceedings.

II.

The area proposed to be annexed is not now nor is it about to become urban or suburban in character.

O R D E R

IT IS HEREBY ORDERED: That the Resolution of the City of Rochester to annex the hereinbelow described property in Olmsted County, Minnesota, should and hereby is denied without prejudice:

TRACT 8: (Area from U.S. 52 to 35th Ave. NW and from 2nd St. SW to Chicago and Northwestern Railroad)

That part of Sect. 33 and 34, T107N, R14W described as follows:

Commencing at the S.E. corner of the S.E.  $\frac{1}{4}$  of Sect. 33, T107N, R14W for a place of beginning: Thence west along the south line of the S.E.  $\frac{1}{4}$  of Sect. 33 to its intersection with the S.E. corner of Lot A, Country Club Manor First Addition; thence north along the east line of Lot A, Country Club Manor First Addition a distance of 1924.14 ft.; thence due east along the north line of the public drainageway easement to its intersection with a line described as follows: (commencing at the N.E. corner of the S.W.  $\frac{1}{4}$  of Sect. 33, thence south along the east line of said quarter section a distance of 682.5 ft. to the point of beginning of the line to be described; thence westerly at a deflection angle of 74°-24'-30"

right a distance of 70.33 ft.; thence southwesterly at a deflection angle of  $18^{\circ}-34'$ -left  
 for a distance of 177.17 ft.) thence northeasterly along the previously described line to  
 a point that is 682.5 ft. south of the N.E. corner of the S.W. $\frac{1}{4}$  of Sect. 33; thence north  
 along the east line of the S.W. $\frac{1}{4}$  of Sect. 33 to the N.E. corner of said quarter section;  
 thence west along the north line of the S.W. $\frac{1}{4}$  of Sect. 33 a distance of 1112.7 ft.; thence  
 South  $50^{\circ}-16'$  West, 218.00 ft.; thence South  $58^{\circ}-30'$  West, 70.00 ft.; thence South  $71^{\circ}$ -West  
 94.00 ft.; thence South  $87^{\circ}$ -West, 100.00 ft.; thence North  $78^{\circ}$ -West, 100.00 ft.; thence  
 North  $65^{\circ}$ -West, 80.00 ft.; thence North  $53^{\circ}-30'$ -West, 80.00 ft.; thence North  $45^{\circ}$ -West,  
 155.32 ft. to the North line of said Southwest Quarter (SW $\frac{1}{4}$ ); thence west along the north  
 line of the S.W. $\frac{1}{4}$  of Sect. 33 to a point that is 14.78 ft. west to the N.W. corner of Lot  
 "A", Country Club Manor First Addition; thence northerly at a deflection angle of  $83^{\circ}-20'$ -  
 to the right a distance of 421.90 ft.; thence northerly at a deflection angle of  $1^{\circ}-17'-30''$ -  
 to the right a distance of 390.86 ft.; thence northeasterly at a deflection angle of  $79^{\circ}-$   
 $00'-30''$  to the right a distance of 89.65 ft. to the S.E. corner of Lot "A", Country Club  
 Manor Second Addition; thence north along the east line of said Lot "A" to the N.E. corner  
 of the N.W. $\frac{1}{4}$  of the S.W. $\frac{1}{4}$  of the N.W. $\frac{1}{4}$  of Sect. 33; thence east along the north line of the  
 N.E. $\frac{1}{4}$  of the S.W. $\frac{1}{4}$  of the N.W. $\frac{1}{4}$  of Sect. 33 to its intersection with the centerline of 7th  
 St. N.W.; thence northeasterly along the centerline of 7th St. N.W. to its intersection  
 with the south right-of-way line of the Chicago and Northwestern Railroad; thence south-  
 easterly along the south right-of-way line of Chicago and Northwestern Railroad to its  
 intersection with the east line of Sect. 33, T107N, R14W; thence north along the east line  
 of Sect. 33 to the north right-of-way line of the Chicago and Northwestern Railroad; thence  
 southeasterly along the north right-of-way line of the Chicago and Northwestern Railroad  
 to a point of said right-of-way line which is 393.1 ft. westerly from the intersection of  
 said right-of-way line and the East line of the N.W. $\frac{1}{4}$  of Sect. 34, T107N, R14W; thence  
 northeasterly a distance of 130.6 ft. to a point on the centerline of 7th St. N.W., which  
 is 344.3 westerly (measured along said road centerline) from the intersection of the center

line of said 7th St. N.W. with the east line of the N.W.  $\frac{1}{4}$  of Sect. 34, T107N, R14W; thence northwesterly along the centerline of 7th St. N.W. to a point of intersection with a north-south line that is parallel to and 110.0 ft. east of the east right-of-way line of 19th Ave. N.W. (now Valleyhigh Drive N.W.); thence north along said line to its intersection with a line that is perpendicular to the east right-of-way line of 19th Ave. N.W. (now Valleyhigh Drive N.W.) and 110.0 ft. north of the intersection of the north right-of-way line of 7th St. N.W. and the east right-of-way line of 19th Ave. N.W. (now Valleyhigh Drive N.W.); thence west to the east right-of-way line of 19th Ave. N.W. (now Valleyhigh Drive N.W.); thence north along the east line of 19th Ave. N.W. (now Valleyhigh Drive N.W.) to the S.W. corner of Lot 2, Hall's First Addition; thence east along the south line of said Lot 2 to the S.E. corner thereof; thence north along the east line of Lots 1 and 2, Hall's First Addition to a point that is 33 ft. south of the north line of Sect. 34; thence east along the south right-of-way line of 14th St. N.W. to the east line of the N.W.  $\frac{1}{4}$ , Sect. 34; thence north along the east line of the N.W.  $\frac{1}{4}$ , Sect. 34 to the north line of Sect. 34 (centerline of 14th St. N.W.); thence east along the north line of the N.E.  $\frac{1}{4}$  of Sect. 34 a distance of 392.0 ft. to the east right-of-way line of U.S. 52; thence southerly along the east right-of-way line of U.S. 52 a distance of 1132.69 ft. to a point that is 100.0 ft. east of the centerline of U.S. 52; thence southeasterly along the easterly right-of-way line of U.S. 52 a distance of 158.55 ft. to the north right-of-way line of 7th St. N.W.; thence southerly along U.S. 52 a distance of 186.19 ft. to the S.W. corner of Lot 8, Auditor's Plat "D" which is the north line of the Chicago and Northwestern Railroad; thence southeasterly along the south line of Lots 8, 7, and 6, Auditor's Plat "D" a distance of 431.6 ft. to the southeast corner of Lot 6, Auditor's Plat "D"; thence northeasterly along the east line of Lot 6, Auditor's Plat "D" to the centerline of 7th St. N.W.; thence northwesterly along the centerline of 7th St. N.W. to a point that is 175.15 ft. southeasterly of the east right-of-way line of U.S. 52; thence north parallel with the east line of U.S. 52 to the north right-of-way line of 7th St. N.W.; thence southeasterly along the north line of 7th St. N.W.

to the west line of Block 10, Gooding's Addition; thence southerly along the westline of Gooding's Addition to the centerline of 7th St. N.W.; thence northwesterly along the centerline of 7th St. N.W. to a point of intersection with the west line extended of Lot 1, Auditor's Plat "D"; thence southwesterly along the west line of said Lot 1 to the southwest corner of Lot 1, Auditor's Plat "D" which point is located on the northerly right-of-way line of the Chicago and Northwestern Railroad; thence southeasterly along the north right-of-way line of the Chicago and Northwestern Railroad to its intersection with the east line of the N.E.  $\frac{1}{4}$  of Section 34 which is the centerline of 11th Ave. N.W.; thence south along the east line of the N.E.  $\frac{1}{4}$  of Sect. 34 to the south right-of-way line of the Chicago and Greatwestern Railroad; thence northwesterly along the south right-of-way line of the Chicago and Greatwestern Railroad to the N.W. corner of Lot 14, Auditor's Plat "D"; thence south along the west line of said Lot 14 to the S.E. corner of Lot 13, Auditor's Plat "D"; thence northwesterly along the south line of Lot 13, Auditor's Plat "D" to the S.W. corner of Lot 13, Auditor's Plat "D"; thence north along the west line of Lot 13 to the N.W. corner of said Lot 13; thence northwesterly along the north line of Lot 12, Auditor's Plat "D" to a point that is 123.5 ft. northwesterly of the N.E. corner of Lot 12, Auditor's Plat "D"; thence southwesterly at a right angle to said north line a distance of 112.31 ft. to the north right-of-way line of 5th St. N.W.; thence northwesterly along the north right-of-way line of 5th St. N.W. to its intersection with the east right-of-way line of the U.S. 14-52 interchange as acquired by the Minnesota Highway Department; thence southwesterly along the east right-of-way line of said interchange to the south right-of-way line of the U.S. 14-52 interchange which is on the north line of Lot 19, Auditor's Plat "D"; thence northwesterly along the north line of said Lot 19 a distance of 138.27 ft.; thence southwesterly 261.16 ft.; thence southerly along the west line of said Lot 19 a distance of 258.05 ft. to the northeasterly line of the channel change of Cascade Creek; thence southwesterly along the northeasterly line of the channel change a distance of 9.4 ft.; thence

southwesterly at right angles to the northeasterly line of the channel change a distance of 50.0 ft. to the centerline of the channel change; thence southeasterly along a curve to the left having a degree of curve of  $14^{\circ}-30'$  and a central angle of  $2^{\circ}-53'-40''$  a distance of 19.92 ft. to the north line of the S.E.  $\frac{1}{4}$  of Sect. 34; thence west along the north line of the S.E.  $\frac{1}{4}$  of Sect. 34 to a point that is 93.75 ft. west of the northeast corner of Lot 23, Auditor's Plat "D"; thence south to a point on the north line of 4th St. N.W. (north line of Rochester Shopping Center Addition) that is 93.75 ft. west of the S.E. corner of Lot 23, Auditor's Plat "D"; thence west to the east right-of-way line of U.S. 14-52 which is the west line of the Rochester Shopping Center Addition; thence south along the west line of the Rochester Shopping Center Addition to the north line of 1st St. S.W. which is 384.16 ft. north of the south line of Sect. 34; thence east along the north line of 1st St. S.W. a distance of 389.5 ft. to the centerline of 16th Ave. S.W.; thence south along the centerline of 16th Ave. S.W. to the south line of 1st St. S.W.; thence west along the south line of 1st St. S.W. a distance of 389.5 ft. to the east right-of-way line of U.S. 14-52; thence north along the east right-of-way line of U.S. 52 to a point that is 364.82 ft. north of the south line of Sect. 34 (centerline 2nd St. S.W.); thence west to a point on the west right-of-way line of U.S. 14-52 that is 364.82 ft. north of the south line of Sect. 34 and 164.76 ft. east of the west line of the S.E.  $\frac{1}{4}$  of Sect. 34; thence north along the west right-of-way line of U.S. 14-52 a distance of 400.0 ft.; thence west a distance of 168.3 ft. to a point on the west line of the S.E.  $\frac{1}{4}$  of Sect. 34 (east line of West Zumbro Addition) that is 764.82 ft.

north of the south line of Sect. 34 (centerline of 2nd St. S.W.); thence north along the east line of West Zumbro Addition to the N.E. corner of said Addition; thence west along the north line of said Addition to its N.W. corner; thence south along the west line of said Addition to its S.W. corner the same being the south line of the S.W.  $\frac{1}{4}$  of Section 34 (centerline of 2nd St. S.W.); thence west along the south line of Sect. 34 to the S.W. corner of the S.W.  $\frac{1}{4}$  of Sect. 34, T107N, R14W, to the place of beginning.

Dated this 29<sup>th</sup> day of April, 1970

MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
St. Paul, Minnesota

*Bruce Rasmussen*

Bruce Rasmussen  
Executive Secretary

#21538  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY - 4 1970

*Joseph L. Johnson*  
Secretary of State



BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Lawrence W. Schulz	Ex-Officio Member
Richard L. Towey	Ex-Officio Member

-----

IN THE MATTER OF THE ANNEXATION OF )	FINDINGS OF FACT,
CERTAIN LANDS TO THE CITY OF )	CONCLUSIONS OF
ROCHESTER, MINNESOTA )	LAW AND ORDER

-----

This proceeding under Minnesota Statutes 1967, Section 414.03, as amended, for the annexation to the City of Rochester, Minnesota, of certain real estate located in the Town of Rochester, Olmsted County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Olmsted County Courthouse in the City of Rochester, on October 2, 1969.

Robert W. Johnson, Chairman of the Commission, presided at the hearing. Also in attendance were Arthur R. Swan, Vice Chairman, Robert J. Ford, Member, and Lawrence W. Schulz and Richard L. Towey, Olmsted County Board of Commissioners.

The City of Rochester was represented at the hearing by Gerald A. Swanson, City Attorney, and the Town of Rochester was represented by Franklin Michaels, its attorney.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, and all other evidence, the arguments of counsel, and the files and records herein, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely, and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was posted, published, served and filed.

2. The area proposed for annexation contains approximately 107 acres as compared to the 8,552 acres in the City of Rochester. The area is located along the south limits of the present City of Rochester. The area is bounded on the west and northwest by the Apache Mall Shopping Center and the Zumbro River, on the north by U.S. Highway Nos. 14-52 (Twelfth Street Southeast), on the east by a residential development known as Graham Addition, and on the south by suburban lands some of which are developed for residential purposes. The area is 80 per cent surrounded by the City of Rochester.

3. Of the 8,552 acres in the City of Rochester, there are approximately 395 acres of vacant, unplatted land available for development. This represents less than 5 per cent of the total land area in the City.

4. The area proposed to be annexed contains approximately 12 residences and no commercial buildings. Of the 107 acres, 3 acres have been platted into the Maple Lane Subdivision and the remaining 104 acres are divided into 6 parcels under separate ownership. The largest under one ownership is 37 acres. The area proposed to be annexed is used for residential purposes and limited agricultural use such as gardening.

5. The population of the area proposed to be annexed is approximately 38 persons compared to approximately 52,800 in the City of Rochester.

6. The assessed valuation of the area proposed to be annexed is approximately \$37,215.00 as compared to approximately \$47,142,863.00 for the City of Rochester.

7. The City of Rochester is a rapidly expanding city of the second class having increased in population from 29,885 in 1950, to 40,663 in 1960, to 47,797, in 1965, and is now estimated to have a population of 52,880. On the basis of planning projections, a population in the range of 95,000-100,000 persons is forecast for the City of Rochester by 1985. The City is world famous as a medical center and, in addition, has

experienced substantial industrial growth, including the establishment of an International Business Machines plant. The City of Rochester is also a thriving and growing commercial center as evidenced by the recent completion of the Apache Mall Shopping Center, the largest shopping center in Minnesota outside of the Twin Cities metropolitan area.

8. The area proposed to be annexed is in the same school district as the City of Rochester and therefore the school levy in the area will not be affected by annexation.

9. The present mill rate for general ad valorem taxes levied against property in the area proposed to be annexed is 85.13 mills (1969) exclusive of the tax levy for schools. This mill rate is computed as follows:

Olmsted County (outside Rochester)	69.34
Rochester Township	<u>15.79</u>
Total	85.13

The present mill rate for general ad valorem taxes levied against property in the City of Rochester is 154.13 mills, exclusive of the tax levy for schools, and is computed as follows:

Olmsted County (inside Rochester)	66.46
City of Rochester	<u>87.67</u>
Total	154.13

The property taxes paid to the Town of Rochester by the area proposed to be annexed compared to the property taxes the area would have paid if it were a part of the City of Rochester in 1969 is as follows:

Township Taxes (1969)	\$587.60
City Taxes (estimated)	\$2,751.26

10. The Town of Rochester in which the area proposed to be annexed is situated employs two full-time road maintenance men and a part-time clerk; operates a minimum of road maintenance equipment; operates no sanitary sewer or water facilities; provides no police protection;

provides no fire protection, other than that provided by contract with other governmental units; neither owns nor operates public park and recreation facilities other than a one-acre bird sanctuary; and, although it has a part-time voluntary citizens planning group, it retains no qualified personnel for present or long-range planning. The City of Rochester operates public water and sanitary sewer facilities; maintains an engineering department which provides complete engineering and street, water and sewer maintenance services; provides police and fire protection with permanent paid employees; maintains a planning and building inspection department staffed by permanent paid employees; and owns and operates an extensive public park and recreation system. All of the foregoing services are available and adequate to serve the area proposed for annexation.

11. The City of Rochester has constructed water mains, water towers, and sanitary sewers either in or adjacent to the area proposed to be annexed which are, with proper extension and connections, adequate to serve the area.

12. The expected increase in property taxes if the area is annexed to the City of Rochester will be proportionate to the benefits which will inure to the area by reason of such annexation.

13. The area proposed to be annexed is suburban in character and because of its proximity to residential and commercial development in the City of Rochester is about to become urban in character.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The area proposed to be annexed is so conditioned and so located as to be properly subjected to municipal government of the City of Rochester.

3. The Township form of government is not adequate to cope with the

problems of the area proposed to be annexed.

4. There is no need for the continuance of any Township government within the area proposed to be annexed.

5. Municipal government by the City of Rochester in the area proposed to be annexed is necessary and required to protect the public health, safety and welfare and to provide proper needed governmental services.

6. The City of Rochester is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area to be annexed.

7. The proposed annexation to the City of Rochester will not materially affect the capability of the Town of Rochester to continue its normal operation.

8. The annexation of the area to the City of Rochester would be in the best interests of the area affected in the City of Rochester.

9. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Rochester, Minnesota, the real estate located in Olmsted County, Minnesota and described herein.

#### ORDER

IT IS HEREBY ORDERED: That the real estate situated in the County of Olmsted, State of Minnesota, described as follows 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:

Lands in the NW $\frac{1}{4}$  of Section 11, T106N, R14W, described as follows:

Commencing at the southeast (S.E.) corner of the NW $\frac{1}{4}$  of Section 11, for a place of beginning; Thence west along the south line of said NW $\frac{1}{4}$  to a point that is 249.91 feet east of the S.W. corner of the N.W. $\frac{1}{4}$  thence N-26°-56'-00"-E a distance of 212.07 feet; thence N-6°-29'-15"-W a distance of 131.42 feet; thence N-2°-22'-10"-E a distance of 362.80 feet; thence N-23°-30'-15"-W a distance of 96.04 feet; thence N-28°-50'-30"-E a distance of 200.28 feet; thence N-47°-48'-25"-E a distance

of 271.43 feet; thence N-64°-23'-10"-E a distance of 272.79 feet; thence N-86°-42'-00"-E a distance of 400.88 feet; thence N-59°-27'-00"-E a distance of 33.30 feet to the north line of the southwest one quarter of the northwest one quarter of Section 11, Township 106 North, Range 14 West; Thence N-89°-10'-30"-E along said North line a distance of 39.06 feet; thence N-89°-10'-30"-E a distance of 293.62 feet; thence N-0°-06'-00"-W a distance of 291.08 feet; thence N-6°-20'-00"-W a distance of 327.15 feet; thence N-56°-12'-00"-W a distance of 907.35 feet to the south right-of-way line of trunk highway no. 14 and the intersection with the west line of the Apache Drive; thence N-89°-41'-00"-W along the south right-of-way line of Trunk Highway No. 14 a distance of 54.30 feet; thence north to the north line of the N.W.¼ of Section 11; thence east along the north line of the N.W.¼ of Section 11 to the N.E. corner of the N.W.¼ of Section 11; thence south to the place of beginning.

Dated this 29<sup>th</sup> day of April, 1970

MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
St. Paul, Minnesota

*Bruce Rasmussen*  
Bruce Rasmussen  
Executive Secretary

#21538  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY - 4 1970

*Joseph L. Peterson*  
Secretary of State

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Lawrence W. Schulz	Ex-Officio Member
Richard L. Towey	Ex-Officio Member

-----

IN THE MATTER OF THE ANNEXATION OF)	FINDINGS OF FACT,
CERTAIN LANDS TO THE CITY OF )	CONCLUSIONS OF
ROCHESTER, MINNESOTA )	LAW AND ORDER

-----

This proceeding under Minnesota Statutes 1967, Section 414.03, as amended, for the annexation to the City of Rochester, Minnesota, of certain real estate located in the Town of Rochester, Olmsted County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Olmsted County Courthouse in the City of Rochester, on October 2, 1969.

Robert W. Johnson, Chairman of the Commission, presided at the hearing. Also in attendance were Arthur R. Swan, Vice Chairman, Robert J. Ford, Member, and Lawrence W. Schulz and Richard L. Towey, Olmsted County Board of Commissioners.

The City of Rochester was represented at the hearing by Gerald A. Swanson, City Attorney, and the Town of Rochester was represented by Franklin Michaels, its attorney.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, and all other evidence, the arguments of counsel, and the files and records herein, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely, and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was posted, published, served and filed.

2. The area proposed for annexation contains approximately 54 acres as compared to the 8,552 acres in the City of Rochester. The area is a long narrow strip of land of irregular shape developed for commercial and industrial purposes extending from U.S. Highway Nos. 14-52 (12<sup>th</sup> Street Southeast) to 20<sup>th</sup> Street Southeast. The area is 98 per cent surrounded by the City of Rochester.

3. The area proposed to be annexed contains 13 industrial or commercial buildings. The area is basically composed of two areas - the Libby, McNeill & Libby canning plant, and a cluster of gasoline and petroleum oriented warehouses and a commercial establishment known as Oil City.

4. The area proposed for annexation has no resident population.

5. The assessed valuation of the area proposed to be annexed is approximately \$286,247.00 as compared to approximately \$47,142,863.00 for the City of Rochester.

6. The City of Rochester is a rapidly expanding city of the second class having increased in population from 29,885 in 1950, to 40,663 in 1960, to 47,797 in 1965, and is now estimated to have a population of 52,880. On the basis of planning projections, a population in the range of 95,000-100,000 persons is forecast for the City by 1985. Substantial industrial growth has occurred in the City of Rochester in the past decade, including the establishment of an International Business Machines plant. The City of Rochester is world famous as a medical center and is also a thriving and growing commercial center as evidenced by the recent completion of the Apache Mall Shopping Center, the largest shopping center in Minnesota outside of the Twin Cities metropolitan area.

7. The area proposed to be annexed is in the same school district as the City of Rochester and therefore the school levy in the area will not be affected by annexation.



8. The present mill rate for general ad valorem taxes levied against property in the area proposed to be annexed is 85.13 mills (1969) exclusive of the tax levy for schools. This mill rate is computed as follows:

Olmsted County (outside Rochester)	69.34
Rochester Township	<u>15.79</u>
Total	85.13

The present mill rate for general ad valorem taxes levied against property in the City of Rochester is 154.13 mills, exclusive of the tax levy for schools, and is computed as follows:

Olmsted County (inside Rochester)	66.46
City of Rochester	<u>87.67</u>
Total	154.13

The property taxes paid to the Town of Rochester by the area proposed to be annexed compared to the property taxes the area would have paid if it were a part of the City of Rochester in 1969 is as follows:

Township Taxes (1969)	\$4,519.84
City Taxes (estimated)	\$25,095.27

9. The Town of Rochester in which the area proposed to be annexed is situated employs two full-time road maintenance men and a part-time clerk; operates a minimum of road maintenance equipment; operates no sanitary sewer or water facilities; provides no police protection; provides no fire protection, other than that provided by contract with other governmental units; neither owns nor operates public park and recreation facilities other than a one acre bird sanctuary; and, although it has a part-time voluntary citizens planning group, it retains no qualified personnel for present or long-range planning. The City of Rochester operates public water and sanitary sewer facilities; maintains an engineering department which provides complete engineering and street, water and sewer maintenance services; provides police and fire protection

with permanent paid employees; maintains a planning and building inspection department staffed by permanent paid employees; and owns and operates an extensive public park and recreation system. All of the foregoing services are available and adequate to serve the area proposed to be annexed.

10. The City of Rochester has constructed water mains, water towers, and sanitary sewers either in or adjacent to the area proposed to be annexed which are, with proper extension and connections, adequate to serve the area.

11. The expected increase in property taxes if the area is annexed to the City of Rochester will be proportionate to the benefits which will inure to the area by reason of such annexation.

12. The area proposed to be annexed is urban in character.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The area proposed to be annexed is so conditioned and so located as to be properly subjected to municipal government of the City of Rochester.

3. The Township form of government is not adequate to cope with the problems of the area proposed to be annexed.

4. There is no need for the continuance of any Township government within the area proposed to be annexed.

5. Municipal government by the City of Rochester in the area proposed to be annexed is necessary and required to protect the public health, safety and welfare and to provide proper needed governmental services.

6. The City of Rochester is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area to be annexed.

7. The proposed annexation to the City of Rochester will not materially affect the capability of the Town of Rochester to continue its normal operation.

8. The annexation of the area to the City of Rochester would be in the best interests of the area affected in the City of Rochester.

9. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Rochester, Minnesota, the real estate located in Olmsted County, Minnesota, described herein.

#### O R D E R

IT IS HEREBY ORDERED: That the real estate situated in the County of Olmsted, State of Minnesota, described as follows 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:

Lands located in the NE $\frac{1}{4}$  of Section 11, T106N, R14W, and the NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of Section 12, T106N, R14W described as follows:  
Commencing at the S.W. corner of the S.W. $\frac{1}{4}$  of Sec. 12, T106N, R14W for a place of beginning; Thence north along the west line of the S.W. $\frac{1}{4}$  of Sec. 12 to its intersection with the south line of Golden Hill Industrial Addition; thence east along the south line of Golden Hill Industrial Addition to its intersection with the west right-of-way line of the Chicago and Great Western Railroad; thence northwesterly along the west right-of-way line of the Chicago and Great Western Railroad to the N.E. corner of Lot 1, Block 1, Golden Hill Industrial Addition; thence west along the north line of Lot 1, Block 1, Golden Hill Industrial Addition extended to the west line of the NW $\frac{1}{4}$  of Sec. 12 (centerline of 3rd Ave. S.E.); thence north along the west line of the NW $\frac{1}{4}$  of Sec. 12 to its intersection with the westerly right-of-way line of the Chicago and Great Western Railroad; thence northwesterly along the westerly right-of-way line of the Chicago and Great Western Railroad to the north line of the Olmsted County Fairgrounds; thence west along the north line of the Olmsted County Fairgrounds to the east right-of-way line of U. S. 63 South; thence south along the east right-of-way line of U. S. 63 to its intersection with the south line of the N.E. $\frac{1}{4}$  of Sect. 11, T106N, R14W (centerline of 16<sup>th</sup> St. S.E.); thence west to the centerline of U.S. 63 South; thence northerly along the centerline of U.S. 63 South to its intersection with the north line of Lot 15, Block 2,

Graham Second Addition if extended easterly; thence west along the north line of Lot 15, Block 2, Graham Second Addition extended to the west right-of-way line of U.S. 63 South; thence northerly along the west right-of-way line of U.S. 63 to the N.E. corner of Lot 16, Block 2, Graham Second Addition; thence east along the north line of Lot 16, Block 2, Graham Second Addition extended to the centerline of U.S. 63 South; thence northerly along the centerline of U.S. 63 South to a point that is 698.5 feet southerly of the north line of the N.E.  $\frac{1}{4}$  of Sect. 11, T106N, R14W; thence cast a distance of 809.88 feet to the west right-of-way line of the Chicago and Great Western Railroad; thence northwesterly along the west right-of-way line of the Chicago and Great Western Railroad a distance of 796.46 feet to the north line of the N.E.  $\frac{1}{4}$  of Sect. 11, T106N, R14W; thence east to the N.E. corner of the N.E.  $\frac{1}{4}$  of Sect. 11, T106N, R14W; thence south along the east line of the NE  $\frac{1}{4}$  of Sect. 11, to its intersection with the east right-of-way line of the Chicago and Great Western Railroad; thence southerly along the east right-of-way line to the south line of the S.W.  $\frac{1}{4}$  of Sect. 12, T106N, R14W; thence west to the place of beginning.

Dated this 29<sup>th</sup> day of April, 1970

MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
St. Paul, Minnesota 55101

*Bruce Rasmussen*

Bruce Rasmussen  
Executive Secretary

#21538  
STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED

MAY - 4 1970

*James L. Brown*  
Secretary of State