

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Gerald Tiedeman	Ex-Officio Member
U. J. Eichten	Ex-Officio Member

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IN THE MATTER OF THE ANNEXATION )  
OF CERTAIN LANDS TO THE CITY OF )  
ROCHESTER, MINNESOTA )

FINDINGS OF FACT,  
CONCLUSIONS OF  
LAW AND ORDER  
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This proceeding under Minnesota Statutes 1969, Sections 414.031 and 414.033 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 September 9, 1970.

Robert W. Johnson, Chairman of the Commission, presided at the hearing. Also in attendance were Gerald Tiedeman and U. J. Eichten, Olmsted County Board of Commissioners.

The City of Rochester was represented at the hearing by Gerald H. 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 property to be annexed abuts the City of Rochester, Minnesota; such property is not included in any other municipality; and such property does not exceed 200 acres in area.

3. David M. Hunt, R. James Dashow, Thomas C. Dashow, Dayton O. Davies, Robert E. Toddie, and Joseph J. Weichselbaum are all the owners of the property to be annexed and all of said owners signed the petition for annexation.

4. The area proposed for annexation contains approximately 46 acres as compared to 8,900 acres in the City of Rochester. The area is located southeast of the present City of Rochester limits at the southeast corner of the intersection of County State Aid Road No. 1 and 20th Street Southeast.

5. The area proposed to be annexed is undeveloped and is designated on the City of Rochester's land use plan for flood plain and multi-family residential use. Immediately to the southwest of the property there is a suburban residential development known as Southport containing 134 homes and approximately 500 residents, to the east of the area is the Pine Wood Grade School and seven homes, the City of Rochester lies to the north, and on the west is vacant land, Willow Creek, and agricultural land used by Libby McNeill's packing plant for waste irrigation.

6. The area proposed to be annexed has no population compared to approximately 51,568 in the City of Rochester.

7. The assessed valuation of the area proposed to be annexed is approximately \$3,556.00 as compared to approximately \$49,618,468.00 for the City of Rochester. The assessor's 1970 market value for said area is \$32,004.00 as follows: 6 acres at \$3,000.00; 7 acres at \$1,000.00; 8 acres at \$500.00; and 22 acres at \$150.00; and 3 acres

used for street purposes.

8. 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 the estimated population for 1970 is 51,568.

9. 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.

10. The present mill rate for general ad valorem taxes levied against property in the area proposed to be annexed is 84.50 mills (1970) exclusive of the tax levy for schools. This mill rate is computed as follows:

Olmsted County (outside Rochester)	66.30
Rochester Township	<u>18.20</u>
Total	84.50

The present mill rate for general ad valorem taxes levied against property in the City of Rochester is 149.90 mills, exclusive of the tax levy for schools, and is computed as follows:

Olmsted County (inside Rochester)	64.00
City of Rochester	<u>85.90</u>
Total	149.90

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 1970 is as follows:

Town Taxes (1970)	62.52
City Taxes (estimated)	103.12

11. The present bonded indebtedness is \$13,924,000.00 for the City

of Rochester compared with no bonded indebtedness for the Town of Rochester.

12. 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; does not operate any sanitary sewer or water facilities; provides no police protection; provides no fire protection other than that provided by contract with the City of Rochester; neither owns nor operates public parks and recreation facilities other than a one acre bird sanctuary; and although it has a part-time voluntary planning group, it retains no qualified personnel for present or long range planning. Planning, zoning and subdivision regulations are provided by the County of Olmsted. 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.

13. The owners of the area proposed for annexation desire to develop it for multi-family residential use and there will be need for central sewer and water service which can be provided by the City of Rochester.

14. 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.

15. The area to be annexed is suburban 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 and of the City of Rochester.

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

O R D E R

IT IS HEREBY ORDERED: That the property 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:

That part of the Northeast Quarter (NE-1/4) of Section Thirteen (13), Township One Hundred Six (106)N. Range Fourteen (14) W., lying East of the road, except commencing at the Northeast corner of Section Thirteen (13), thence West on the North line of said Section 1054.8 Feet to the center of the public road for a place of beginning, thence East along said North line 195.33 Feet, thence South  $70^{\circ} 36'$  East 450 Feet, thence West 195.33 Feet to the center line of the public road, thence North  $70^{\circ} 36'$  West 450 Feet along the center said road to the place of beginning; and except .31 acres for school; and except commencing at a point in the East line of said Section Thirteen (13), which is 15.22 Feet North of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE-1/4, NE-1/4, NE-1/4) of said Section, thence North  $80^{\circ} 7'$  West 77.88 Feet for a place of beginning, thence South 172.92 Feet, thence South  $80^{\circ} 7'$  East 77.88 Feet to the East line of said Section, thence South 175.59 Feet, thence North  $80^{\circ} 7'$  West 126.92 Feet, thence North 348.51 Feet, thence South  $80^{\circ} 7'$  East 49.04 Feet to the place of beginning.

Dated this 17th day of December, 1970

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

*Bruce Rasmussen*

Bruce Rasmussen  
Executive Secretary

#21982  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 28 1970

*James L. Johnson*  
Secretary of State