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STATE OF MINNESOTA
MUNICIPAL BOARD
Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

Phone: 296-2428

August 11, 1978

Mr. Mark Winkler
Deputy Secretary of State
State Office Building
Saint Paul, Minnesota

Re: Municipal Board Docket Number OA-122-6 Rochester/Cascade
Resolution 247-78

Dear Mr. Winkler:

The subject order of the Minnesota Municipal Board makes the following changes in the population of the named units of government:

The population of City of Rochester

is increased by (no change)

The population of Township of Cascade

is decreased by (no change)

A new municipality named _____

has been created with a population of _____

The _____

has been dissolved.

Official date of the Order August 11, 1978 Effective date: August 7, 1978

C.C. Mr. Wallace O. Dahl
Director
Tax Research Division
205 Centennial Bldg.

Hazel Reinhardt
State Demographer
101 Capitol Square Bldg.

Mr. Arthur C. Roemer
Department of Revenue
201 Centennial Bldg.

Patricia D. Lundy
Assistant Executive Director

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 16 1978
Secretary of State
#31617D

OA-122-6 Rochester/Cascade

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
Richard Chase	Ex-Officio Member

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 16 1978
John Andrew Howe
Secretary of State
#31617

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 June 12, 1978, at Rochester, Minnesota. The hearing was conducted by William A. Neiman, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Douglas Krueger and Richard Chase, ex-officio members of the Board. The City of Rochester appeared by and through Gerald Swanson, the township was represented by George Farnham, and the petitioner appeared by and through Terry Maus. 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. 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, Rochester, on June 12, 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:

> Lot 9, Auditor's Plat "D", Olmsted County, Minnesota; and that part of Lot 12, Auditor's Plat "D" lying westerly of a line commencing at a point on the northerly line of said Lot 12, which is 104 feet northwesterly of the Northeast corner of said Lot 12, and extending southwesterly at right angles to said northerly line of said Lot 12, to the southerly boundary of said Lot 12 and there terminating, according to the plat thereof on file and of record in the office of the County Recorder in and for said County.

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 16.75 miles. The total area of the territory subject to annexation is 1/2 acre.

C. The perimeter of the area to be annexed is 55% bordered by the municipality.

D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: vacant land.

IV. Population Data

A. The City of Rochester:

1. In 1970, there were 53,766 residents.
2. The present estimated population is 59,317
3. By 2000, the projected population is 85,130.

B. The area subject to annexation:

1. In the past, there were 0 residents.
2. The present estimated population is 0.
3. The projected population is 0.

V. 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: all uses.

b. In the area subject to annexation:

1) Residential:	0 acres	4) Industrial:	0 acres
2) Institutional:	0 acres	5) Agricultural:	0 acres
3) Commercial:	0 acres	6) Vacant land:	1/2 acre

c. In the Township of Cascade: unknown.

2. Area Being Developed

a. In the City of Rochester: unknown.

b. In the area subject to annexation: no areas being immediately developed.

c. In the Township of Cascade: unknown.

3. Area Remaining for Various Uses

a. In the City of Rochester: unknown.

b. In the area subject to annexation:

1) Residential:	0 acres	4) Industrial:	1/2 acre
2) Institutional:	0 acres	5) Agricultural:	0 acres
3) Commercial:	0 acres		

c. In the Township of Cascade: unknown.

B. Transportation

1. The present transportation network is unknown.

2. Potential transportation issues are unknown.

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 - Yes
d. Official Map - Unknown
e. Capital Improvements Program - Unknown
f. Fire Code - Unknown
g. Building Inspector - Unknown
h. Planning Commission - Yes

2. In the Township of Cascade:

a. Zoning - Yes, by County.
b. Subdivision Regulations - Yes, by orderly annexation agreement.
c. Comprehensive Plan - Yes, by County.
d. Official Map - Unknown
e. Capital Improvements Program - Unknown
f. Fire Code - Unknown
g. Building Inspector - Unknown
h. Planning Commission - Unknown

3. In the County of Olmsted:

a. Zoning - Yes
b. Subdivision Regulations - Unknown
c. Comprehensive Plan - Yes
d. Official Map - Unknown
e. Capital Improvements Program - Unknown
f. Fire Code - Unknown
g. Building Inspector- Unknown
h. Planning Commission - Unknown

4. The Metropolitan Council provides the following planning and land use services: (Not applicable)

5. 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 with either Rochester's or Olmsted County's comprehensive plan.

VI. 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 - No
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. Existing or potential environmental problems and the need for additional services to resolve these problems: none.

D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: all governmental services can be provided within a reasonable time.

E. Services will be available to the annexed area within 3 years.

VII. 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 public utilities.

C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? No.

D. Can Cascade Township continue to function without the area subject to annexation? Yes.

VIII. The annexation is consistent with the joint agreement.

CONCLUSIONS OF LAW

IX. Fiscal Data

A. Mill Rates: City of Rochester: 105.25
Cascade Township: 88.24 (School District 535)
90.82 (School District 531)

B. Bonded Indebtedness: City of Rochester: $6,885,000
School District 535: $11,302,000
Cascade Township: None

C. Assessed Valuation of the Property proposed for annexation: $30,285

CONCLUSIONS OF LAW

1. 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 a term 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 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:

> Lot 9, Auditor's Plat "D", Olmsted County, Minnesota; and that part of Lot 12, Auditor's Plat "D" lying westerly of a line commencing at a point on the northerly line of said Lot 12, which is 104 feet northwesterly of the Northeast corner of said Lot 12, and extending southwesterly at right angles to said Lot 12 and there terminating, according to the plat thereof on file and of record in the office of the County Recorder in and for said County.

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 August 7, 1978.

Dated this 11th day of August, 1978

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

William A. Neiman
Executive Director