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STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

January 9, 1979

c/o Donna Scott
Mr. Mark Winkler
Deputy Secretary of State
State Office Building
Saint Paul, Minnesota

Re: Municipal Board Docket Number OA-122-8

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 Town 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 December 22, 1978. effective date Dec. 22, 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
JAN 11 1979
Joan Anderson Growe
Secretary of State

#31909 O.D.

OA-122-8
City of Rochester
Town of Cascade

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
Douglas Krueger	Ex-Officio Member

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 November 27, 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 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 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 20, 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 South Half of Northeast Quarter of Southwest Quarter of Section 9, Township 107, Range 14, Olmsted County, Minnesota, lying easterly from the right of way line of Minnesota Trunk Highway 52, more exactly described as follows:
>
> Beginning at the Southeast corner of said Northeast Quarter of Southwest Quarter of Section 9; thence North 0°03'02" West (for purposes of this description bearings are assumed), along the East line of said Northeast Quarter of Southwest Quarter, a distance of 652.08 feet to the North line of said South Half of Northeast Quarter of Southwest Quarter of Section 9; thence South 89°15'15" West,

along said North line, 339.18 feet to the easterly right of way line of Minnesota Trunk Highway 52; thence South 5°57'10" East, along said right of way line, a distance of 53.30 feet to a point of tangency with a spiraleasement curve; thence southerly along said spiral easement curve, concave easterly (Northbound centerline spiral curve data: centerline offset = 75.00 feet, spiral angle = 1°07'30"; length of spiral curve = 150.00 feet), a distance along said spiral curve = 150.00 feet), a distance along said spiral curve of 148.52 feet (chord bearing and distance = South 6°19'31" East, 148.52 dwwr) to a point of tangency; thence southerly along said right of way line, along a curve, concave easterly (curve data: delta angle = 7°00'49"; radius = 3744.72 feet; chord bearing and distance = South 10°35'05" East, 458.11 feet) an arc distance of 458.39 feet to the South line of said Northeast Quarter of Southwest Quarter of Section 9; thence North 89°11'54" East, along said South line, 233.70 feet to the point of beginning.

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

IV. Geographis 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 17.2 square miles. The total area of the territory subject to annexation is 10 acres.

C. The perimeter of the area to be annexed is bordered by the municipality by a small percentage.

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:

1. The present estimated population is 0.

2. By 2000, the projected population is 0.

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. <u>Area in Use</u>

a. In the City of Rochester:

1. Residential: Approximately 18,000 acres

2. Institutional: 346 acres

3. Commercial: Approximately 1,300 acres

4. Industrial: 2,245 acres

5. Agricultural: 999.4 acres

6. Vacant Land: 6,374 acres, including park and open space

b. In the area subject to annexation

1. Residential: 0 acres

2. Institutional: 0 acres

3. Commercial: 0 acres

4. Industrial: 0 acres

5. Agricultural: 0 acres

6. Vacant land: 10 acres; plans include construction of office facilities

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. Vacant land: 157.2 acres including park and open space.

B. Transportation

1. The present transportation network is: the property abuts Highway #52 without access.

2. Potential transportation issues include: A direct private access road will be connected with a frontage road.

C. Land use controls and planning including comprehensive plans, in the city and and 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? Immediate commercial development is anticipated which is consistent with planning for the area.

VII. Governmental Services

A. The Town of Cascade provides the area subject to annexation with the following services:

1. Water: No
2. Sewer: No
3. Street Maintenance: Yes
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: None

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. The following services will be available to the annexed area within 3 years.

VIII. Tax Data

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: No

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. 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 surburban 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 in Findings of Fact II 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 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 substanitally 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 22, 1978.

Dated this 22nd day of December, 1978

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

William A. Neiman
Executive Director

State of Minnesota

Proclamation

WHEREAS: Agriculture is Minnesota's largest industry, contributing vitally to the State's economy and to the nutrition of the world; and

WHEREAS: Minnesota's agricultural industry produces a wide variety of high quality foods; and

WHEREAS: Minnesota's youth is one of our most important assets; and

WHEREAS: Good nutrition is essential to building sound bodies and minds for all Minnesota's school children; and

WHEREAS: Minnesota's School Lunch Program provides an important market for Minnesota foods; and