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STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101
September 8, 1980

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

RE: Municipal Board Docket Number OA-122-16 Rochester

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 September 8, 1980, effective date September 8, 1980

C.C. Commissioner
Department of Revenue
c/o Wallace O. Dahl, Director
Tax Research Division
205 Centennial Building

Patricia D. Lundy
Patricia D. Lundy
Assistant Executive Director

R. Thomas Gillaspy, Ph.D.
State Demographer
101 Capitol Square Building

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 11 1980

Joan Anderson Howe
Secretary of State
#32982
O.D.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 11 1980
John Anderson Howe
Secretary of State

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
James Daley	Ex-Officio Member
Douglas Krueger	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF ROCHESTER AND THE)
TOWN OF CASCADE 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 August 8, 1980, at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.0., Subd. 12. Also in attendance were County Commissioners Douglas Krueger and James Daley, ex-officio members of the Board. The City of Rochester appeared by and through Liz Rosinski, the Township of Cascade appeared by and through George Franham. Testimony was heard, and records and exhibits were recieved.

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 June 5, 1980 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:

Commencing at the Southeast corner of said Southwest Quarter; thence North 00 degrees 20 minutes 20 seconds West, assumed bearing along the East line of said Southwest Quarter, 1315.71 feet, to the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 15; thence South 89 degrees 57 minutes 46 seconds West, along the South line of said Quarter Quarter section, 706.10 feet, for a point of beginning; thence continue South 89 degrees 57 minutes 46 seconds West, along said South line, 613.87 feet, to the Southwest corner of said Quarter Quarter section; thence North 00 degrees 17 minutes 41 seconds West, along the West line of said Quarter Quarter section, 310.64 feet; thence North 67 degrees 24 minutes 36 seconds East, 133.69 feet; thence North 50 degrees 02 minutes 52 seconds East, 140.00 feet; thence South 39 degrees 57 minutes 08 seconds East, 10.01 feet; thence North 67 degrees 16 minutes 34 seconds East, 140.07

feet; thence Southeasterly 148.42 feet, along a nontangential curve concave to the Northeast central angle of 24 degrees 48 minutes 48 seconds, radius of 342.71 feet; and the chord of said curve bears South 35 degrees 07 minutes 50 seconds East, 147.26 feet; thence South 47 degrees 32 minutes 14 seconds East, 57.69 feet; thence South 42 degrees 27 minutes 46 seconds West, 123.73 feet; thence South 39 degrees 42 minutes 15 seconds East, 321.40 feet to the point of beginning.

Containing 4.62 Acres more or less.

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 approximately 17.2 square miles. The total area of the territory subject to annexation is 4.62 acres.
- C. The perimeter of the area to be annexed is approximately 46% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is:
level farmland consisting of loamy to sandy loam soils.

V. Population Data

- A. The City of Rochester:
 - 1. In 1970, there were 53,766 residents.
 - 2. The present estimated population is 59,770.
 - 3. By 2000, the projected population is 85,130.
- B. The area subject to annexation:
 - 1. The present 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, 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: 13,763.9 acres
 - 2. Institutional: 346 acres
 - 3. Commercial: 1,094.6 acres
 - 4. Industrial: 2,245.5 acres
 - 5. Agricultural: 999.4 acres
 - 6. Park & Open land: 6,374.9 acres

b. In the Township of Cascade:

- | | |
|-------------------------------|------------------------------------|
| 1. Residential: 2,391.9 acres | 4. Industrial: 112.6 acres |
| 2. Institutional: 20.3 acres | 5. Agricultural: 10,379.8 acres |
| 3. Commercial: 95.1 acres | 6. Park and Open land: 157.2 acres |

c. In the area subject to annexation: 4.62 acres of farm land

2. Area Remaining for Various Uses

A. In the area subject to annexation: the area is zoned and planned for low density residential use

B. Transportation:

1. The present transportation network is:

- a. In the City of Rochester: Federal, State, County and City Roads
- b. In the area subject to annexation: Township, County and City 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. Capital Improvements Program: yes
- d. Fire Code: yes
- e. Building Inspector: yes
- f. Planning Commission: yes

2. In the Township of Cascade. The County of Olmsted provides Land Planning services to the township

3. In the County of Olmsted:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Capital Improvements Program: yes
- d. Fire Code: yes
- e. Building Inspector: yes
- f. Planning Commission: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VII. Governmental Services

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

- 1. Fire protection and rating: yes
- 2. Street improvements: yes

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 area subject to annexation with the following services:

- 1. Fire protection and rating: by Contract with the Township

- D. Potential environmental problems and the need for additional services to resolve these problems: the area proposed for annexation near a river and City sewer and water would prevent potential pollution problems.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: extension of sewer and water.
- F. The following services will be available to the annexed area within three years: sewer and water, police and fire protection.

VIII. Tax Base

- A. In the City of Rochester, the tax base includes the following properties that have a combined assessed valuation of \$262,719,270: Residential property, commercial property, industrial property, agricultural property, parks and open land and non-taxable property
- B. In the Township of Cascade, the tax base includes the following: Residential property, commercial property, industrial property, agricultural land, vacant land, and non-taxable property
- C. In the area subject to annexation, the tax base includes the following: agricultural property

IX. Tax Data

- A. In the City of Rochester:
 - 1. Mill rate in 1980 is 24.309.
 - 2. Bonded indebtedness in 1979 was \$8,885,000..
- B. In the Township of Cascade:
 - 1. Mill rate in 1980 is 4.519.
 - 2. Bonded indebtedness in 1979 was 0.
- C. In the area subject to annexation:
 - 1. Mill rate in 1980 was 4.519.
 - 2. Bonded indebtedness in 1979 was -0-.
- D. Mill rate in the respective governmental units:
 - 1. County in 1980 is 21.308 for the City of Rochester and 22.777 for the Town of Cascade.
 - 2. School district in 1980 is 55.608.
 - 3. Township in 1980 is 4.519.

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

- A. There will be no effect on area school districts and on adjacent communities if the proposed annexation is approved.
- B. The town government is not adequate to deliver needed services to the area proposed for annexation.
- C. The necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality other than Rochester.
- D. Present assessed valuation of the Town of Cascade: \$10,999,113.

Present assessed valuation of proposed annexation area: \$1,010.39.

New valuation of the Town of Cascade if entire area is annexed: \$10,998,103.
- E. Cascade Township can continue to function without the area subject to annexation.

XI. 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 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 is consistent 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.

ORDER

- 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:

Commencing at the Southeast corner of said Southwest Quarter; thence North 00 degrees 20 minutes 20 seconds West, assumed bearing along the East line of said Southwest Quarter, 1315.71 feet, to the Southeast corner of the Northeast Quarter of the Southwest Quarter of said Section 15; thence South 89 degrees 57 minutes 46 seconds West, along the South line of said Quarter Quarter section, 706.10 feet, for a point of beginning; thence continue South 89 degrees 57 minutes 46 seconds West, along said South line, 613.87 feet, to the Southwest corner of said Quarter Quarter section; thence North 00 degrees 17 minutes 41 seconds West, along the West line of said Quarter Quarter section, 310.64 feet; thence North 67 degrees 24 minutes 36 seconds East, 133.69 feet; thence North 50 degrees 02 minutes 52 seconds East, 140.00 feet; thence South 39 degrees 57 minutes 08 seconds East, 10.01 feet; thence North 67 degrees 16 minutes 34 seconds East, 140.07 feet; thence Southeasterly 148.42 feet, along nontangential curve concave to the Northeast central angle of 24 degrees 48 minutes 48 seconds, radius of 342.71 feet, and the chord of said curve bears South 35 degrees 07 minutes 50 seconds East, 147.26 feet; thence South 47 degrees 32 minutes 14 seconds East, 57.69 feet; thence South 42 degrees 27 minutes 46 seconds West, 123.73 feet; thence South 39 degrees 42 minutes 15 seconds East, 321.40 feet to the point of beginning..

Containing 4.62 Acres more or less.

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 September 8th, 1980.

Dated this 8th day of September, 1980

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director

#32982