An Equal Opportunity Employer

Phone: 296-2428

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

January 15, 1981

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

RE: Municipal Board Docket Number OA-122-17 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 12/31/80, effective date 1/1/81

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

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

Patricia D. Lundy
Assistant Executive Director

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 16 1981
Joan Anderson Growe
Secretary of State
#33179 O.D

OA-122-17 Rochester

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Douglas Krueger	Ex-Officio Member
Rosemary Ahmann	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 November 21, 1980, at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was County Commissioner Douglas A. Krueger, ex-officio member of the Board. The City of Rochester appeared by and through Liz Losinski, the Township of Cascade appeared by and through George Farnham, Town Board Chairman. 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 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 September 25, 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:

> That part of the East one-half of the Northeast Quarter of Section 17, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:
>
> Commencing at the Northwest corner of the East one-half of the Northeast quarter of said Section 17; thence N 89°12' E, assumed bearing, along the North line of said Northeast Quarter for a distance of 82.50 feet; thence S 00°16' W for a distance of 260.00 feet to the POINT OF BEGINNING; thence S 35°28' W for a distance of 142.80 feet to the West line of said East one-half of the Northeast

Quarter; thence S 00°14'27" W along said West line to a point in the Northeasterly right of way line of the Chicago and Northwestern Railroad (now abandoned); thence S 54°32' E along said right of way line for a distance of 99.94 feet; thence N 00°16' E for a distance of 1627.82 feet to the POINT OF BEGINNING. Containing 2.90 acres more or less.

Also, beginning at the Southwest corner of the East one-half of the Northeast Quarter of said Section 17, thence N 0°14'27" E along the West line of said East one-half to a point in the Southwesterly right of way line of the Chicago and Northwestern Railroad (now abandoned); thence S 54°32' E along said Southwesterly right of way line for a distance of 92.49 feet; thence S 7°21' W for a distance of 610.50 feet to the point of beginning. Containing 0.57 acres more or less.

Also, beginning at the Southeast corner of the North one-half of said Section 17; thence North 00°28' East along the East line of said Section 17 a distance of 2120.25 feet; thence North 76°45' West a distance of 1263.00 feet; thence South 00°16' West a distance of 1714.82 feet to a point on the Northerly right of way line of the Chicago and Northwestern Railroad (now abandoned); thence Southeasterly along said right of way line to its intersection with the South line of said North one-half of said Section 17; thence North 88°45' East, assumed bearing, along said South line of the North one-half a distance of 565.58 feet to the point of beginning. Containing 56.7 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 17.2 miles. The total area of the territory subject to annexation is 60.17 acres.

C. The perimeter of the area to be annexed is 26% bordered by the municipality.

D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: prime farmland but various portions of said land are susceptible to rare seasonal flooding and other portions are susceptible to frequent seasonal flooding dependent upon the soil type.

V. Popualtion Data

A. The City of Rochester:

1. In 1970, there were 53,766 residents.

2. The present population as of 1979 is 59,770.

3. By 2000, the projected population is 85,130.

B. The area subject to annexation is vacant land with no resident population.

C. The Township of Cascade:

1. In 1976, there were 2,760 residents.

2. By 2000, the projected population is 1,000 since much of the township's population is in areas projected for annexation.

VI. Development Issues

A. The pattern of physical development, including land already in use:

a. In the City of Rochester:

1. Single family: 11,843.9 acres
2. Medium Density: 1,920.0 acres
3. Commercial: 1,094.6 acres
4. Industrial: 2,245.5 acres
5. Agricultural: 999.4 acres
6. Park-Open Space: 6,374.9 acres
7. Community Facilities: 346.0

b. In Cascade Township:

1. Single family: 1,191.9 acres
2. Commercial: 95.1 acres
3. Suburban Density: 1,200.0 acres
4. Industrial: 112.6 acres
5. Agricultural: 10,379.8 acres
6. Park-Open Space: 157.2 acres
7. Community Facilities: 40.3 acres

c. In the area subject to annexation:

1. Institutional: 35.92 acres
2. 24.25 acres of land being planned for residential development presently farmed.

B. Transportation:

1. The present transportation network is:

a. In the City of Rochester: City, State, County and Federal roads
b. In the area subject to annexation: City and Township roads

C. Land use controls and planning in use in the city and the area subject to annexation:

1. In the City of Rochester:

a. Zoning: yes
b. Subdivision regulations: yes
c. Land Use Plan: yes
d. Capital Improvements Program: yes
e. Fire Code: yes
f. Building Inspector: yes
g. Planning Commission: yes

2. In the County of Olmsted:

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

3. In the Township of Cascade: majority of the services, in terms of land use control and planning are provided as part of the county-wide program. Cascade Township does not have separate zoning, subdivision, or land use controls at this time.

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
   3. Street maintenance: yes, through a maintenance agreement with the City of Rochester.

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. Street maintenance: yes, through a maintenance agreement with the Township of Cascade.

D. Existing or potential environmental problems and the need for additional services to resolve these problems: portions of the area are susceptible to rare seasonal flooding while other portions are susceptible to frequent seasonal flooding depending upon soil type, necessitating the extension of sewer and water service for any development.

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 and other municipal services as requested.

F. The following services will be available to the annexed area within three years: sewer and water.

VIII. Tax Base

A. The City of Rochester has a tax base with an assessed value of $262,719,270 that includes the following property types: residential, commercial, industrial, agricultural, and vacant land.

B. The Township of Cascade has a tax base with an assessed value of $10,999,113.00 that includes the following property types: residential, commercial, industrial, agricultural, and vacant land.

C. The area subject to annexation has a tax base with an assessed value of $4,476.00.

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 is 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 Cascade Township.
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 is 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 municipal services to the area proposed for annexation.

C. Necessary governmental services could best be provided by annexation to the City of Rochester rather than through incorporation or annexation to an adjacent municipality.

D. Present assessed valuation of the Town of Cascade: $10,999,113.00.

Present assessed valuation of proposed annexation area: $4,476.00.

New valuation of the Town of Cascade if entire area is annexed: $10,194,637.00

E. Cascade Township can continue to function without the area subject to annexation.

XI. The annexation is consistent with the joint resolution for orderly annexation.

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 in the area proposed for annexation.

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 resolution for orderly annexation.

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 has been originally made a part thereof:

That part of the East one-half of the Northeast Quarter of Section 17, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the Northwest corner of the East one-half of the Northeast quarter of said Section 17; thence N 89°12' E, assumed bearing, along the North line of said Northeast Quarter for a distance of 82.50 feet; thence S 00°16' W for a distance of 260.00 feet to the POINT OF BEGINNING; thence S 35°28' W for a distance of 142.80 feet to the West line of said East one-half of the Northeast Quarter; thence S 00°14'27" W along said West line to a point in the Northeasterly right of way line of the Chicago and Northwestern Railroad (now abandoned); thence S 54°32' E along said right of way line for a distance of 99.94 feet; thence N 00°16' E for a distance of 1627.82 feet to the POINT OF BEGINNING. Containing 2.90 acres more or less.

Also, beginning at the Southwest corner of the East one-half of the Northeast Quarter of said Section 17, thence N 0°14'27" E along the West line of said East one-half to a point in the Southwesterly right of way line of the Chicago and Northwestern Railroad (now abandoned); thence S 54°32' E along said Southwesterly right of way line for a distance of 92.49 feet; thence S 7°21' W for a distance of 610.50 feet to the point of beginning. Containing 0.57 acres more or less.

Also, beginning at the Southeast corner of the North one-half of said Section 17; thence North 00°28' East along the East line of said Section 17 a distance of 2120.25 feet; thence North 76°45' West a distance of 1263.00 feet; thence South 00°16' West a distance of 1714.82 feet to a point on the Northerly right of way line of the Chicago and Northwestern Railroad (now abandoned); thence Southeasterly along said right of way line to its intersection with the South line of said North one-half of said Section 17; thence North 88°45' East, assumed bearing, along said South line of the North one-half a distance of 565.58 feet to the point of beginning. Containing 56.7 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 January 1, 1981.

Dated this 31st day of December, 1980

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director