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**STATE OF MINNESOTA
MUNICIPAL BOARD**

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

April 9, 1982

Deputy Secretary of State
c/o Donna Scott
State Office Building
Saint Paul, Minnesota

RE: Municipal Board Docket Number OA-122-23 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

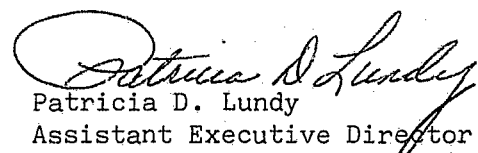
A new municipality named _____
has been created with a population of _____

The _____
has been dissolved.

Official date of the Order April 8, 1982, effective April 8, 1982

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
APR 13 1982**
John Andrew Howe
Secretary of State

#33917

O.D.

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 13 1982

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Harley Boettcher	Ex-Officio Member
Carol Kamper	Ex-Officio Member

John Anderson Howe
Secretary of State

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 February 3, 1982 at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Harley Boettcher and Carol Kamper, ex-officio members of the Board. The City of Rochester appeared by and through Elizabeth Losinski, and the Town of Cascade appeared by and through Lyndon Gaselle, Town Board member. 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 Town 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 November 19, 1981 requesting the annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

A part of the Northeast Quarter (NE¼) of Section 33 in Township 107; North of Range 14 West described by metes and bounds as follows:

Commencing at the northwest corner of said Quarter Section, thence south along the west line of said Quarter Section a distance of 808.4 feet to the center line of the existing Township road, thence northeasterly along said center line at a deflection angle of 109 degrees 13 minutes to the left from the previous described course a distance of 786.0 feet for a place of beginning, thence continue northeasterly along said center line a distance of 708.9 feet, thence southerly at a deflection angle of 112 degrees 59 minutes to the right from the previous described course a distance of 442.0 feet to the northerly right-of-way line of Trunk Highway #14, thence northwesterly along said right-of-way line at a

deflection angle of 104 degrees 12 minutes to the right from the previous course a distance of 673.3 feet to the place of beginning, containing 3.31 acres more or less. Subject to the rights of the public on the northerly 33 feet thereof for roadway purposes.

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

IV. The area subject to annexation is unincorporated within the orderly annexation agreement area, approximately 3.31 acres in size and abuts the City of Rochester by approximately 63% of its border. The City of Rochester is approximately 19.97 square miles in size.

IV. There are no public waterways included in the area proposed for annexation. The property has recently been filled to elevate all but the area proposed for a parking lot out of the 100-year flood fringe. It is vacant land that has not been actively farmed in the recent past.

Under the provisions of the Olmsted County Zoning Code, this property lies in the flood plain of Cascade Creek which flows to the north of this property and is a tributary of the South Fork of the Zumbro River. This specific site lies in a portion of the flood plain outside the designated floodway described as the AO zone. This AO flood fringe zone is described as an area of 100-year shallow flooding where depths range between one and three feet, but where no flood hazard factors are determined for flood insurance. This type of flood fringe is subject to many additional variables that affect water movement in times of flooding as compared to an open unobstructed flood plain where a defined channel, floodway and flood fringe can be easily calculated.

At this specific site, the flood rate depth number is three. This requires that any structure would have to be elevated three feet above the highest adjacent grade to meet the flood protection requirements of the 100-year frequency flood. The local zoning administrator has determined that the lowest floor elevation of one foot over the adjacent roadway would provide adequate flood protection in times of flooding. The vast majority of this property has been filled to or above the elevation of the adjacent roadways.

The Olmsted County Flood Fringe A zone is the least restrictive of the County's two flood fringe districts, in that it allows structures to be built so long as they are constructed at or above the necessary flood protection

elevation. The FFA district is applicable, under the local zoning ordinance in "developed" areas of the flood plain. This property was rezoned from a more restrictive FFB zone, which only allows filling if no net loss of flood storage from the site can be proved, to the FFA district by the County Board on December 1, 1981.

V. In 1970 the City of Rochester had 53,766 people. In 1980 it had 57,871 people, and it is projected that by the year 2000 it will have 85,130 people.

VI. The Town of Cascade had 2,442 people in 1970, 2,384 people in 1980, and it is projected that by the year 2000 it will have a population of 1,000.

VII. The City of Rochester has approximately 6,500 acres in residential use, 2,079 acres in institutional and park use, 700 acres in commercial use, 1,200 acres in industrial use, and 1,241 acres in agricultural and vacant land use.

VIII. The City of Rochester has the following areas remaining for various uses, approximately 700 acres for residential use, 250 acres for commercial use, and 250 acres for industrial use.

IX. In 1979, 1,301 building permits were issued, in 1980 1,138 building permits were issued, and in 1981, 990 building permits were issued.

X. Land located in the Town of Cascade is zoned for the following uses: 950 acres for residential use, 0 acres for institutional use, 128 acres for commercial use, 319 acres for industrial use, and 13,999 acres for agricultural use.

XI. In the Town of Cascade in the year 1979, 46 building permits were issued, in 1980, 19 permits were issued, and in 1981, 27 building permits were issued.

XII. The area proposed for annexation, the entire 3.31 acres is presently zoned M-1FFA, (Light Manufacturing Flood Fringe A), and is planned for future industrial use.

XIII. No building permits have been issued on the area proposed for annexation.

XIV. The City of Rochester presently has zoning, flood plain zoning, subdivision controls, official mapping program, capital improvements program, fire code, building inspector and planning commission.

XV. Olmsted County provides the same planning services as the City of Rochester.

XVI. Cascade Township's land use and planning controls are provided through the county-wide program administered by the Consolidated Planning Department. Cascade Township does not have any separate land use controls in place at this time. As part of the orderly annexation agreement, subdivision authority was granted to the City of Rochester. The city's subdivision ordinance is in effect in the orderly annexation area.

XVII. The area proposed for annexation lies in the "Potential Urban Service Area" of the City of Rochester as designated on the General Land Use Plan for the Olmsted County area adopted county-wide in 1978.

In 1980, the city and the county also adopted a Future Land Use Plan for the Rochester Urban Service Area which designates the subject property as being best suited for "industrial" use.

This annexation will not necessitate amending the comprehensive plan. All planning documents recognized this area as potentially being annexed to the City of Rochester to permit development on public services.

XVIII. Trunk Highway No. 14 is located along the south side of the area proposed for annexation and is designated as a freeway on the currently held Valid Thoroughfare Plan. The Minnesota Department of Transportation has complete access control along Trunk Highway No. 14 abutting this property and no access will be permitted. Access to this area proposed for annexation from Seventh Street NE, a planned local street, can be provided to this site under specific conditions set by the Public Services Department. Alternate access could also be provided on the east side of the annexation area from the north frontage road of Trunk Highway 14.

XIX. This annexation will have no effect on the transportation system in this area.

Seventh Street NW and the adjacent Trunk Highway 52 frontage road are maintained by the City of Rochester.

XX. The City of Rochester provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

XXI. The City of Rochester can provide the annexation area the entire complement of services at time of annexation. A 21" RCP sewerline is in place 100' northeast of the annexation area and the annexation area is subject to assessments for this sewer trunkline at a rate of \$600 per acre.

A 12" watermain is in place along the east and Seventh Street N.W. sides of the property. The property has assessments of \$20.48 per front foot along the Seventh Street N.W. side and \$12.74 per front foot along the east side of the property.

XXII. The main services presently provided the annexation area of the Cascade Township are street improvements and maintenance and fire protection.

XXIII. The General Land Use Plan for the Olmsted County area and the Future Land Use Plan for the Rochester Urban Service Area have as goals the development of public sewer and water wherever possible to avoid additional use of private sewage disposal systems. Annexation will permit the use of available city services.

XXIV. Surface water drains in open ditches along Highway 14 and Seventh Street N.W.

XXV. Cascade Township presently has no plans to provide the annexation area with the necessary sewer and water service.

XXVI. As of September 23rd, 1981 the City of Rochester had a bonded indebtedness of \$18,305,000, School District 535 had a bonded indebtedness as of December 31, 1981 of \$9,754,000 and Cascade had no bonded indebtedness.

XXVII. The assessed valuation in Cascade Township for 1981 was \$12,233,400.

XXVIII. The 1981 assessed valuation of the City of Rochester is \$298,684,926.

XXIX. The estimated market value of the annexation area is \$4,840 and the assessed value of the area proposed for annexation is \$1,936.

XXX. In 1981 the mill rates were as follows:

City of Rochester	24.317 mills
School District 535	48.537 mills
County	21.087 mills
Region 10	<u>.070 mills</u>
Total for City	94.011 mills
Cascade Township	5.160 mills
School District 535	48.537 mills
County	22.511 mills
Region 10	<u>.070 mills</u>
Total for Township	76.278 mills

XXXI. The City of Rochester has a fire insurance rating of three. Cascade Township has a fire insurance rating of nine.

XXXII. The City of Rochester and its adjacent outlying area are served by School District #535 and, therefore, this annexation would have no effect on the school district.

XXXIII. The City of Rochester is the only municipality adjacent to the area proposed for annexation.

XXXIV. The annexation is consistent with the joint resolution for orderly annexation between the Town of Cascade and the City of Rochester.

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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 of 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 the terms of the joint resolution for orderly annexation.

VI. Three years will be required to effectively provide full municipal services to the annexed area or to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

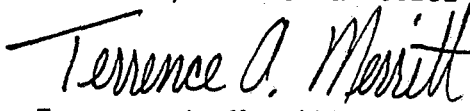
I. IT IS HEREBY ORDERED: That the property described herein in Finding of Fact II be and the same hereby is annexed to the City of Rochester, Minnesota the same as if it had been originally a part thereof.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Rochester of 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 April 8, 1982.

Dated this 8th day of April, 1982

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



Terrence A. Merritt
Executive Director