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

July 17, 1984

Secretary of State
c/o Donna Scott
State Office Building
St. Paul, Minnesota 55155

Re: Municipal Board Docket Number: OA-122-33 Rochester
(City Resolution Dated 5-7-84)

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

The population of the City of Rochester is increased by 0.

The population of the Town of Cascade is decreased by 0.

Official date of the Order is July 16, 1984.

Patricia D. Lundy
Assistant Director

PDL:sg

cc: Commissioner
Department of Revenue
c/o Wallace Dahl, Director
Tax Research Division
205 Centennial Building

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

OA-122-33 Rochester

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

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| Robert J. Ferderer | Chairman |
| Kenneth F. Sette | Vice Chairman |
| Richard A. Sand | Commissioner |
| Douglas Krueger | Ex-Officio Member |
| Joan T. Sass | Ex-Officio Member |

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| 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 |

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 29, 1984, at Rochester, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Vice Chairman of the Municipal Board and County Commissioners Douglas Krueger and Joan T. Sass, Ex-Officio Members of the Board. The City of Rochester appeared by and through Fredrick Suhler, Jr., City Attorney, and the Town of Cascade appeared by and through Lyndon Geselle, Town Board Supervisor. 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

1. 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.

2. A resolution was filed by one of the signatories to the joint

resolution, the City of Rochester, on May 30, 1984, requesting the annexation of certain property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to annexation, which is as follows:

> The Southwest Quarter of the Southwest Half of the Southwest Quarter of Section 10, Township 107, Range 14 West.

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

4. At the hearing, the City of Rochester moved to amend a clerical error in the original description to more accurately reflect the property under consideration. The motion was supported by the property owners, the township, and the property owner who owns the land immediately north and east of the area under consideration.

The Minnesota Municipal Board granted the motion to clarify the property description to be more particularly described as follows:

> The Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 10, Township 107, Range 14 West.

5. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 10 acres in size, and abuts the City of Rochester by approximately 25% of its perimeter. The City of Rochester is approximately 21.57 square miles.

6. The Town of Cascade has a total area of approximately 23.8 square miles.

7. None of the area proposed for annexation lies in the classified floodplain or wetland area.

8. In 1970 the City of Rochester had a population of 53,766, its population in 1980 was 57,890, and in 1982 its population was 58,391.

9. The Town of Cascade had a population of 2,442 in 1970, a population

of 2,384 in 1980, and a population of 2,498 in 1982.

10. The area proposed for annexation had no population in 1970 and 1980, and its use as a site for a church precludes population by the year 2000.

11. The City of Rochester has approximately 6,400 acres in residential use, approximately 2,112 acres in institutional and park use, approximately 712 acres in commercial use, approximately 1,206 acres in industrial use, and approximately 1,247 acres in agricultural use and vacant land.

In the City of Rochester, there remains land planned for approximately 700 acres of residential use, approximately 258 acres for commercial use, and approximately 250 acres for industrial use.

12. In Cascade Township, land is zoned as follows: approximately 1,040 acres for residential use, approximately 91 acres for commercial use, approximately 313 acres for industrial use, and approximately 13,803 acres for agricultural use.

13. The area proposed for annexation is presently vacant farmland.

It is anticipated that the land will be used for the construction of a church facility. It is anticipated that the land will allow for future expansion of the church. There are presently no plans to construct a church related school in the area proposed for annexation.

14. The City of Rochester has issued 1,138 building permits in 1980, 990 in 1981, 1,191 in 1982, 1,707 in 1983, and 193 through April, 1984.

15. The Town of Cascade has issued 19 building permits in 1980, 27 in 1981, 29 in 1982, 52 in 1983, and 4 through April, 1984.

16. The City of Rochester has a zoning ordinance, subdivision regulations, shoreland and floodplain regulations, an official mapping program, the Uniform Building Code, the Minnesota Plumbing Code, the NFPA Fire Code, and capital improvement and budget program.

17. Olmsted County has a zoning regulation, subdivision, shoreland and floodplain regulations, a building code, the Minnesota Plumbing Code, sanitation ordinances, Human Services Programs, and the capital improvement and budget program.

18. Cascade Township has no independent land use planning document.

19. The City of Rochester and Olmsted County adopted a revised Future Land Use Map based on the General Land Use Plan for the Olmsted County area. This plan has designated the area proposed for annexation as best suited for "low density" residential use.

20. This annexation is consistent with the local comprehensive plans.

21. The area proposed for annexation is presently zoned A-4 (Agricultural-Urban Expansion) District pursuant to the Olmsted County Zoning Ordinance. If the annexation area were annexed, it would automatically be zoned R-1 within the city, which permits churches as a land use in that zoning classification.

22. Calvary Free Church has filed their building plans with the Rochester Building and Safety Department.

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

24. The city is willing to provide the area proposed for annexation with all of the services it presently provides residents of the City of Rochester.

Because of the locationl of water and sewer lines, no new public water storage or sewer trunk mains are necessary to service the area proposed for annexation.

25. Cascade Township provides the area proposed for annexation with fire

protection and street improvements and maintenance.

26. The City of Rochester has 196.24 miles of improved roads as follows: 12.3 miles of Trunk Highway, 8.82 miles of County State Aid Highway, 2.02 miles of County-Municipal State Aid Highway, and 173.1 miles of local streets.

27. Cascade Township has 71.36 miles of improved roads as follows: 6.5 miles of Trunk Highway, 32.21 miles of County Roads, and 32.65 miles of Town Roads.

28. The annexation area will have access temporarily from 55th Street Northwest, which is eventually a planned expressway, which is maintained by the city at this location. The church will also have an access from 25th Avenue Northwest, a city street on the west side of the annexation area.

29. In 1984 the assessed valuation of the City of Rochester is $329,296,364.

30. In 1984 the assessed valuation of the Town of Cascade is $14,051,664.

31. The assessed valuation of the area proposed for annexation in 1984 is $9,400.

32. The mill rate for Olmsted County in 1984 is 26.194 for the City of Rochester and 27.833 for the Town of Cascade.

33. School District #535 has a 1984 mill levy of 63.924.

34. Cascade Township mill levy in 1984 is 7.972. Cascade Township has a bonded indebtedness of $0 as of 12-31-83.

35. The City of Rochester mill levy in 1984 is 28.739. The bonded indebtedness for the City of Rochester, as of 12-31-83, is $36,095,000.

36. The fire insurance rating for the City of Rochester is 3. The fire insurance rating for the Town of Cascade is 9.

37. The proposed annexation, if completed, will not impact on School District #535, as all of the City of Rochester and the annexation area are

within the same school district.

38. The town does not have the ability to provide public sewer and water to the area proposed for annexation.

39. The City of Rochester's ability to provide the area proposed for annexation with public sanitary sewage service will help to protect the quality of the groundwater in the area from possible contamination from septic tank effluent.

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

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

## CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. 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.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the area proposed for annexation.

4. The annexation would be in the best interests of the area proposed for annexation.

5. The annexation is consistent with the terms of the joint resolution for orderly annexation.

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

7. An order should be issued by the Minnesota Municipal Board annexing

the area described herein.

ORDER

1. IT IS HEREBY ORDERED: That the property described hereinafter be and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally a part thereof:

The Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 10, Township 107, Range 14 West.

2. 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.

3. IT IS FURTHER ORDERED: That the effective date of this order is July 16, 1984.

Dated this 16th day of July, 1984.

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director

#35352
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 20 1984
Joan Anderson Growe
Secretary of State

#35352