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

October 16, 1984

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

Re: Municipal Board Docket Number: OA-122-31 Rochester (Resol. #146-84)

The subject order of the Minnesota Municipal Board makes no changes in the population of the City of Rochester.

Official date of the Order is October 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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 22 1984
Joan Anderson Growe
Secretary of State
#35570

OA-122-31 Rochester

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Douglas Krueger	Ex-Officio Member
Joan T. Sass	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 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 Douglas Gregor, Assistant City Attorney, and the Town of Cascade appeared by and through Stan Hunter, 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

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 April 17, 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 South 366 feet of the West 410 feet of the Northeast 1/4 of the Southwest 1/4 of Section 34, Township 107, Range 14 West.

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

4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 3.44 acres in size, and abuts the City of Rochester by approximately 31% of its perimeter. The City of Rochester is approximately 21.57 square miles in size.

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

6. All of the area proposed for annexation lies in the floodplain of Cascade Creek. The Corp of Engineers for the Rochester Flood Control Project has a preliminary design work showing a levy extending east to west through the center of the area proposed for annexation. Any development of this property will require that the question of compatibility with the project be addressed.

7. 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.

8. 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.

9. The area proposed for annexation had no population in 1970 and 1980, and it is projected that it will have a population of 50 by the year 2000.

10. The City of Rochester has approximately 6,400 acres in residential

use, approximately 2,112 acres in institutional and park use, approximately 709 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 250 acres for commercial use, and approximately 250 acres for industrial use.

11. 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.

12. In the area proposed for annexation, .62 of an acre is right-of-way for Second Street Northwest, which is already within the City of Rochester, with the remaining 2.82 acres vacant land.

13. It is anticipated that, if annexed, the property will be used for residential development consistent with the Flood Fringe Restrictions.

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. A General Development Plan for this neighborhood was also developed by the city to address future land use if a proposed 200 acre lake on Cascade Creek is built. On that plan, the area proposed for annexation would then be planned for "medium 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-1FF (Single Family Residential Flood Fringe) District. Should the owner choose some type of multiple-family residential development, a petition to that affect would be required.

22. 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.

23. 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.

Water and sewer lines are in place in Second Street Northwest without the requirement of additional public facilities being needed.

24. Cascade Township provides the area proposed for annexation with fire protection and street improvements and maintenance.

25. 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.

26. 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.

27. Access to the area proposed for annexation is off of Second Street Northwest, which is the southerly boundary of the area proposed for annexation and already within the City of Rochester.

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

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

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

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

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

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

34. 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.

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

36. 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.

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

38. 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.

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

40. 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.

O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings

of Fact 2 be, and the same is hereby annexed to the City of Rochester, Minnesota, the same as if it had been originally a part thereof.

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 October 16, 1984.

Dated this 16th day of October, 1984.

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

Terrence A. Merritt
Executive Director

STATE OF MINNESOTA
DEPARTMENT OF STATE
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