

D-31 <sup>71</sup>

O R D E R

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE PETITION FOR THE DETACHMENT OF  
PROPERTY FROM THE VILLAGE OF CEYLON, MARTIN COUNTY,  
STATE OF MINNESOTA

On the petition of requisite freeholders of the Village of Ceylon to detach certain lands from said Village which came regularly on for hearing before the Municipal Commission of the State of Minnesota on January 22, 1963, at 2:00 P.M. at the Fire Hall of said Village of Ceylon at which time evidence was taken, testimony heard, and upon all the files and records, and the Commission being fully advised in the premises.

The Commission having carefully considered all of the evidence and upon all the files and records finds that the requisite number of property owners have filed the petition, that the property is unplatted, and used and occupied exclusively for agricultural purposes, that the property is within the boundaries of the municipality of Ceylon and is adjacent to a boundary, that the detachment would not unreasonably affect the symmetry of the settled municipality and that the land is not needed for reasonably anticipated future development.

IT IS ORDERED: That the herein described lands lying and being in the County of Martin and State of Minnesota, described as follows, to-wit:

The Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-Five (25), Township One Hundred One (101) North, of Range Thirty-two (32) West of the Fifth Principal Meridian, being in Lake Belt Township, Martin County, Minnesota

be detached from the Village of Ceylon, Martin County, Minnesota

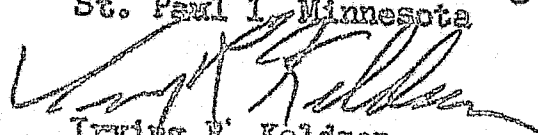
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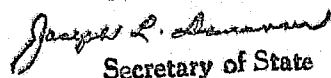
to become a part and parcel of Lake Belt Township, Martin County,  
Minnesota, the same as if it had been originally a part thereof.

Dated this 23rd day of August, 1963

MINNESOTA MUNICIPAL COMMISSION  
51 State Office Building  
St. Paul 1, Minnesota

  
Irving H. Keldsen  
S e c r e t a r y

#16425  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
AUG 23 1963

  
Secretary of State

D-31 #1

Ceylon Detachment

MEMORANDUM OPINION

We have this date issued a Memorandum Opinion approving the detachment of lands from the Village of Preston.

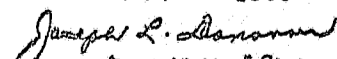
The same reasoning applies to the petition now before us to detach certain lands from the Village of Ceylon. We find that the subject property is occupied and used exclusively for agricultural purposes and is not needed within the reasonably anticipated future for the development of the Village of Ceylon. There is nothing in the record to indicate that the symmetry will be unreasonably affected. The land was undoubtedly included within the village limits at a time when greater growth was anticipated. The Municipal Commission Act and prior law are clear that in Minnesota exclusively agricultural land not needed for development in the reasonably anticipated future cannot be burdened with taxes to support municipal services which do not benefit such property.

We therefore have entered an order detaching the subject property from the Village of Ceylon.

MINNESOTA MUNICIPAL COMMISSION

  
Irving R. Keldsen  
Secretary

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 4 1963

  
Joseph L. Donovan  
Secretary of State

MEMORANDUM OPINION

Section 6, Subdivision 1 of the Minnesota Municipal Commission Act provides that, "Property which is situated within the corporate limits of and adjacent to the municipal boundary, unplatted, and occupied and used exclusively for agricultural purposes may be detached from the municipality" by petition of all of the land owners if the area is less than 40 acres and by 75% of the owners if over 40 acres.

The sole question involved is whether or not the land is "used exclusively for agricultural purposes."

Section 6, Subdivision 4 directs that, "the Commission shall grant the petition for detachment if it finds that the requisite number of property owners have signed the petition if initiated by the property owners, that the property is unplatted and used and occupied exclusively for agricultural purposes, that the property is within the boundaries of the municipalities and is adjacent to a boundary, that the detachment would not unreasonably affect the symmetry of the settled municipality, and that the land is not needed for reasonably anticipated future development."

The Commission has expressed its reluctance in the past to grant detachment except where it is clearly obligated by the statute to do so. The obvious reason is that the Commission favors strengthening existing municipalities and is reluctant to deprive them of needed taxpayers from lands which have always been included within their limits. We, therefore, strictly construe the law against detachment except where a clear and convincing case is made that the land is used and occupied exclusively for agricultural purposes and there is no reasonable prospect that it will be used for community development within the municipality. In such cases we have no choice under the statute but to order detachment.

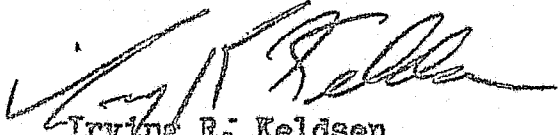
We are aware that we can deny detachment which would unreasonably affect the symmetry of the settled municipality, but, if the other reasons for detachment exist, the municipality would be obligated to show by evidence that its symmetry would be unreasonably affected.

While it is not necessary to decide here what would constitute unreasonable effect upon the symmetry in the absence of such a claim by the Village of Preston, the Legislature no doubt intended that the use of this provision is restricted to such situations as where property owners seek to detach land completely surrounded by the remaining municipality, or where strips of land which run a substantial length into the municipality and are surrounded on three sides which requires crossing the detached property to get from one part of the municipality to another, or other situations which unduly distort village boundaries. The application of the symmetry provision will have to rest on the individual facts in detachment proceedings.

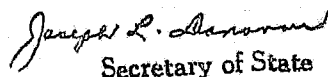
The crucial question here is whether or not the subject land is used and occupied exclusively for agricultural purposes and is needed for reasonably anticipated future development.

The answer is unquestionably in the affirmative. There is no evidence that the land will be used within the predictable future for residential or commercial purposes to extend the settled portion of the Village of Preston. We are, therefore, left without choice but to issue an order detaching the subject land from the Village of Preston.

MINNESOTA MUNICIPAL COMMISSION

  
Irving R. Keldsen  
Secretary

#16425  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 4 1963

  
Joseph L. Anderson  
Secretary of State