

A-1392

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

20140
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 30 1968
James A. Schuman
Secretary of State

Robert W. Johnson
Robert Ford
Arthur Swan
Milo Belshan
Nels Wangen

Chairman
Vice-Chairman
Member
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION OF THE TOWN OF ALBERT LEA
AND THE TOWN OF BANCROFT, BOTH OF FREEBORN COUNTY, MINN-
ESOTA, TO HAVE ANNEXED CERTAIN ADJOINING UNINCORPORATED
TERRITORY TO THE CITY OF ALBERT LEA.

APPEARANCES:

William R. Sturtz, 402 South Washington Avenue, Albert Lea,
Minnesota, Attorney for Petitioners.

Courtney A. Slife, 138 West William Street, Albert Lea,
Minnesota, Attorney for the City of Albert Lea.

James Suthers, 1901 Grand Street, Albert Lea, Minnesota.

The petition of the Towns of Bancroft and Albert Lea, Freeborn
County, for the annexation of certain adjoining, unincorporated
territory in the Townships of Bancroft and Albert Lea, Freeborn
County, Minnesota, to the City of Albert Lea, Minnesota, came
regularly on for public hearing before the Minnesota Municipal
Commission in the City Hall in the City of Albert Lea on September
9, 1968, at 10:00 o'clock in the forenoon.

Mr. Robert Ford, acting chairman, Mr. Milo Belshan and Mr.
Nels Wangen were present as the Municipal Commission.

Petitioners moved for the incorporation by reference of all
of the files and records of A-1138, being proceedings relative to
said identical territory, and hearing thereon June 2, 1967. Said
motion was granted without opposition.

The Commission having heard and carefully considered all the
evidence, including the inquiries and statements from persons in
the audience, having viewed the premises, and upon all the files

and exhibits and records, including those incorporated by reference, now makes the following FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER.

FINDINGS OF FACT

(1) The Petition of the Towns of Bancroft and Albert Lea, Freeborn County, Minnesota, for annexation of certain unincorporated land in said Townships to the City of Albert Lea was filed pursuant to and in compliance with Minnesota Statutes Chapter 414; and that said Petition was in all respects proper in form, contents and execution, and was accompanied by the required Resolution duly made by the Boards of Supervisors of such Townships.

(2) Notice of the hearing on the Petition was duly given as required by statute. The Commission convened by lawful quorum at the scheduled hearing. All parties of record were present at and participated in the hearing, and no testimony in opposition to the Petition was offered.

(3) The correct legal description of the unincorporated territory proposed to be annexed to the City of Albert Lea is as set forth in Exhibit 1, attached hereto and made a part thereof.

(4) The described land is not presently a part of another municipality, and it is contiguous to and adjoins the present city limits of the City of Albert Lea. Said land is situated in and involves only a small portion of each of the Townships of Bancroft and Albert Lea. The governments of each of said Townships can and will need to continue should the concerned area be hereafter in fact annexed to the City of Albert Lea.

(5) The population of the area described in Exhibit 1, and sought to be annexed, is 568 persons, with 263 being of voting age. The population of the City of Albert Lea, according to an interim United States Census of 1965 is approximately 18,300 persons.

There is a community of interest between the two areas and the residents thereof. The residents of the described area work, shop, attend churches and schools, and recreate in the City of Albert Lea.

(6) The area of the territory described in the Petition and in Exhibit 1 hereof is 340.9 acres, with 129.6 acres thereof in Bancroft Township and 211.3 acres in Albert Lea Township.

(7) The City of Albert Lea has had a steady and continual growth in population, industry, commerce, education and construction. Existent industries and businesses have expanded. Several new industries have located in and commenced operations in said City. Lea College has been formed and founded as a private, four-year, academic degree institution. Interstate Highways 90 and 35W intersect at Albert Lea. Interstate Highway 90 and its diamond interchange with Bridge Avenue, extended northerly from the present city limits, are less than a mile from the area sought to be annexed. The Municipal Airport adjoins the area sought to be annexed. The area described in the petition and sought to be annexed will accommodate the growth and expansion which can be reasonably anticipated to, in, and by the City of Albert Lea.

(8) The Petition for Annexation is not motivated by or for the purposes of increasing revenue for the City of Albert Lea. The real estate taxes can reasonably be expected to increase in the territory sought to be annexed, should it be in fact annexed. The 1968 assessed valuation of the present City of Albert Lea was \$10,925,654.00. The 1968 assessed valuation of the area sought to be annexed was approximately \$187,567.00. The methods of assessment in the two areas have been and are the same, and there will be no material change in assessed valuations of particular parcels of land, should the area be annexed. The 1968 mill rates of the areas are as follows:

Albert Lea Township	215.57
Bancroft Township	211.67
Albert Lea City	276.50.

The consequent increase in real estate taxes to the property owners in the territory concerned is commensurate with and proportionate to the benefits of the additional municipal services to be obtained in the future from the City of Albert Lea, should the area be annexed thereto.

Both the annexing area and the area sought to be annexed are within the same school district, being School District 241. There would be no change in service from the school district or in taxes assessed for school purposes, should the area be annexed to the City of Albert Lea.

(9) The area concerned and described in the Petition and in Exhibit 1, attached hereto, now contains many residential buildings, situated on both platted and unplatted lands. More than 50 per cent of the area concerned is presently occupied by farms and farm buildings. Some of the concerned area is presently being used for commercial purposes. In the past two decades the trend in residential development to the north of the City of Albert Lea, both within and without its limits, is apparent. The space remaining available within the present city limits is limited to such an extent as to hamper additional residential expansion therein. A "Master Plan" recommended by a City Planning Commission and adopted by the City Council includes the area sought to be annexed, and provides for its future development as primarily a residential area and zone.

(10) The area sought to be annexed is now suburban or urban in character, and it can be reasonably anticipated that it will steadily become more so. The property within the concerned area is generally available for expansion and development into residential and commercial zones along the lines indicated in the aforementioned "Master Plan". The concerned area can reasonably be

expected to participate in the urban and suburban growth of the metropolitan area of the City of Albert Lea. The orderly growth and development of the City of Albert Lea and the area concerned would be enhanced by the annexation of the area to the City of Albert Lea.

(11) The Township form of government, now existent under both Bancroft and Albert Lea Townships, is inadequate to cope with the problems of urban and suburban growth, expansion and development in the area sought to be annexed. For the most part, the entire area is zoned residential or residential-agricultural.

Neither of said Townships has a public water system, a public sewer system or a public drainage system. The streets and roads are gravel in the portions of the area which have developed residentially. Sewage disposal is by privately owned and maintained septic tanks; water supply is by private wells, some of which are polluted beyond accepted health standards. Storm and surface water drainage is inadequate. All drainage in and from the area finds its way into nearby Fountain Lake, a major portion of which is presently within the limits of the City of Albert Lea. There is evidence that some raw sewage from private tile lines is being discharged into the drainage and is in fact reaching Fountain Lake. The said lake is being polluted by such drainage to an extent to be likely to lessen the use of the lake for recreational purposes, and to endanger the health of the citizens of both the annexing area and the area sought to be annexed. It is to be anticipated that these conditions will become worse in the future. Municipal Government is required for the protection of the public health within and near the area sought to be annexed. The Minnesota Water Pollution Control Commission has indicated by letter dated November 15, 1967, copy of which was received in evidence as Petitioners' Exhibit 1, That a sewage treatment plant is imperative for this area.

(12) The area sought to be annexed is presently served by a Volunteer Fire Department, which has one unit stored within the City of Albert Lea. For police protection and law enforcement the concerned area relies on such service as the Sheriff of Freeborn County can provide. Public safety and general welfare would be enhanced by the annexation of the area to the City of Albert Lea.

(13) There is need for Municipal Government of the area sought to be annexed in order that public health, safety and general welfare be improved and provided through services in the fields of sewer, water, drainage, streets, fire protection, police protection, plat control, land development, zoning, planning and construction. The City of Albert Lea can feasibly and practically provide for, and best serve the need for such governmental services presently, and as they become necessary in the future.

(14) Annexation of the lands described in Exhibit 1 is in the best interests of both the City of Albert Lea and said described land.

(15) That an informational meeting or meetings of Township officials and residents of the area sought to be annexed be called and held by said Townships prior to an election on the proposed annexation.

CONCLUSION OF LAW

(1) The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceedings.

(2) The area described in paragraph 3 of the Findings of Fact herein is contiguous to and adjoins the present city limits of the Petitioner, and is urban or suburban in character.

(3) The area described in paragraph 3 of the Findings of Fact herein is so conditioned and so located as to be properly subjected to the Municipal Government of the City of Albert Lea.

(4) The annexation of the territory described in paragraph 3 of the Findings of Fact herein by and to the City of Albert Lea would be to the best interest of the City of Albert Lea and

of said territory.

(5) Municipal Government of the territory described in paragraph 3 of the Findings of Fact herein is required to protect the public health, safety and welfare in reference to plat control and land development and construction, which can be reasonably expected to occur within a reasonable time hereafter in said territory.

(6) There is an existing and reasonably anticipated need of governmental services, such as, but not limited to, water system, sewage disposal, drainage, streets, police protection, law enforcement, and fire protection.

(7) The township form of government is not adequate to cope with the problems of urban or suburban growth in the territory described in paragraph 3 of the Findings of Fact herein.

(8) The City of Albert Lea can feasibly and practically provide for and best serve the need for governmental services presently, and as they become necessary, in the territory described in paragraph 3 of the Findings of Fact.

(9) An election should be ordered on the proposition of Annexation pursuant to Minnesota Statutes, Section 414.03, Subdivision 5.

ORDER FOR ELECTION

Upon Petition of the Towns of Bancroft and Albert Lea for the annexation of unincorporated land in Bancroft and Albert Lea Townships, Freeborn County, Minnesota, to the City of Albert Lea, which came regularly on for hearing before the Minnesota Municipal Commission at 10:00 o'clock in the forenoon, on September 9, 1968, in the City Center of the City of Albert Lea, Freeborn County, Minnesota, at which hearing testimony was heard and evidence taken and upon all the files and records herein, and the Commission being fully advised:

IT IS ORDERED:

That the Petition for Annexation to the City of Albert Lea, of the following described territory, viz: (See Exhibit 1 attached

hereto) be, and the same is hereby approved.

IT IS FURTHER ORDERED:

That the effective date and the date this Order shall be filed shall be September 13, 1968.

IT IS FURTHER ORDERED:

That an election be held in the area approved by this Order to be annexed pursuant to Minnesota Statutes, Section 414.03, Subdivision 5, on the question of whether or not such incorporated territory should be annexed and become a part of the City of Albert Lea, Freeborn County, Minnesota.

IT IS FURTHER ORDERED:

That such election be held on the 5th day of November, 1968, at the following polling places:

Hammer School, as to those voters
residing in Albert Lea Township;

Bancroft Town Hall, as to those
voters residing in Bancroft Town-
ship,

and that said polls be open at said polling place from 7:00 A. M. until 8:00 P. M. on such date.

IT IS FURTHER ORDERED:

That said election be conducted incidental to and coincidental with the general national, state and local elections conducted upon said date; that the following persons serve as election judges for such annexation election:

BANCROFT TOWNSHIP

Philip J. Nelson
John Rasmussen
Richard Standheim
Bernard Johnsrud, Jr.

ALBERT LEA TOWNSHIP

Herman Jensen
Orville Winjum
Leonard Nelson
Mrs. Robert Steele
Mrs. Harvey Sorenson
Mrs. Merton Head

Mrs. Mendal Christianson
Richard Overgaard
Mrs. Alton Jensen
Mrs. John Stiehler
Mrs. Herschel Bakken
Mrs. William Peterson;

that said annexation election be conducted, in so far as possible, under and in accordance with general election laws; that only

EXHIBIT 1

Beginning at a point which is 2055.95 feet North and 50 feet East of the South Quarter corner of Section 4, Township 102 North, Range 21 West, said point being further described as being the Northwest corner of Lot 1, Block 20, Ridgewood Park Second Subdivision; thence 243.9 feet East at right angles; thence 446.0 feet North at right angles; thence 310.0 feet East at right angles; thence 308.35 feet South at right angles; thence 57.90 feet Southeasterly at a deflection angle of 18°00' left; said point being further described as the Northeast corner of Lot 3, Block 19 of Ridgewood Park Subdivision; thence 605.0 feet Northeasterly at right angles; thence 258.63 feet Easterly at a deflection angle of 19°33.5' right to a point in a curve on the East line of Garfield Avenue and intersecting the tangent to said curve at said point at a deflection angle of 83°45.5' right; thence 120.0 feet Southerly along a curve of 2884.31 feet radius and through a central angle of 4°46' and to the end point of said curve; thence 206.12 feet Southerly along the tangent to said curve at said end point; thence 109.97 feet Southeasterly at a deflection angle of 78°44' left; thence 346.1 feet Southeasterly at a deflection angle of 14°48.5' right; thence 144.52 feet Southeasterly at a deflection angle of 14°31.5' right; thence 78.71 feet Southeasterly at a deflection angle of 28°11' left; said point being further described as the North most corner of Lot 1, Block 7, Ridgewood Park Subdivision; thence 119.60 feet Southeasterly at a deflection angle of 44°44.5' right; thence 514.45 feet East to a point on the East line of Section 4; thence North 1023 feet more or less on said East line of Section 4 to the East Quarter corner of Section 4; thence continuing North 58 feet more or less to the center of a ditch; thence North 25°41' West along ditch 346 feet; thence North 44°31' West along ditch 287 feet; thence North 22°31' West along ditch 783 feet to the North line of the Southeast Quarter of the Northeast Quarter of said Section 4; thence West along the said North line of the Southeast Quarter of the Northeast Quarter 660 feet more or less; thence North on the East line of the Northwest Quarter of the Northeast Quarter of Section 4, 1320 feet more or less to the Northeast corner of the said Northwest Quarter of the Northeast Quarter; thence North along the East line of the West Half of the Southeast Quarter of Section 33, Township 103 North, Range 21 West, 2140.85 feet; thence West 1316.4 feet to a point on the North and South center line of said Section 33 that is 2140.85 feet North of the South Quarter corner of said Section 33; thence West on a line parallel to and 120 feet North of the North line of the Old Airport Road a distance of 1320 feet more or less to a point on the West line of the East Half of the Southwest Quarter of said Section 33; thence South along said West line of the East Half of the Southwest Quarter 2140.85 feet more or less to the Southwest corner of the Southeast Quarter of the Southwest Quarter of Section 33, Township 103 North, Range 21 West; thence South along the West line of the Northeast Quarter of the Northwest Quarter of Section 4, Township 102 North, Range 21 West, 1320 feet more or less to the Southwest corner of said Northeast Quarter of the Northwest Quarter; thence continue South along the west line of the Southeast Quarter of the Northwest Quarter 330 feet; thence East 840 feet; thence South 1835 feet; thence East 480 feet, to the North and South center line of said Section 4; thence North along said center line 254.15 feet; thence 50 feet East to the place of beginning.

Also, the East 50 feet of Bridge Street from the Northwest corner of Lot 1, Block A, Ransoms Subdivision North to the Northwest corner of Lot 1 Block 20, Ridgewood Park Subdivision.

The above described tract contains 340.9 acres more or less, and being in Section 4, Township 102, Range 21 and the South Half of Section 33, Township 103, Range 21.

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Joseph L. Sullivan
Secretary of State


voters residing in the territory described in the legal description shall be entitled to vote; that the ballot bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases in one of which the vote may make an appropriate mark to express his choice; and that all ballots and election supplies shall be provided by Petitioners.

IT IS FURTHER ORDERED:

That the Petitioner cause a copy of this order approving its Petition for Annexation to be posted not less than 20 days before November 5, 1968, in three public places in the area proposed for annexation, and to be published in The Evening Tribune, Albert Lea, Minnesota, a medium of official and legal publication of general circulation in the area proposed for annexation, two weeks before the 5th day of November, 1968.

Dated this 27th day of September, 1968.

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota


Irving R. Keldsen
Secretary

#20140

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DEPARTMENT OF STATE

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Joseph L. Anderson
Secretary of State