

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Robert Finbraaten	Ex-Officio Member
Clifford Christianson	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF AUSTIN)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 24, 1975 at the Austin City Hall, Austin, Minnesota. The hearing was conducted by Thomas J. Simmons, Chariman of the Board, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Finbraaten and Christianson, ex-officio members of the Board. The City of Austin appeared by and through Kermit Hoversten, City Attorney, Gordon Moosbrugger, Attorney at Law, on behalf of the township; and, Philip Richardson, Attorney at Law, on behalf of the petitioners. 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. On March 10, 1975, a petition of the property owner was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Lots 1, 2, 3, 10, 11 and 12, Block 2; Lots 5 and 6, Block 3;
Lots 1, 3, 4, 5, 6, and 17, Block 4; Lots 1 and 2, Block 6;
All in Nob Hill First Addition located in the Southwest Quarter
of Section 4 and the Southeast Quarter of Section 5, Township
102 North, Range 18 West, according to the plat thereof recorded
in Book 8 of Plats, page 53 in the office of the Register of Deeds
in and for Mower County Minnesota, and
Lots 24 and 25, Block 4, Nob Hill Second Addition located in
the southeast quarter of Section 5, Township 102 North, Range 18
West according to the plat thereof recorded in Book 9 of Plats,
page 17 in the office of the Register of Deeds of said County.

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

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Austin.
- b. The total area of the territory subject to annexation is approximately 8 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows:

4. Population Data

- a. The present population of the area subject to annexation is none.

5. Development Issues

- a. The plans for the development of the property proposed for annexation is residential.
- b. The land use controls in the area to be annexed is residential zoning by the Mower County zoning Map & Ordinance. Since 1956, the land has been platted as residential.
- c. The area subject to annexation will provide the City of Austin with the necessary growth space.
- d. The area subject to annexation is residential.
- e. There will be no effect on the adjacent communities because of this annexation.

6. Governmental Services

- a. Presently, the Township of Austin provides the area subject to annexation with the following services:

1) Fire Protection 2) Police Protection 3) Street Improvements

- b. Presently, the City of Austin provides its citizens with the following services:

- | | |
|----------------------|------------------------|
| 1) Water | 5) Street Improvements |
| 2) Sewer | 6) Street Maintenance |
| 3) Fire Protection | 7) Recreational |
| 4) Police Protection | 8) Gas & Electricity |
| | 9) Storm Sewer |

c. The City of Austin can provide the area subject to annexation with the following services within a reasonable time:

- | | |
|----------------------|------------------------|
| 1) Water | 5) Street Improvements |
| 2) Sewer | 6) Street Maintenance |
| 3) Fire Protection | 7) Recreational |
| 4) Police Protection | 8) Gas & Electricity |
| | 9) Storm Sewer |

d. The following additional services will help avoid pollution problems: municipal sanitary sewer.

7. Fiscal Data

a. In the area subject to annexation, the assessed valuation trend is \$2,838.00, the township mill rate is 91.15 mills payable in the year of annexation with a total tax payable in 1975 of \$258.71

b. The annexation will have no effect upon the school districts.

8. Annexation to the City of Austin is the best alternative.

a. Austin township cannot provide the services required.

b. Austin township can continue to function without the area subject to annexation.

9. A majority of the property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

1. The area subject to annexation is now or is about to become urban or suburban in character.

2. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

3. The best interest of the City of Austin and the area subject to annexation will be furthered by annexation.

4. The remainder of the Township of Austin can carry on the functions of government without undue hardship.

5. There is a reasonable relationship between the increase in revenue for the City of Austin and the value of benefits conferred upon the area subject to annexation.

6. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

7. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

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

O R D E R

IT IS HEREBY ORDERED: That the property described herein situated in the County of Mower, State of Minnesota, be and the same is hereby annexed to the City of Austin, Minnesota, the same as if it had been originally made a part thereof:

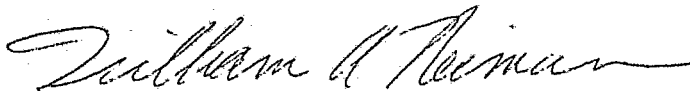
Lots 1, 2, 3, 10, 11 and 12, Block 2; Lots 5 and 6, Block 3; Lots 1, 3, 4, 5, 6, and 17, Block 4; Lots 1 and 2, Block 6; All in Nob Hill First Addition located in the Southwest Quarter of Section 4 and the Southeast Quarter of Section 5, Township 102 North, Range 18 West, according to the plat thereof recorded in Book 8 of Plats, page 53 in the office of the Register of Deeds in and for Mower County Minnesota, and Lots 24 and 25, Block 4, Nob Hill Second Addition located in the Southeast Quarter of Section 5, Township 102 North, Range 18 West according to the plat thereof recorded in Book 9 of Plats, page 17 in the office of the Register of Deeds of said County.

IT IS FURTHER ORDERED: That the population of the City of Austin has increased by zero persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is January 20, 1976.

Dated this 20th day of January, 1976

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101



William A. Neiman
Executive Secretary

#29164
STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
JAN 26 1976

John Andrew Brown
Secretary of State