

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Thomas J. Simmons
Robert W. Johnson
Gerald J. Isaacs
Harlin Radel
Dusty Rhoades

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

IN THE MATTER OF THE RESOLUTION
FOR ANNEXATION OF CERTAIN LAND
TO THE CITY OF OWATONNA

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Commission pursuant to Minnesota Statutes 414, as amended, on December 3, 1975 at 10 A.M. in the City Hall, Owatonna, Minnesota. Testimony was heard and records and exhibits were received. The City of Owatonna appeared by and through Robert H. Peterson, City Attorney. The hearing was conducted by William A. Neiman, Executive Secretary of the Commission pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Harlin Radel and Dusty Rhoades, Ex-Officio Members of the Commission.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Commission hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On August 26, 1975, a resolution was received by the Minnesota Municipal Commission requesting the Commission to order annexation of the area hereinafter described. This resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Commencing at a point on the West line of the Southeast Quarter of the Southwest Quarter of Section Four (4), Township One Hundred Seven (107), Range Twenty (20) West and 513.5 feet North of the Southwest corner of the Southeast Quarter of the Southwest Quarter thereof; thence North 0° East and along the West line of said Southeast Quarter of the Southwest Quarter for 597.64 feet; thence South 88°39' East for 495 feet; thence South 0° West for 599.51 feet; thence Westerly 1°34' North of West for 495 feet to the point of beginning.

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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 property which abuts the City of Owatonna.
- b. The total area of the City of Owatonna is 5,366 acres. The total area of the territory subject to annexation is 7.3 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:

Approximately 20%

- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows:

Moderately Rolling Natural Terrain

4. Population Data:

- a. The City of Owatonna's present population is 15,341 persons according to the 1970 Federal census. The projected population is approximately 17,000 persons by the next Federal census in 1980.
- b. The area subject to annexation has a present population of zero and a projected population of zero.

5. Development Issues:

- a. There is no information regarding the plans of the State Planning Agency of projected development in the area subject to annexation, but the comprehensive plan of the City of Owatonna designates this area as commercial or industrial.

b. The land use controls presently being employed by the City of Owatonna are: zoning, subdivision regulations, housing and building code.

The land use controls presently in the area subject to annexation are: subdivision regulations of the City of Owatonna; zoning of the County of Steele.

c. The area to be annexed will not provide the City of Owatonna with necessary growth space; however, this area is not being depended upon for future space.

d. The apparent present pattern of physical development in the City of Owatonna is typical for a city of its size. In the area subject to annexation, the physical development is industrial or commercial.

e. The annexation will have no effect on adjacent communities as there are none.

6. Municipal Services:

a. Presently, the City of Owatonna provides the area subject to annexation with the following services:

Fire Protection
Police Protection
Recreational Facilities
Gas and Electricity

b. The City of Owatonna plans to extend all utility services within a year and other services upon the effective date of the annexation.

c. There are existing or potential pollution problems. The above-described property now utilizes septic tanks for sewage disposal. The City of Owatonna will provide sewer service within a year.

7. Fiscal Data:

a. In the City of Owatonna, the assessed valuation is unknown and the mill rate is 21.24.

b. In the area subject to annexation, the assessed valuation is \$83,893 and the mill rate is 3.08.

c. The annexation will have no effect upon the area school districts since there is zero population.

8. Is annexation to the City of Owatonna the best alternative?

a. Governmental services could not be better provided for by incorporation, the area is small and closely integrated with the City of Owatonna.

b. Governmental services could not be better provided for by consolidation or annexation of the area with an adjacent municipality.

c. The Township of Owatonna is unable to provide services at this time or in the future.

9. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Commission requesting annexation; however, 50% of the property owners support the annexation, and no one formally appeared in opposition. Further, the City and Township by joint resolution, have found that the only area "primarily and substantially interested in or affected by the Commission order" is the area subject to annexation. Further, there are no persons who qualify as voters residing in the area subject to annexation.

CONCLUSIONS OF LAW

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

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

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

4. The remainder of the Township of Owatonna 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 Owatonna 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. The area primarily and substantially interested in or affected by the Commission order only includes that area subject to annexation.

8. Although this annexation proceeding has not been initiated by a petition of a majority of property owners, the area "primarily and substantially interested in or affected by the Commission order" has no resident voters. Therefore, the referendum requirement (MS. 414.031, Subd. 5) is inapplicable in this proceeding.

O R D E R

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

Commencing at a point on the West line of the Southeast Quarter of the Southwest Quarter of Section Four (4), Township One Hundred Seven (107), Range Twenty (20) West and 513.5 feet North of the Southwest corner of the Southeast Quarter of the Southwest Quarter thereof; thence North 0° East and along the West line of said Southeast Quarter of the Southwest Quarter for 597.64 feet; thence South 88° 39' East for 495 feet; thence South 0° West for 599.51 feet; thence Westerly 1° 34' North of West for 495 feet to the point of beginning.

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

IT IS FURTHER ORDERED: That the population of the Town of Owatonna has decreased by zero persons to zero persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is the 6th day of February, 1976.

Dated this 6th day of February, 1976

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

William A. Neiman
William A. Neiman
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
FEB 12 1976

Joan Anderson Howe
Secretary of State