

A-2821 Vining

*Order  
Denying  
Annexation*

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Andy Leitch	Ex-Officio Member
Hub Nordgren	Ex-Officio Member

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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 VINING )	<u>AND ORDER</u>

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on January 29, 1976 and was continued to February 2, 1976 at Henning, Minnesota. The hearing was conducted by Chairman Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Andy Leitch and Hub Nordgren, ex-officio members of the Board. The City of Vining and the petitioners appeared by and through Douglas Rainbow and the Townships of Henning, Girard, and Nidaros appeared by and through Richard Pemberton. 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 July 25, 1975, a petition of 20% or more of the property owners was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This petition contained all information required by statute including a description of the territory subject to annexation which is as follows:

"Chippewa Island"; "Sunny Side Fifth Addition"; "Second Addition to Sunny Side"; "Sunny Side"; "First Addition to Sunny Side"; "Third Addition to Sunny Side"; "Bush Hill Country Bay"; together with parts of unplatted lands described as follows:

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- (1) Government Lot Five (5) and the southerly 750 feet of Government Lot Four (4) in Section Thirty (30), Township One Hundred Thirty-three (133), Range Thirty-eight (38), together with the Southeast Quarter of the Southwest Quarter ( $SE\frac{1}{4}$   $SW\frac{1}{4}$ ) of said Section; together with
- (2) Government Lot Two (2) in Section Twenty-five (25), Township One Hundred Thirty-three (133), Range Thirty-nine (39); together with
- (3) Government Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6) in Section Thirty-six (36), Township One Hundred Thirty-three (133), Range Thirty-nine (39); together with
- (4) Government Lots Three (3) and Four (4) in Section One (1), Township One Hundred Thirty-two (132), Range Thirty-nine (39), together with the Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}$   $SW\frac{1}{4}$ ) of said Section; together with
- (5) That part of the unplatted portion of Government Lot Seven (7), Section Two (2), Township One Hundred Thirty-two (132), Range Thirty-nine (39) lying easterly of Lot One (1) and northerly of a dedicated road, said Lot One (1) and dedicated road being part of the Subdivision Plat of "Bush Hill Country Bay" as of public record and together with that part of said Government Lot Seven (7) lying North of Lot Eight (8) of said "Bush Hill Country Bay"; and together with
- (6) Sublot One (1) of Government Lot Six (6), Section Thirty-six (36), Township One Hundred Thirty-three (133), Range Thirty-nine (39),

All in Otter Tail County, Minnesota.

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 Vining.
- b. The total area of the territory subject to annexation is 505 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: Small percentage of the total area is contiguous.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Primarily lakeshore areas, much of the remainder being low and marshy, the rest being agricultural. Land unlikely to be developed separates the city from the

lakeshore, the latter being the land most likely to be developed.

4. Population Data

a. The City of Vining

- 1) Past population growth: Slow increase through 1950
- 2) Present population: Approximately 121
- 3) Projected population: Steady decline which is likely to continue until the 1990's

b. The area subject to annexation

- 1) Past population growth: Slow increase
- 2) Present population: 15 permanent, 126 seasonal
- 3) Projected population: Some growth, particularly as lakeshore lots are developed.

5. Development Issues

a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council/state planning agency. The City has no comprehensive plan for the area, but the townships are developing one.

b. What land use controls are presently being employed.

1) In the City of Vining

- a) Zoning - No
- b) Subdivision regulations - No
- c) Housing and building codes - No except where state law is applicable.
- d) Other - No

2) In the area to be annexed:

- a) Zoning - Yes, by Ottertail County and the townships have recently adopted zoning ordinances. Also, the shorelands of East Battle Lake are subject to the Otter Tail County Shoreland Management Ordinance.
- b) Subdivision regulations - Yes, by the County. If the area was annexed, present zoning and subdivision regulations would not apply, and there would be none to replace them.
- c) Housing and building codes - Unknown
- d) Other - On the lakeshore, County set-back requirements and others.

- c. Does the city require future growth space? No.  
Only a small percentage of the City is developed,  
much of the remainder being agricultural.
- d. The present pattern of physical development is:
  - 1) In the City of Vining
    - a) Residential - Yes, mostly single-family.
    - b) Industrial - Yes, but very limited.
    - c) Commercial - Yes, but very limited.
    - d) Institutional - Yes, but very limited.
  - 2) In the area subject to annexation:
    - a) Residential - Especially seasonal cabins
    - b) Industrial - No
    - c) Commercial - No
    - d) Institutional - No
    - e) Agricultural - Yes

6. Governmental Services

- a. Presently, the Townships of Henning, Girard, and Nidaros provides the area subject to annexation with the following services:
  - 1) Water - No
  - 2) Sewer - No, but it is regulated by the County.
  - 3) Fire Protection - No, by contract with Vining and Henning.
  - 4) Police Protection - No, Otter Tail Sheriff
  - 5) Street Improvements - Unknown
  - 6) Street Maintenance - Yes, some by contract.
  - 7) Recreational - Unknown
  - 8) Other
- b. Presently, the City of Vining provides its citizens with the following services:
  - 1) Water - No
  - 2) Sewer - No
  - 3) Fire Protection - Yes
  - 4) Police Protection - Yes, a constable. No 24-hour service.
  - 5) Street Improvements - Unknown
  - 6) Street Maintenance - Yes
  - 7) Recreational - Yes, but this is maintained by the school district.
  - 8) Other

- c. Presently, the City of Vining provides the area subject to annexation with the following services:
- |  |                                  |
|--|----------------------------------|
| 1) Water - No                          | 5) Street Improvements - Unknown |
| 2) Sewer - No                          | 6) Street Maintenance - No       |
| 3) Fire Protection - Yes, by contract. | 7) Recreational - No             |
| 4) Police Protection - No              | 8) Other                         |
- d. Plans to extend municipal services to the area subject to annexation include the following: None
- e. There are existing or potential pollution problems which are: Future pollution of East Battle Lake by private sewage systems as the area is developed.

The following additional services will help resolve this situation: A community sewer system; but the City of Vining has no immediate plans for such a program. Further, present, county land use and sewage regulations would be lost if the area was annexed.

7. Fiscal Data

- a. In the City of Vining, the assessed valuation trend is slightly rising (84,241), the mill rate trend is slightly increasing (29.68) and the present bonded indebtedness is none.
- b. In the area subject to annexation, the assessed valuation trend is rising and the present bonded indebtedness is none except Nidaros Township which owes \$4,200 for a road project.
- c. The mill rate trends in the following units of government are:
- |                                   |                               |
|-----------------------------------|-------------------------------|
| 1) County - Decreasing since 1971 | 2) Township - Stable, Henning |
|                                   | 7.63, Girard-7.17, Nidaros    |
|                                   | 13.30                         |
- d. Will the annexation have any effect upon area school districts?  
No.

8. Could Henning, Girard, and Nidaros townships provide the services required? Yes, the area is basically rural and recreational, not requiring city services. In any event, Vining is not prepared to extend such services.

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 not now and is not about to become urban or suburban in character
3. Municipal government is not required to protect the public health, safety, and welfare in the area subject to annexation.
4. The best interests of the City of Vining and the area subject to annexation will not be furthered by annexation.
5. There is not a reasonable relationship between the increase in revenue for the City of Vining and the value of benefits conferred upon the area subject to annexation.
6. An order should be issued by the Minnesota Municipal Board denying the annexation petition.

O R D E R

IT IS HEREBY ORDERED: That the Municipal Board hereby denies the annexation petition.

IT IS FURTHER ORDERED: That the effective date of this order is May 25, 1976.

Dated this 25<sup>th</sup> day of May, 1976

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

*William A. Neiman*  
William A. Neiman  
Executive Secretary

# 29537  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY 27 1976  
*Raul O. Larson*  
Secretary of State