

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Roland Boegeman	Ex-Officio Member
Marvin Oldenburg	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF JORDAN)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 28, 1976 at Jordan, Minnesota. The hearing was conducted by Chairman Thomas Simmons. Also in attendance were Board Member Gerald Isaacs and County Commissioners Roland Boegeman and Marvin Oldenburg, Ex-Officio Members of the Board. The City of Jordan appeared by and through Lee Labore, Attorney at Law. The Town of Sand Creek appeared by and through Lou Moriarity, Attorney at Law.

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 30, 1976, an objection by Sand Creek Township to an annexation by ordinance resolution from the City of Jordan was received by the Minnesota Municipal Board requesting the Board to conduct hearings as in the case of annexation. The annexation resolution contained all the information required by statute including the fact that the area is more than 60% surrounded by the City of Jordan and that the territory subject to annexation is as follows:

That part of the NW $\frac{1}{4}$ of Section 30, Township 114, Range 23, described as follows: Commencing at the NE corner of said NW $\frac{1}{4}$, thence West along the North line of said NW $\frac{1}{4}$ a distance of 684.8 feet, thence South parallel to the East line of said NW $\frac{1}{4}$ to its intersection with the Northerly right-of-way line of Scott County Road #61, thence Southwesterly along said Northerly right-of-way line to its intersection with the West

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line of the E $\frac{1}{2}$ of said NW $\frac{1}{4}$, thence South along said West line to the South line of said NW $\frac{1}{4}$, thence East along said South line to the SE corner of said NW $\frac{1}{4}$, thence North along the East line of said NW $\frac{1}{4}$ to the point of beginning all in Sand Creek Township, Scott 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 Jordan.
- b. The total area of the City of Jordan is 1,260 acres. The total area of the territory subject to annexation is 12 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:
more than 60%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: some of the area is a former gravel pit.

4. Population data

- a. The City of Jordan
 - 1) Past population growth: 1970 - 1,836
 - 2) Present population: 1974, - 2,231
 - 3) Projected population: 1980 - 2,500
- b. The area subject to annexation

The township, as a whole, is growing. However, in the area proposed for annexation:

 - 1) Past population growth: Unknown
 - 2) Present population: Unknown
 - 3) Projected population: Very little, if any, since the area is expected to be developed for church purposes.

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. A church is planned for the area.
- b. What land use controls are presently being employed.
 - 1) In the City of Jordan
 - a) Zoning - yes
 - b) Subdivision regulations - yes
 - c) Housing and building codes - state building and plumbing codes
 - d) Other - planning commission
 - 2) In the area to be annexed:
 - a) Zoning - yes, by Scott County
 - b) Subdivision regulations - unknown
 - c) Housing and building codes - unknown
 - d) Other - Sand Creek Planning Commission
- c. The present pattern of physical development is:
 - 1) In the City of Jordan:
 - a) Residential - yes
 - b) Industrial - yes
 - c) Commercial - yes
 - d) Institutional - yes
 - 2) In the area subject to annexation:
 - a) Residential - unknown
 - b) Industrial - unknown
 - c) Commercial - unknown
 - d) Institutional - unknown
- d. What will be the effect, if any, of the annexation on adjacent communities? None

6. Governmental Services

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

- 1) Water - no
- 2) Sewer - no
- 3) Fire Protection - No, contracts with the City of Jordan
- 4) Police Protection - by Scott County and township constable.
- 5) Street Improvements - unknown
- 6) Street Maintenance - yes
- 7) Recreational - unknown

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

- 1) Water - yes
- 2) Sewer - yes
- 3) Fire protection - yes, 27 person volunteer force
- 4) Police protection - yes, 24 hour service
- 5) Street improvements - yes, most streets paved
- 6) Street maintenance - yes
- 7) Recreational - yes

c. Presently, the City of Jordan provides the area subject to annexation with the following services:

- 1) Water - no
- 2) Sewer - no
- 3) Fire protection - yes, by contract
- 4) Police protection - will assist, if needed
- 5) Street Improvements - unknown
- 6) Street Maintenance - Does provide some service
- 7) Recreational - yes

- d. Plans to extend municipal services to the area subject to annexation include the following: the City of Jordan has designed its utility system for future expansion and all services can be made available when required.
- e. There are existing or potential pollution problems which are: effluents entering the ground water because of soil conditions. The following additional services will help resolve this situation: city sewer

7. Fiscal Data

- a. In the City of Jordan, the assessed valuation trend is rising, the mill rate is \$2.89 per \$100 (1974) and the present bonded indebtedness is unknown.
- b. In the area subject to annexation, the mill rate trend is stable.
- c. Will the annexation have any effect upon area school districts?
No, the entire area is in the same school district.

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

- a. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than the City of Jordan? No, there are none.
- b. Could Sand Creek Township provide the services required? No, sewer and water are not available.
- c. Can Sand Creek Township continue to function without the area subject to annexation? Yes, the value of this property, even if it was taxable, represents a very small portion of the township's assessed valuation.

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 now or is about to become urban or suburban in character.
- 3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

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

5. The remainder of the Township of Sand Creek can carry on the functions of government without undue hardship.

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

7. 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.

8. This annexation proceeding has been conducted under Minnesota Statutes 414.031(3)(4), as required by Minnesota Statutes 414.033(3), and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

9. 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 Scott, State of Minnesota, be and the same is hereby annexed to the City of Jordan, Minnesota, the same as if it had been originally made a part thereof:

That part of the NW $\frac{1}{4}$ of Section 30, Township 114, Range 23, described as follows: Commencing at the NE corner of said NW $\frac{1}{4}$, thence West along the North line of said NW $\frac{1}{4}$ a distance of 684.8 feet, thence South parallel to the East line of said NW $\frac{1}{4}$ to its intersection with the Northerly right-of-way line of Scott County Road #61, thence Southwesterly along said Northerly right-of-way line to its intersection with the West line of the E $\frac{1}{2}$ of said NW $\frac{1}{4}$, thence South along said West line to the South line of said NW $\frac{1}{4}$, thence East along said South line to the SE corner of said NW $\frac{1}{4}$, thence North along the East line of said NW $\frac{1}{4}$ to the point of beginning all in Sand Creek Township, Scott County, Minnesota.

IT IS FURTHER ORDERED: That the effective date of this order is
July 21, 1976.

Dated this 21st day of July, 1976

MINNESOTA MUNICIPAL BOARD
Suite 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
JUL 26 1976
Grant Anderson Howe
Secretary of State