

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

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IN THE MATTER OF THE PETITION FOR THE )	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE CITY )	<u>CONCLUSIONS OF LAW,</u>
OF JORDAN )	<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 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, supporting petitioning property owners, 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 abuts the City of Jordan and that the territory subject to annexation is as follows:

The East 1/2 of the NW1/4 of Section 30, T114N, R23W, Scott County Minnesota, lying North of the public highway, which runs through the North part of the E1/2 of the NW1/4 of above mentioned Section, Township and Range, containing one and three quarters acres of

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land, be the same more or less, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County and State.

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 less than 200 acres, including platted and unplatted land.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: substantial.

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
  - 1) Past population growth: Unknown
  - 2) Present population: Unknown
  - 3) Projected population: Some increase with residential development.

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. Residential development is anticipated.
- 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. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Jordan with necessary growth space? Yes, for anticipated residential growth.

d. 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

e. 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) Steet 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, and the assessed valuation is \$1,975.
- 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 is 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 represents a very small portion of the township's assessed valuation.
9. A majority of property owners in the area to be annexed have petitioned requesting annexation.

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 initiated by a petition of a majority of property owners 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:

The East  $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Section 30, T114N, R23W, Scott County, Minnesota, lying North of the public highway, which runs through the North part of the E $\frac{1}{2}$  of the NW $\frac{1}{4}$  of above mentioned Section, Township and Range, containing one and three quarters acres of land, be the same more or less, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said County and State.

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  
*James Anderson*  
Secretary of State