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STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

TO: All Parties of Record
FROM: Municipal Board
SUBJECT: Correction of Virginia Annexation Order
Dated July 28, 1976, Docket No. A-2621

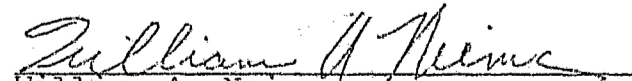
A clerical error in the Virginia order excluded a portion of Missabe Mountain Township which was included by the Municipal Board in its July 28th decision. The corrected description is as follows:

In Missabe Mt. Township 58 North, Range 17 West, all of Sections 1, 2, 3, 10, 15, and 28 and all of Section 22 except for the Southeast 1/4, and the North half of Section 29 lying East of State Highway #53.

AND

Those parts of Sections Four (4), Five (5), and Nine (9), lying without the corporate limits of the City of Franklin.

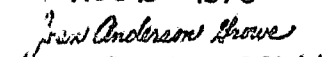
Dated this 30th day of July, 1976 .


William A. Neiman
Executive Secretary

29683

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
AUG 2 - 1976


Secretary of State

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Dr. Alvin Hall	Ex-Officio Member
Edwin H. Hoff	Ex-Officio Member

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

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 November 6, 1974. The hearing was conducted by Howard Kaibel, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. The hearing was continued until February 25, 1975. Many hearings and meetings have been held from time to time. The City of Virginia appeared by and through Vernon Saxhaug, the City of Eveleth has appeared by and through Bruce Rasmussen, the City of Gilbert has appeared by and through Roland Wivoda, and the Townships of Foyal and Missabe Mt. have appeared by and through Harold Frederick. 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 August 12, 1974, a resolution by Virginia was received by the Minnesota Municipal Board requesting the Board 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:

In Missabe Mountain Township 58 North, Range 17 West, all of Sections 1, 2, 3, 10, 15, and 28, and all of Section 22 except for the Southeast 1/4, East of State Highway #53.

2. On February 25, 1975, the Board pursuant to the authority vested in it by Minnesota Statutes 414.031, expanded the area under consideration to all of Missabe Mt. Township.

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Virginia.
- b. The total area of the City of Virginia is about nine square miles. The total area of the territory subject to annexation is approximately 30 square miles.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: There is a moderate degree of contiguity.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Mining uses and land suitable for development.

5. Population Data

- a. The City of Virginia
 - 1) Past population growth: In 1970, 12,450
 - 2) Present population: Estimated now, 13,450
 - 3) Projected population: Estimated for 1980, 15,000 - Virginia is expected to be an area growth center.
- b. The area subject to annexation has very slow, limited growth.

6. 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 state planning agency. Virginia employed professional planners and architects who have prepared a community development study for part of the area.
- b. What land use controls are presently being employed.
 - 1) In the City of Virginia
 - a) Zoning - Yes
 - b) Subdivision regulations - Yes
 - c) Housing and building codes - Yes
 - d) Other

2) In the area to be annexed:

- a) Zoning - St. Louis County
- b) Subdivision regulations - Unknown
- c) Housing and building codes - Unknown
- d) Other

c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Virginia with necessary growth space? Yes, for all types of development

d. The present pattern of physical development is:

1) In the City of Virginia:

- a) Residential - Yes, including present developments
- b) Industrial - Yes, including two industrial parks
- c) Commercial - Yes, including a new mall
- d) Institutional - Yes, including expansion of the municipal hospital

2) In the area subject to annexation:

- a) Residential - Small population
- b) Industrial - Limited, other than mining uses
- c) Commercial - Limited
- d) Institutional - Unknown

e. What will be the effect, if any, of the annexation on adjacent communities? Minimal, since growth space has been and is being provided for neighboring communities.

7. Governmental Services

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

- 1) Water - Unknown
- 2) Sewer - Unknown
- 3) Fire Protection - No, contracts with Gilbert and Eveleth
- 4) Police Protection - Constables
- 5) Street Improvements - Unknown
- 6) Street Maintenance - Yes
- 7) Recreational - Unknown
- 8) Other - Unknown

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

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - Yes
- 4) Police Protection - Yes
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Yes
- 8) Other - Hospital

- c. Presently, the City of Virginia provides the area subject to annexation with the following services:
- | | |
|---------------------------|-----------------------------|
| 1) Water - No | 5) Street Improvements - No |
| 2) Sewer - No | 6) Street Maintenance - No |
| 3) Fire Protection - No | 7) Recreational - No |
| 4) Police Protection - No | 8) Other - No |
- d. Plans to extend municipal services to the area subject to annexation include the following: Virginia plans to extend all municipal services to the area as needed.
- e. There are existing or potential pollution problems which are:
None

8. Fiscal Data

- a. In the City of Virginia, the assessed valuation trend is stable, the mill rate trend is slightly declining and the present bonded indebtedness is 0.
- b. In the area subject to annexation, the assessed valuation is \$641,518 (1974), the mill rate trend is stable and the present bonded indebtedness is none.
- c. The mill rate trends in the following units of government are:
1) County - Rising steadily 2) School Districts - Not, stable
- d. Will the annexation have any effect upon area school districts?
No.

9. Is annexation to the City of Virginia the best alternative?

- a. Could governmental services be better provided for by incorporation of the area subject to annexation? No, there is no urban core.
- b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Virginia? Alternatives were specifically considered. The result described in "9", is to decrease the area in Missabe Mt.
- c. Could Missabe Mt. Township provide the services required? No.
- d. Can Missabe Mt. Township continue to function without the area subject to annexation, and, if not, could it be incorporated separately or combined with some other govern-

mental unit? That portion of Missabe Mt. Township not annexed is included in two other annexation orders disposing of the entire township.

10. Alteration of Boundaries.

- a. The area subject to annexation should be decreased because certain properties within would be served better by the cities of Eveleth and Gilbert. The decreased area is:

In Missabe Mountain Township 58 North, Range 17 West, all of Sections 1, 2, 3, 10, 15, and 28, and all of Section 22 except for the Southeast 1/4, and the North half of Section 29 lying East of State Highway #53.

11. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Board 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 Virginia and the area subject to annexation will be furthered by annexation.
5. There is a reasonable relationship between the increase in revenue for the City of Virginia and the value of benefits conferred upon the area subject to annexation.
6. This annexation proceeding has not been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is subject to an annexation election to be described herein. Voters residing in the City of Virginia and in Missabe Mountain Township reside in the area which is primarily and substantially interested in and affected by the pending annexation.
7. 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 St. Louis, State of Minnesota, be and the same is hereby annexed to the City of Virginia, Minnesota, the same as if it had originally made a part thereof:

In Missabe Mt. Township 58 North, Range 17 West, all of Sections 1, 2, 3, 10, 15, and 28, and all of Section 22 except for the Southeast 1/4, and the North half of Section 29 lying East of State Highway #53.

IT IS FURTHER ORDERED: On September 14, 1976, a public election to be conducted as provided by law, shall be held in that area which is substantially interested in or affected by this order. This area is: The City of Virginia and the Township of Missabe Mountain. Any resident of these jurisdictions who is eligible to vote at a township or municipal election may vote in the referendum.

IT IS FURTHER ORDERED: That the effective date of this order is July 28, 1976.

Dated this *July 28, 1976*

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

William A. Neiman

William A. Neiman
Executive Secretary

#29683

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
AUG 2 - 1976

James Anderson Howe
Secretary of State

A-2500 Eveleth
A-2621 Virginia
A-2910 Gilbert

M E M O R A N D U M

The Minnesota Municipal Board, after more than two years of carefully analyzing the facts and issues, has ordered the annexation of Fayal Township to the City of Eveleth and various portions of Missabe Mt. Township to the Cities of Eveleth, Virginia, and Gilbert. This decision will provide for orderly, urban growth in this part of the Range. Although the various orders detail the rationale for the individual decisions, several issues can best be examined within the framework of this memorandum. These include the referendum, Differding Point, and the cooperative efforts between the various units of government.

Prior to 1973, annexation referenda included only those areas to be annexed. During that year, the Legislature broadened the referendum standard to include those areas that the Board determined to be "...primarily and substantially interested in or affected by..." the annexation. Since the adoption of this criterion, the Municipal Board has only been required to apply this standard on one occasion; however, that annexation involved a tiny, unpopulated parcel and offers virtually no precedential value in this proceeding. Therefore, the Board's interpretation of the statutory mandate is based upon a careful analysis of legislative intent.

The Board has decided that separate referenda should be held for each annexation. Further, those persons entitled to vote shall reside in:

- 1) The areas to be annexed.
- 2) The annexing municipalities.
- 3) Additionally, Missabe Mt. Township voters shall be permitted to vote in the three referenda.

In making the decision just outlined, the Board considered the following:

- 1) The referenda should be distinct. To permit both townships and all three cities to vote in all three referenda would unfairly dilute the voting impact of those most deeply affected by the outcome.
- 2) An exception had to be made in the case of Missabe Mt. Township voters whose interest in each proceeding is very clear. Since Missabe Mt. Township is to be divided, unlike any of the other governmental units involved, the impact of each annexation directly and substantially affects the entire township.
- 3) Under prior, more restrictive law, the area to be annexed had the right to vote in annexation referenda. Broader language was certainly not meant to exclude them. Under any circumstances, if any area is "primarily and substantially interested in or affected by the Board order," it is the area to be annexed.
- 4) The new language permits the Board to take into account the impact of an annexation beyond the area immediately annexed. Given the enormous responsibilities each municipality will assume upon annexation, the cities clearly fit within the meaning of the amended language.

Differding Point, in Fayal Township, is a peninsula which extends into Ely Lake. It is closer geographically to the City of Gilbert than to Eveleth, and, further, it is almost cut off from the remainder of Fayal by the lake. Still, the Board had decided to annex all of Fayal Township, including Differding Point, to Eveleth.

Several reasons led to the Board's decision. Differding Point and Fayal Township residents and the Fayal Town Board demonstrated that all of Fayal Township, including Differding Point, shares a strong community of interests, including social, political, economic, and educational. Fayal Township is a cohesive entity. Further, Differding Point residents view Eveleth as their urban center; that is, the city upon which they rely to provide the recreational, social, religious, and other opportunities available in an urban area. Also, Eveleth indicated that it

will be able to service this area. Finally, Gilbert noted that they would be amenable to assisting Eveleth service Differding Point if problems later developed.

Gilbert's cooperative approach exemplified the final point; Range cities are working closely together to resolve mutual problems. The Range is experiencing substantial and intensive growth. Development is occurring rapidly, and urban services and structure are needed. Throughout much of this lengthy proceeding, the cities and townships have cooperated. Indeed, final resolution of many issues was a product of this cooperation.

Future cooperation also is important and likely. The three cities and townships are discussing joint powers arrangements, and Arrowhead Regional Development Commission, in cooperation with the cities, is reviewing the possibility of municipal consolidation.

#29683
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 2 - 1976
Joan Anderson Howe
Secretary of State