

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons Chairman
Robert W. Johnson Vice Chairman
Gerald J. Isaacs Member
Clifford Christianson Ex-Officio Member
Robert Finbraaten Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF AUSTIN)

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 July 19, 1976 at Austin, Minnesota. The hearing was conducted by William A. Neiman pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Robert Finbraaten and Clifford Christianson, ex-officio members of the Board. The City of Austin appeared by and through Kermit Hoversten, the Township appeared by and through Gordon Moosbrugger, and the petitioning landowner appeared by and through Eugene H. Schwebke. 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 April 19, 1976, a petition of the sole property owner in the area to be annexed was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

29980

Lots 16, 17, 18, 19, 20, 21, 22, 23, and 24, all in Block 5, Nob-Hill Second Addition located in the Southeast Quarter of Section 5, Township 102 North, Range 18 West, according to the plat thereof recorded in Book 9 of Plats, page 17 in the office of the Register of Deeds of said county.

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 Austin.
- b. The total area of the City of Austin is 5,200 acres. The total area of the territory subject to annexation is 2.82 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the property proposed for annexation is as follows: Approximately 50%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Developable land but with high water table and poor soil.

4. Population Data

- a. The City of Austin
 - 1) Past population growth: 26,210 in 1970 (slight decrease since 1960)
 - 2) Present population: 26,400 in 1976 (estimate) Number of households are estimated to have experienced a steeper growth pattern, but families are smaller.
- b. The area subject to annexation
 - 1) Present population: 0
 - 2) Projected population: About 9 families

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 state planning agency. This area is expected to develop into single family residential and will be zoned by Austin as such.

b. What land use controls are presently being employed.

1) In the City of Austin

- a) Zoning - Yes
- b) Subdivision regulations - Yes
- c) Housing and building codes - Yes
- d) Other - Planning Commission, Board of Adjustment and Appeals

2) In the area to be annexed:

- a) Zoning - Yes, Mower County
- b) Subdivision regulations - Yes, Mower County
- c) Housing and building codes - Unknown
- d) Other - Unknown

c. The present pattern of physical development is:

1) In the City of Austin:

- a) Residential - Yes
- b) Industrial - Yes
- c) Commercial - Yes
- d) Institutional - Yes

2) In the area subject to annexation:

- a) Residential - No
- b) Industrial - No
- c) Commercial - No
- d) Institutional - No

6. Governmental Services

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

- 1) Water - Unknown
- 2) Sewer - Unknown
- 3) Fire Protection - No, contracts with the City of Austin
- 4) Police Protection - Unknown
- 5) Street Improvements - Unknown
- 6) Street Maintenance - Unknown
- 7) Recreational - Unknown
- 8) Other

b. Presently, the City of Austin 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 - Gas, electric

- c. Presently, the City of Austin provides the area subject to annexation with the following services:
- | | |
|--|----------------------------------|
| 1) Water - No | 5) Street Improvements - Unknown |
| 2) Sewer - No | 6) Street Maintenance - Unknown |
| 3) Fire Protection - Yes,
by contract | 7) Recreational - Unknown |
| 4) Police Protection - Unknown | 8) Other |
- d. Plans to extend municipal services to the area subject to annexation include the following: All services, including utilities, will be available within one year after annexation. Developer will assume costs for utilities.
- e. There are existing or potential pollution problems which are: Poor soil conditions for private sewer systems. The following additional services will help resolve this situation: City sewer.

7. Fiscal Data

- a. In the City of Austin, the assessed valuation is 59 million and the present bonded indebtedness is 3 million.
- b. In the area subject to annexation, the market valuation is \$900.
- c. Will the annexation have any effect upon area school districts? No, the area proposed for annexation is in the same district.

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

- a. Could governmental services be better provided for by incorporation of the area subject to annexation? No, only nine (9) lots are involved.
- b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Austin? No, there are none.
- c. Could Austin township provide the services required? No, they expressly indicated that they could not provide such services.

d. Can Austin township continue to function without the area subject to annexation? Yes, the area is small with a low assessed valuation.

9. A majority of property owners in the area to be annexed have 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 Austin and the area subject to annexation will be furthered by annexation.

5. The remainder of the Township of Austin 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 Austin 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 Mower, State of Minnesota, be and the same is hereby annexed to the City of Austin, Minnesota, the same as if it had been originally made a part thereof:

Lots 16, 17, 18, 19, 20, 21, 22, 23 and 24, all in Block 5, Nob Hill Second Addition located in the Southeast Quarter of Section 5, Township 102 North, Range 18 West, according to the plat thereof recorded in Book 9 of Plats, page 17 in the office of the Register of Deeds of said county.

IT IS FURTHER ORDERED: That the population of the City of Austin and the Township of Austin remains unchanged.

IT IS FURTHER ORDERED: That the effective date of this order is September 29, 1976.

Dated this 29th day of September, 1976

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

William A. Neiman
William A. Neiman
Executive Secretary

29980
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 4 - 1976
Paul Anderson Howe
Secretary of State