

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 PETITION 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 and was continued from time to time. The hearing was conducted by Chairman Thomas Simmons. Also in attendance were County Commissioners Roland Boegeman and Marvin Oldenburg, ex-officio members of the Board. The City of Jordan appeared by and through Lee Labore and the Township of Sand Creek appeared by and through Lou Moriarity. 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 May 3, 1976, a copy of a petition for annexation by the sole property owner was filed with the Minnesota Municipal Board. Further procedural discussion is contained within the accompanying memorandum which is hereby incorporated by reference. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

A tract described as: Starting at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section Thirty (30), thence North on the 1/16 line to a point 100 feet South of the center of the Northeast Quarter, Section 30, thence East 200 feet, thence North 88.1 feet, thence East 311.5 feet, thence South 49.5 feet, thence North 66 degrees 15 minutes East 148.5 feet, thence North 82 degrees 15 minutes East 149.8 feet, thence North 68 degrees 30 minutes East 85.1 feet, thence North 7 degrees 00 minutes

East 12.5 feet to the South line of the Fish Lake-Belle Plaine road, thence North 86 degrees East 340.0 feet along said South line, thence South 20 degrees East 120 feet to the 1/16 line, thence East 66.0 feet to the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section Twenty-nine (29), thence South 40 degrees East 660.0 feet, thence continuing South 40 degrees East 250.0 feet to the center of Sand Creek, thence South 52 degrees 30 minutes East 240 feet along the center of said Sand Creek, thence South 31 degrees 15 minutes East 200.0 feet, thence South 9 degrees 30 minutes West 300 feet along the center of said Sand Creek to the quarter section line at a point 857.0 feet East of the Southwest Corner of the Northwest Quarter of said Section 29, thence Southeasterly to the 1/16 line at a point 1829 feet East of the West line of said Section 29, thence West on the 1/16 line to the West line of said Section, thence North on the section line 1297.0 feet to the Southwest corner of the Northwest Quarter of said Section 29, thence due West on said quarter line to the place of beginning; all in Township One Hundred Fourteen (114) North, Range Twenty-three (23) West. Except railroad right-of-way, and subject to highways of record.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Sand Creek Township on March 30, 1976. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

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 54 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: A small percentage.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Severe slopes.

4. Population Data

- a. The City of Jordan
 - 1) Past population growth: Slow growth through 1960 (1,479 pop.)
 - 2) Present population: In 1970, 1,836 persons
 - 3) Projected population: By 1980, 2,500 persons
- b. The area subject to annexation has approximately 4 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 Metropolitan Council.. Annexation conforms to Scott County's plan of development near urban centers. City plans include residential for this area. Property owner plans to build homes for sale. City is considering a comprehensive plan and expects this area to be residential.
- 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 Code
 - d. Other - Building Inspector, State Plumbing Code
 - 2) In the area to be annexed:
 - a. Zoning - Sand Creek has zoning.
 - b. Subdivision Regulations - Yes
 - d. Other - Sand Creek has a Planning Commission
- c. Does the city require future growth space? Yes, Metropolitan Council projects approximately 125 more households in Jordan by 1980. The growth will further accelerate by 1990. If so, will the area subject to annexation provide the City of Jordan with necessary growth space? Yes, it is projected that this area can provide 40+ residential units. However, given alternative, better situated, residential land in Jordan, it is not clear that these units are required.
- 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: Some residential. Remainder used for pasture or not utilized. The area is bordered by agricultural lands.

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, by private wells
- 2) Sewer - No, by septic tanks
- 3) Fire Protection - No, contracts with Jordan
- 4) Police Protection - A 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 - 27 person volunteer force. Three pumpers, other vehicles include new rescue unit.
- 4) Police Protection - 4 full-time officers, 24 hour service, 2 cars
- 5) Street Improvements - Yes
- 6) Street Maintenance - Various equipment, 2 full-time persons
- 7) Recreational - Year around recreational program, 2 parks another being developed.

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 with Sand Creek, including entire township for over 20 years.
- 4) Police Protection - Informal assistance
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - All programs and facilities available.

d. Plans to extend municipal services to the area subject to annexation include the following: Property can be serviced for sewer by lateral extensions from present system. System designed to service 8,000 people. Jordan's water supply is also sufficient to service this area. However, the closest water line is over 350' from the property, and there are no nearby sewer extensions. Street Department can service area.

e. There are existing or potential pollution problems which are: It is likely that area has a sandy gravel, soil condition, increasing the likelihood that private system will pollute. The following additional services will help resolve this situation: City sewer; Jordan's treatment pond has not functioned properly but the capacity is

sufficient and a study is underway to investigate the flaw.

7. Fiscal Data

- a. In the City of Jordan, the assessed valuation trend is rising, the mill rate garnered \$2.89 per \$100 valuation and the bonded indebtedness as of December 31, 1975 was \$1,173,000, \$715,000 being retired through special assessments.
- b. In the area subject to annexation, the assessed valuation of all five (5) parcels is \$90,000 (over 3 million in the entire township) and the area in question is \$7,889.
- c. The mill rate trends in the following units of government are:
 - 1) County - In 1974, \$3.43 per \$100 valuation
 - 2) School Districts - In 1974, \$4.90 per \$100 valuation
 - 3) Sand Creek Township - In 1976, 2.73 mills
- d. Will the annexation have any effect upon area school districts? No.

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 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 interest of the City of Jordan and the area subject to annexation will not be furthered by annexation.

ORDER

IT IS HEREBY ORDERED: That the annexation proposal described herein is described herein is denied.

IT IS FURTHER ORDERED: That the effective date of this order is January 13, 1977.

Dated this 20th day of January, 1977

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

William A. Neiman
William A. Neiman
Executive Secretary

30205
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 21 1977
James Andrew Howe
Secretary of State