

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Joe Neaton	Ex-Officio Member

IN THE MATTER OF THE DESIGNATION OF)	<u>FINDINGS OF FACT,</u>
CERTAIN LAND FOR ORDERLY ANNEXATION)	<u>CONCLUSIONS OF LAW,</u>
TO THE CITY OF YOUNG AMERICA)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 12, 1975 at Young America, Minnesota. The hearing was conducted by Howard Kaibel, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. The hearing was continued from time to time.

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. There were several procedural irregularities in the early stages of this proceeding which have been resolved by the Board during the course of the proceeding. Initially, Young America erroneously annexed, by ordinance, the parcel in question on June 5, 1973. This ordinance, which was passed in response to a petition dated March 20, 1973, by the sole property owner, was filed with the Municipal Board on June 28, 1973.

On July 2, 1973, the Board informed Young America that certain requirements of Minnesota Statutes 414.033, Subdivision 5, had not been met by the city and that the annexation could not be accepted by the Board until these requirements were satisfied. One such deficiency was the failure by Young America to certify that all parties had been notified of the petition. A follow-up letter was sent September 27, 1973.

On January 2, 1974, the Board received a resolution from Young America Township, dated June 18, 1973, approving the proposed annex-

ation. On the same date, the Board received notice from the Carver County Auditor which stated that Carver County had received a copy of the petition on June 11, 1973. On July 17, 1974, the Board informed the City of Young America that they still had not fully complied with the requirements of Minnesota Statutes 414.033, Subdivision 5, in that there was no showing that the abutting municipality of Norwood had received a copy of the petition. A more detailed, follow-up letter was sent to all parties on March 20, 1975 explaining that the annexation still could not be accepted by the Board because of procedural deficiencies.

On March 27, 1975, the Board received a resolution from the City of Norwood objecting to the proposed annexation. Upon receipt of this objection, the Board scheduled a hearing for June 12, 1975 as required by Minnesota Statutes 414.033, Subdivision 5. In scheduling this hearing, the Board noted that the annexation ordinance previously adopted by the City of Young America was void. Further, the Board found that proposed annexation was now properly before the Board, all procedural requirements, including notice provisions, having been met.

On May 23, 1975, the Board received notice from Young America Township that it wished to exercise its option under Minnesota Statutes 414.034, Subdivision 4, to have the area in question designated as in need of orderly annexation. The June 12th hearing was continued for 120 to 180 days as required by Minnesota Statutes 414.034. The hearing was reconvened on September 18, 1975 and continued until October 21, 1975. In October, 1975, prior to the scheduled hearing, the Cities of Norwood and Young America submitted resolutions agreeing to dismiss the entire proceeding. However, the cities stipulated that this dismissal would be contingent upon fruitful, municipal consolidation discussions. On October 17, 1975, the hearing was continued for 120 days until February 17, 1976.

On February 9, 1976, the Board received a resolution from the City of Norwood indicating that the municipal consolidation discussions had failed. Therefore, the stipulated dismissal was void.

The hearing conducted on February 17, 1976, was limited, by agreement of the parties, to evidence regarding the area originally proposed for annexation. On August 27, 1976, the Board scheduled

a hearing for October 14, 1976 to specifically consider orderly annexation issues, particularly whether or not the area in question should be expanded. Evidence submitted at this hearing was in conflict. The findings contained in this order are based upon those contained within M.S. 414.031(4), as required by M.S. 414.032(4).

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

3. Geographic Features

- a. The area under consideration for orderly annexation is unincorporated and abuts the City of Young America.
- b. The total area of the territory under consideration for orderly annexation is 6.72 acres.
- c. The degree of contiguity of the boundaries between the municipality and the proposed, designated 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: Terrain slopes to the south.

4. Population Data - The area under consideration for orderly annexation has a population of two and might grow slightly with the construction of a new house. In the City of Young America, the population is estimated to be 915 persons and growth is expected to continue.

5. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for orderly annexation including development projected by the Metropolitan Council. The area is fully developed but for the possible construction of one home.
- b. What land use controls are presently being employed.
 - 1) In the City of Young America
 - a. Zoning - Yes
 - b. Subdivision regulations - No
 - c. Housing and building codes - Yes, State
 - d. Other - Planning Commission, reviewing land use ordinances.

2) In the area under consideration for orderly annexation

a. Zoning - Yes, by County

c. Does the city require future growth space? Yes. If so, will the area subject to orderly annexation provide the City of Young America with necessary growth space? No.

d. The present pattern of physical development is:

1) In the City of Young America

a) Residential - Yes

b) Industrial - No

c) Commercial - Yes

d) Institutional - Yes

2) In the area subject to orderly annexation:

1) Residential - one home and others nearby

b) Industrial - No

c) Commercial - One business, the Dile Corporation, and supermarket nearby and other potential development.

d) Institutional - No

e. What will be the effect, if any, of the annexation on adjacent communities? Potentially, could limit Norwood's growth to the east.

6. Governmental Services

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

1) Water - No

5) Street Improvements - No

2) Sewer - No

6) Street Maintenance - Yes

3) Fire Protection - No, contracts with City of Young America

7) Recreational - No

4) Police Protection - County Sheriff

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

1) Water - Yes

5) Street Improvements - Yes

2) Sewer - Yes

6) Street Maintenance - Yes

3) Fire Protection - Yes, a fire rating of 8

7) Recreational - Yes

4) Police Protection - No, contracts with County

8) Other - Library, garbage pick-up

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

- | | |
|---|---|
| 1) Water - Yes | 5) Street Improvements - Yes, built a 9 ton road. |
| 2) Sewer - Yes | 6) Street Maintenance - Yes |
| 3) Fire Protection - Yes, by contract with the township | 7) Recreational - Yes, all facilities available |
| 4) Police Protection - No | 8) Other - Garbage pick-up |

d. Plans to extend municipal services to the area subject to orderly annexation include the following: City services already are provided by Young America. Police will be provided.

7. Fiscal Data

- a. In the City of Young America, the assessed valuation trend is rising, the mill rate trend is slowly dropping (27.9 in 1976) and the present bonded indebtedness is approximately \$700,000.
- b. In the area subject to orderly annexation, the assessed valuation trend is rising, the mill rate trend is moderately rising (1.91 in 1976) and the present bonded indebtedness is 0.
- c. Will the orderly annexation have any effect upon area school districts? No

8. Is orderly annexation to the City of Young America the best alternative.

- a. Could governmental services be better provided for by incorporation of the area subject to orderly annexation? No.
- b. Could governmental services be better provided for by consolidation or orderly annexation of the area with an adjacent municipality other than Young America? No, services are already being provided by Young America.
- c. Could Young America township provide the services required? No.

9. The area designated for orderly annexation should be increased in order to include that property which is now or is about to become urban or suburban in character; the new description of the area to be annexed is as follows:

To the north, the city limits of Young America;
to the east, the Chicago Northwestern Railway;
to the south, State Highway 212; and to the west,
the Norwood city limits.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to orderly annexation is nor 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 orderly annexation.
4. The best interest of the City of Young America and the area subject to orderly annexation will be furthered by designating the area for orderly annexation.
5. Orderly 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 orderly annexation.
6. An order should be issued by the Minnesota Municipal Board designating for orderly annexation the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the property described herein situated in the County of Carver, State of Minnesota, be and the same is hereby designated for orderly annexation to the City of Young America, Minnesota.

To the north, the city limits of Young America; to the east, the Chicago Northwestern Railway; to the south, State Highway 212; and to the west, the Norwood city limits.

IT IS FURTHER ORDERED: That the effective date of this order is February 4, 1977.

Dated this 7th day of February, 1977

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

William A. Neiman
William A. Neiman
Executive Secretary

30233
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
FEB 8 - 1977
James Andrew Howe
Secretary of State