

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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|--------------------|-------------------|
| Thomas J. Simmons | Chairman |
| Robert W. Johnson | Vice Chairman |
| Gerald J. Isaacs | Member |
| Raphael Honermann | Ex-Officio Member |
| John Fenstermacher | Ex-Officio Member |

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF WORTHINGTON AND)
THE TOWNSHIP OF WORTHINGTON FOR THE)
ORDERLY ANNEXATION OF CERTAIN LAND TO)
THE CITY OF WORTHINGTON)

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 December 9, 1976 at Worthington, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Raphael Honermann and John Fenstermacher, ex-officio members of the Board. Mr. Thomas LaVelle appeared in behalf of the City of Worthington, and Mr. Hughes in behalf of the property owner, and several Town Board members in behalf of Worthington Township. 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. That a joint resolution for orderly annexation was adopted by the City of Worthington and the Township of Worthington and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, Worthington, on October 29, 1976 requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

A tract of land in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section 24, Township 102, Range 40, described as follows: Beginning at the Northeast corner of said Section; thence South along the East line of said Section for 840.0 feet; thence West at 90 degrees for 1236.0 feet, more or less, to the southeasterly right-of-way line of the Chicago, Northwestern Railroad Company; thence northeasterly along the southeasterly line of said railroad company to the north line of said section; thence east along the north line of said section for 320.2 feet to the point of beginning, containing 15 acres, more or less, in Nobles County, Minnesota.

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 Worthington.
- b. The total area of the territory subject to annexation is approximately 15 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: 60 - 100%, depending on status of western boundary.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Basically flat land, silty clay, loam soil conditions.

5. Population Data

- a. The City of Worthington has grown steadily since 1910 with an estimated 1976 population of 11,000.
- b. The area subject to annexation: The area is commercial and has not had any residents nor is any population growth anticipated.

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: Area is almost fully developed, and its present uses are consistent with neighboring areas.
- b. What land use controls are presently being employed.
 - 1) In the City of Worthington
 - a) Zoning - Yes, area to be annexed would probably be zoned heavy manufacturing.
 - b) Subdivision Regulations - Yes

- c) Housing and Building Codes - Yes
- d) Other - Comprehensive plans, State Plumbing and electrical codes.

2) In the area to be annexed: County zoning .

c. The present pattern of physical development is:

1) In the City of Worthington:

- 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 - Yes, and further commercial development is in progress. The uses are: grain elevator, retail outlet, and office use.
- d) Institutional - No

7. Governmental Services

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

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - No, contracts with City
- 4) Police Protection - Nobles County Sheriff
- 5) Street Improvements - No
- 6) Street Maintenance - No, by county
- 7) Recreational - No

b. Presently, the City of Worthington 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 - Storm sewer

c. Presently, the City of Worthington provides the area subject to annexation with fire service by contract with the Township.

d. Plans to extend municipal services to the area subject to annexation include the following: Almost all services including water, can be extended immediately; sewer service could not be extended for at least five (5) years.

e. That the City of Worthington is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next five (5) years.

8. Fiscal Data

- a. In the City of Worthington, the assessed valuation trend is rising, the mill rate trend has fluctuated (31.8 in 1976) and the present bonded indebtedness is \$6,505,000.
- b. In the area subject to annexation, the assessed valuation trend is rising (assessed value of \$144,000 in 1976), the mill rate trend is stable (3.30 in 1976).
- c. The mill rate trends in the following units of government are:
 - 1) County - Slowly rising (24.6 mills)
 - 2) School Districts - Stable (48.94 mills)
 - 3) Township - Rising (3.3 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 now or is about to become urban or suburban in nature.
3. The City of Worthington is capable of providing the services required by the area described herein within a reasonable time.
4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a five (5) year period.
5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

IT IS HEREBY ORDERED: That the following described property lying in the Township of Worthington, County of Nobles, State of Minnesota, be and the same hereby is annexed to the City of Worthington the same as if it had originally been made a part thereof:

A tract of land in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section 24, Township 102, Range 40, described as follows: Beginning at the Northeast corner of said Section; thence South along the East line of said Section for 840.0 feet; thence West at 90 degrees for 1236.0 feet, more or less, to the southeasterly right-of-way line of the Chicago, Northwestern Railroad Company;

thence northeasterly along the southeasterly line of said railroad company to the north line of said section; thence east along the north line of said section for 320.2 feet to the point of beginning, containing 15 acres, more or less, in Nobles County, Minnesota.

IT IS FURTHER ORDERED: That the mill levy of the City of Worthington on the property herein ordered annexed shall be increased in substantially equal proportions over a period of five (5) years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the effective date of this order is March 15, 1977.

Dated this 15th day of March, 1977

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

William A. Neiman
William A. Neiman
Executive Secretary

#30332

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 16 1977
John Anderson Howe
Secretary of State