BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Patrick Kubesh	Ex-Officio Member
Wayne Cornwell	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION FOR ANNEXATION OF CERTAIN LAND TO THE CITY OF RENVILLE	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 2, 1976, at Renville, 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 Wayne Cornwell and Patrick Kubesh, ex-officio members of the Board. The City of Renville appeared by and through R. D. Selander and the Township of Emmet appeared by and through DePaul Willette. 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 October 16, 1976, a resolution by the City of Renville was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This resolution had been prompted by the submission of a petition of all the property owners in a portion of the area contained in the resolution. A copy of the petition was filed with the Board. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

A. Southeast Quarter of Southeast Quarter (SE¼ of SE¼) of Section Six (6), Township One Hundred Fifteen (115), Range Thirty-six (36).

B. Northeast Quarter of the Southeast Quarter (NE¼ of SE¼), Section Six (6), Township One Hundred Fifteen (115), Range Thirty-six (36).

C. Southeast Quarter of the Northeast Quarter (SE¼ of NE¼), Section Six (6), Township One Hundred Fifteen (115), Range Thirty-six (36).

D. Northeast Quarter of Northeast Quarter (NE¼ of NE¼), Section Six (6), Township One Hundred Fifteen (115), Range Thirty-six (36).

E. Northeast Quarter of Northeast Quarter (NE¼ of NE¼), Section Seven (7), Township One Hundred Fifteen (115), Range Thirty-six (36).

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 Renville.

b. The total area of the City of Renville is 900 acres. The total area of the territory subject to annexation is 200 acres, including five 40 acre tracts.

c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: Approximately 20% - 30%.

d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: There are several barriers including a railroad track, a drainage ditch, and a large hill. Otherwise, mostly flat land, with water running west from Renville to the ditch.

4. Population Data

a. The City of Renville

1) Past population growth: 1970 - 1252

2) Present population: 1,438 increase probably due to recent industrial/commercial development, particularly the sugar beet plant.

3) Projected population: Unknown

b. The area subject to annexation

1) Past population growth: Very slow

2) Present population: Approximately 25 - 30 persons

3) Projected population: Very little increase in the forseeable future.

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. A new motel is being constructed in one parcel. The city has a to-be-adopted land use plan for itself and the area under consideration.

b. What land use controls are presently being employed.

1) In the City of Renville

a) Zoning - Yes, comprehensive code near adoption.

b) Subdivision regulations - Ordinances being studied

c) Housing and building codes - Unknown

d) Other - Planning Commission

2) In the area to be annexed:

a) Zoning - Yes; by the County

b) Subdivision regulations - No

c. Does the city require future growth space? Unknown. If so, will the area subject to annexation provide the City of Renville with necessary growth space? Yes, but considerable growth space, more amenable to development, is available.

d. The present pattern of physical development is:

1) In the City of Renville

a) Residential - Yes

b) Industrial - Yes

c) Commercial - Yes

d) Institutional - Yes

2) In the area subject to annexation

a) Residential - Yes, basically along one narrow strip

b) Commercial - Some business

c) Agricultural - Yes, a substantial portion of the area.

e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

a. Presently, the Township of Emmet provides the area

subject to annexation with the following services:

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

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

1) Water - Yes
2) Sewer - Yes
3) Fire Protection - Yes
4) Police Protection - Yes, 2 persons, 20 hours a day
5) Street Improvements - Yes
6) Street Maintenance - Yes
7) Recreational - Yes
8) Other - Garbage, nursing home

c. Presently, the City of Renville provides parts of the area subject to annexation with the following services:

1) Water - Yes, paid in full by affected property owners
2) Sewer - Only for the motel property, and this would be an expensive project, requiring a lift station in most of the remaining area.
3) Fire Protection - Yes, by contract with Emmet.
4) Police Protection - Some control of automobiles on road separating township and city
5) Street Improvements - No, and no plans for streets
6) Street Maintenance - No
7) Recreational - Yes
8) Other - Garbage, paid in full by affected property owners

d. Plans to extend municipal services to the area subject to annexation include the following: Water, sewer, garbage pick-up, and street lights are planned for the new motel site. The city has no plans to provide utilities to most of the remaining area.

e. There are existing or potential pollution problems which are: Possible pollution from septic tanks into drainage ditch. The following additional services will help resolve this situation: City sewer, but there are no plans for this service at this time.

7. Fiscal Data

a. In the City of Renville the mill rate is 33.36 and the present bonded indebtedness is $896,000, including $515,000 of special assessments.

b. Will the annexation have any effect upon area school districts? No, same school district.

8. Is annexation to the City of Renville the best alternative

a. Could governmental services be better provided for by incorporation of the area subject to annexation? No.

b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Renville? No.

c. Could Emmet township provide the services required? No, however there was not a clear showing that further services are required and/or available.

d. Can Emmet township continue to function without the area subject to annexation? Yes, although the tax loss of $4,861.36 is significant.

9. The area subject to annexation should be decreased in order to only 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:

All that part of the SE¼ of the SE¼ of Section 6, Township 115, Range 36, described as follows: Beginning at the Southeast corner of said Section 6; thence on an assumed bearing of West, along the South line of said Section 6, a distance of 420 feet; thence on a bearing of N 0°44'25"E, 332 feet; thence on a bearing EAST, 420 feet to the East line of said Section 6, thence on a bearing of S)°44'25" W, along last said line, 332 feet to the point of beginning. Containing 3.20 acres, more or less. Subject to the rights of the public in County Aid Highway #6. Subject to the rights of the public in U.S. Trunk Highway #212.
All that part of the SE¼ of the SE¼ of Section 6, Township 115, Range 36, described as follows: Commencing at the Southeast corner of said Section 6; thence on an assumed bearing of WEST, along the South line of said Section 6, a distance of 420 feet to the point of beginning of the parcel herein described; thence continuing on a bearing of WEST, along said South line, 368 feet; thence on a bearing of N 0°44'25"E,59' ;thence on a bearing of N 12° 25' 43"E,279.52 feet; thence on a bearing EAST, 311.37 feet; thence on a bearing of S 0°44'25"W, 332 feet to the point of b beginning. Containing 2.63 acres, more or leas. Subject to the rights of the public in U.S. Trunk Highway #212. Subject to an easement for County Ditch #45.

10. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Board requesting annexation: however, 100% (2 property owners) of the property owners in the decreased area petitioned the city for annexation and the new property owner, the motel developer, is known to support the annexation. Further, there are no persons who qualify as voters residing in the area subject to 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 Renville and the area subject to annexation will be furthered by annexation.

5. The remainder of the Township of Emmet 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 Renville 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. The area primarily and substantially interested in or affected by the Board order only includes that area subject to annexation.

9. Although this annexation proceeding has not been initiated by a petition of a majority of property owners, the area "primarily and substantially interested in or affected by the Board order" has no resident voters. Therefore, the referendum requirement (M.S. 414.031, Subd. 5) is inapplicable in this proceeding.

10. 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 Renville, State of Minnesota, be and the same is hereby annexed to the City of Renville, Minnesota the same as if it had been originally made a part thereof:

All that part of the SE¼ of the SE¼ of Section 6, Township 115, Range 36, described as follows: Beginning at the Southeast corner of said Section 6; thence on an assumed bearing of West, along the South line of said Section 6, a distance of 420 feet; thence on a bearing of N 0°44'25"E, 332 feet; thence on a bearing EAST, 420 feet to the East line of said Section 6, thence on a bearing of S)°44'25" W, along last said line, 332 feet to the point of beginning. Containing 3.20 acres, more or less. Subject to the rights of the public in County Aid Highway #6. Subject to the rights of the public in U.S. Trunk Highway #212.

All that part of the SE¼ of the SE¼ of Section 6, Township 115, Range 36, described as follows: Commencing at the Southeast corner of said Section 6; thence on an assumed bearing of WEST, along the South line of said Section 6, a distance of 420 feet to the point of beginning of the parcel herein described; thence continuing on a bearing of WEST, along said South line, 368 feet; thence on a bearing of N 0°44'25"E, 59'; thence on a bearing of N 12° 25' 43"E, 279.52 feet; thence on a bearing EAST, 311.37 feet; thence on a bearing of S 0°44'25"W, 332 feet to the point of b beginning. Containing 2.63 acres, more or leas. Subject to the rights of the public in U.S. Trunk Highway #212. Subject to an easement for County Ditch #45.

IT IS FURTHER ORDERED: That the effective date of this order is April 1, 1977.

Dated this 1st day of April, 1977

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

William A. Neiman

William A. Neiman
Executive Secretary

#30376

STATE OF MINNESOTA
DEPARTMENT OF STATE
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Joan Anderson Growe
Secretary of State