



STATE OF MINNESOTA

MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

April 13, 1977

Mr. Mark Winkler
Deputy Secretary of State
State Office Building
Saint Paul, Minnesota

Re: Municipal Board Docket Number A-2435(OA) Young America

Dear Mr. Winkler:

The subject order of the Minnesota Municipal Board makes the following changes in the population of the named units of government:

The population of the City of Young America

is increased by two (2) persons

The population of the Town of Young America

is decreased by two (2) persons

A new municipality named _____

has been created with a population of _____

The _____

has been dissolved.

Official date of the Order April 7, 1977

C.C. Mr. Wallace O. Dahl
Director
Tax Research Division
205 Centennial Bldg.

pd
Patricia D. Lundy
Assistant Executive Secretary

Hazel Reinhardt
State Demographer
101 Capitol Square Bldg.

#30412
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 14 1977
Joan Anderson Stone
Secretary of State

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 PETITION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF YOUNG AMERICA)

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 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. The property was described as follows:

That part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 115, Range 26, Carver County, Minnesota described as follows: Commencing at the northeast corner of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence south along the east line of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ a distance of 820.00 feet to the actual point of beginning; thence west deflecting right 90° 00' a distance of 483.80 feet to the east line of land deeded to William Yaeck recorded in Book 65 of Deeds, page 140; thence south along said east line a distance of 22.70 feet to the north line of Rothforks Addition to Norwood according to the recorded plat thereof; thence east along said north line a distance of 486.65 feet to the east line of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence north along said east line a distance of 26.20 feet to the point of beginning. Containing 0.27 acres and subject to the right of way of Faxon Road over the east 33.00 feet thereof.

Commencing at a point thirty-three (33) feet South of the quarter corner in line between Sections 11 and 14 Township 115, Range 26, said point being the South line of State Road No. 5 Carver County, thence South on quarter line Seven hundred eighty-seven (787) feet to a point; thence West at right angles to the last mentioned line eleven hundred eighteen and 5/10 (1118.5) feet to a point on South boundary line of said State road, thence North 57° 44' East along South boundary line of said State road seven hundred fifty-one (751) feet to the beginning of a 2°20' Curve to the left; thence on said Curve still following the South boundary of said State road Six hundred thirty-seven (637) feet to place of beginning, containing 9.10/100 acres situated in N.E.¼ of N.W.¼ of Section 14, Township 115, Range 26.

Excepting therefrom 72/100 of an acre in the Northeast corner of above tract, formerly sold to Henry P. and Maggie Bruckschen by Deed recorded in Book 27 at page 44 Carver County Register of Deeds Office.

Also excepting therefrom Commencing at a point 846.2 feet S. of the S¼ cor. of Section 11-114N-26W being the NE cor. of Rothfork's Addition Norwood, Village; th. W. at an internal angle of 89° 17' for a distance of 486.65 ft. to the point of beginning of the tract to be herein described; thence W. along said Rothfork's Addition a distance of 527.95 feet to the N.E. corner of the Walter W. Good tract; thence continuing Westerly at an internal angle of 180° 48' for a distance of 100 feet to the South right of way line of said road at an internal angle of 32° 16' for a distance of 716.9 feet; thence Southeasterly at an internal angle 87° 42' for 119.5 feet; thence Southwesterly at an internal angle of 142° 26' for 289.2 feet to the point of beginning. Lying and being in the NE¼ of the NW¼ of Section 14-115-26, and containing 3 acres of land, more or less.

Township Property Land

A strip of land being in the East half of the NW¼ and the West half of the NE¼ of Section 14, Township 115, Range 26, Carver County, Minnesota, 66 feet in width lying 33 feet on either side of a center line as measured along lines perpendicular to said center line, said center line being described as follows: Commencing at the Northeast corner of the NE¼ of said NW¼; thence south along the east line of said NE¼ of said NW¼ a distance of 480.00 feet to the actual point of beginning; thence continue south along said east line a distance of 820.00 feet to the northerly right-of-way line of State Highway 212 and there terminating.

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 annexation. 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 the 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 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

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submitted at this hearing was in conflict. On February 7, 1975, the Municipal Board designated an expanded area as in need of orderly annexation. On February 25th, the February 7th order was vacated. On February 25, 1977 the "township option" was denied, re-establishing the proceeding as one of annexation. The findings contained in this order are based upon those contained within M.S. 414.031, as required by M.S. 414.033(5).

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

3. Geographic Features

- a. The area under consideration for annexation is unincorporated and abuts the City of Young America.
- b. The total area of the territory under consideration is 6.72 acres.
- c. The degree of contiguity of the boundaries between the municipality and the proposed 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 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 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, there zoning, subdivision, and housing and building codes. Also, there is a Planning Commission.
 - 2) In the area under consideration for annexation, there is zoning by the County.

c. Does the city require future growth space? Yes.
If so, will the area subject to 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 annexation.

a) Residential - one home

b) Industrial - No

c) Commercial - One business, the Dile Corporation.

d) Institutional - No

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

6. Governmental Services

a. Presently, the Township of Young America provides the
area subject to 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 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 annexation include the following: Almost all 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 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 annexation have any effect upon area school districts? No.

8. Is 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 annexation? No.
- b. Could governmental services be better provided for by consolidation or 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. 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 Young America and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Young America 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 Young America 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 Carver, State of Minnesota, be and the same is hereby annexed to the City of Young America, Minnesota, the same as if it had been originally made a part thereof:

That part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Township 115, Range 26, Carver County, Minnesota described as follows: Commencing at the northeast corner of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence south along the east line of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ a distance of 820.00 feet to the actual point of beginning; thence west deflecting right 90° 00' a distance of 483.80 feet to the east line of land deeded to William Yaeck recorded in Book 65 of Deeds, page 140; thence south along said east line a distance of 22.70 feet to the north line of Rothforks Addition to Norwood according to the recorded plat thereof; thence east along said north line a distance of 486.65 feet to the east line of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence north along said east line a distance of 26.20 feet to the point of beginning. Containing 0.27 acres and subject to the right of way of Faxon Road over the east 33.00 feet thereof.

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Excepting therefrom 72/100 of an acre in the Northeast corner of above tract, formerly sold to Henry P. and Maggie Bruckschen by Deed recorded in Book 27 at page 44 Carver County Register of Deeds Office.

Also excepting therefrom Commencing at a point 846.2 feet S. of the S 1/4 cor. of Section 11-114N-26W being the NE cor. of Rothfork's Addition Norwood, Village; th. W. at an internal angle of 89° 17' for a distance of 486.65 ft. to the point of beginning of the tract to be herein described; thence W. along said Rothfork's Addition a distance of 527.95 feet to the N.E. corner of the Walter W. Good tract; thence continuing Westerly at an internal angle of 180° 48' for a distance of 100 feet to the South right of way line of said road at an internal angle of 32° 16' for a distance of 716.9 feet; thence Southeasterly at an internal angle 87° 42' for 119.5 feet; thence Southwesterly at an internal angle of 142° 26' for 289.2 feet to the point of beginning. Lying and being in the NE 1/4 of the NW 1/4 of Section 14-115-26, and containing 3 acres of land, more or less.

IT IS FURTHER ORDERED: That the population of the City of Young America has increased by two (2) persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Young America has decreased by two (2) persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That this order is hereby stayed for a period of 30 days.

IT IS FURTHER ORDERED: That the effective date of this order is April 7, 1977.

Dated this 13th day of April, 1977

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

William A. Neiman
William A. Neiman
Executive Secretary

#30412
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Secretary of State