

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
David Stevens	Ex-Officio Member
Phillip Anderson	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION FOR)	FINDINGS OF FACT,
ANNEXATION OF CERTAIN LAND TO THE)	CONCLUSIONS OF LAW,
CITY OF MANKATO)	AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 2, 1976 by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12 and was continued until June 21, 1976 when the hearing was conducted by Chairman Thomas Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners David Stevens and Phillip Anderson, ex-officio members of the Board. The City of Mankato appeared by and through Phillip Sieber and the Township of Mankato appeared by and through John Riedy. Testimony was heard and record 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 December 19, 1975, as amended May 19, 1976, a resolution by the City of Mankato was received by the Minnesota Municipal Board notifying the Board of Mankato's intention to annex certain properties under M.S. 414.033(3). This resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Beginning at the intersection of the east right-of-way line of TH 22 and the South line of the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 5, Range 26W, T108N;

Thence southerly along the East line of TH 22 to its intersection with Blue Earth County Highway #12;

Thence southerly along the East right-of-way line of Blue Earth County #12 to its intersection with the South line of the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 5, Range 26W, T108N;

Then westerly along said line to its intersection with the west line of Section 5, Range 26W, T108N;

Thence northerly along said line to its intersection with the northermost right-of-way line of proposed TH 14;

Thence easterly along the northermost right-of-way line of proposed TH 14 to its intersection with the center line of TH 22;

Thence northeasterly along the center line of TH 22 to the point of beginning:

Except those portions which have been annexed previously;
Containing approximately 92 acres.

2. An objection was filed with the Board by Mankato Township on February 9, 1976. Therefore, this proceeding has been conducted, as required by 414.033(3), in accordance with M.S. 414.031(3) (4).

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 Mankato.
- b. The total area of the City of Mankato is 9.8 square miles. The total area of the territory subject to annexation is approximately 92 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 77%.
- d. The natural terrain of the area including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows:
Slopes from ravine on eastern flood plain. Generally, poor soil conditions and high water table. Many commercial uses in the area were on lots that required filling, others will require filling, and some are probably undevelopable.

5. Population Data

- a. The City of Mankato
 - 1) Past population growth: 1950 - 18,800 to 1970 - 30,900
 - 2) Present population: 1975 - 33,800
 - 3) Projected population: By 1990 - 43,300

b. Mankato Township's population has steadily grown and this trend is expected to continue. The specific area has shown the following patterns:

- 1) Past population growth: Minimal
- 2) Present population: 27 (estimate) in nine residences
- 3) Projected population: Some increase as certain residential properties are developed.

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. Blue Earth County Land Use Plan (1975) projects development for area which is compatible with what already exists. Further, 40% of the area will be utilized for a highway interchange encouraging further development. Mankato expects part of the undeveloped portions to acquire residential/commercial developments, but some of the land is probably not developable.

b. What land use controls are presently being employed.

1) In the City of Mankato

- a) Zoning - Yes
- b) Subdivision regulations - Yes
- c) Housing and building codes - Yes
- d) Other - Fire code, flood plain controls, airport zoning regulations, Tax Increment Bonding.

2) In the area to be annexed:

- a) Zoning - Blue Earth County zoning administered by township.
- b) Subdivision regulations - Blue Earth County
- c) Housing and building codes - Unknown
- d) Other - Includes some platted land. The township has a Planning and Zoning Board.

c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Mankato with necessary growth space? Yes, the City presently has undeveloped and zoned for residential - 137

acres, commercial - 45 acres, and industrial - 80 acres. Although some of the area subject to annexation is already developed, there are also some developable properties.

d. The present pattern of physical development is:

1) In the City of Mankato:

- a) Residential - Yes
- b) Industrial - Yes
- c) Commercial - Yes
- d) Institutional - Yes

2) In the area subject to annexation: Approximately 40 acres are now developed or are included in the highway interchange.

- a) Residential - Yes
- b) Industrial - Yes
- c) Commercial - Yes
- d) Wholly undeveloped - Yes

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

7. Governmental Services

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

- 1) Water - No, individual wells
- 2) Sewer - No, septic tank system
- 3) Fire Protection - No, by contract with the City of Kasota and the distance is about 8 miles producing a relatively lengthy response time and a poor fire rating.
- 4) Police Protection - A constable and Blue Earth County Sheriff.
- 5) Street Improvements - On occasion.
- 6) Street Maintenance - Yes, including snow removal
- 7) Recreation - No
- 8) Other - Weed inspector

b. Presently, the City of Mankato 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, including snow removal
- 7) Recreational - Yes

- c. Presently, the City of Mankato provides the area subject to annexation with utility service to several properties. With the exception of a few properties, only city property owners are provided with any type of municipal service.
- d. Plans to extend municipal services to the area subject to annexation include the following: In parts of the area proposed for annexation all services, other than utilities, can be extended immediately. Utilities can be provided upon petition by benefitting property owners who must bear the expense. However, utilities will not be available to properties in the westerly portions of the area for approximately 10 years.
- e. There are existing or potential pollution problems which are: Possible septic tank problems in intensively developed area with poor soil conditions and fractured limestone. The following additional services will help resolve this situation: city sewer.

8. Fiscal Data

- a. In the City of Mankato, the assessed valuation trend shows steady growth (\$78,987,304 in 1976), the mill rate trend shows slow growth (46.08 in 1976).
- b. In the area subject to annexation, the assessed valuation trend shows slow growth (\$7,768,567 in 1976), the mill rate trend is stable (3.69 in 1976), and the present bonded indebtedness is 0.
- c. The mill rate trends in the following units of government are:
 - 1) County - Stable (23.42 in 1976)
 - 2) School Districts - Stable (59.78 in 1976)
- d. Will the annexation have any effect upon area school districts? No, same school district.

9. Is annexation to the City of Mankato the best alternative?
 - a. Could governmental services be better provided for by incorporation of the area subject to annexation? No, the area lacks many components required in a viable city.
 - b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Mankato? No, there is none.
 - c. Could Mankato Township provide the services required? No, particularly utilities.
 - d. Can Mankato Township continue to function without the area subject to annexation? Yes, the area to be annexed generated only about \$1,500 in 1975 property taxes and state aids. This loss would be slightly offset by less required street maintenance.

10. 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; furthermore the area subject to annexation should be decreased because certain properties within would be served better by Mankato Township. The excluded properties will not be provided with city utilities within a reasonable time and, furthermore, do not require them. Also, Mankato's fire service is not an important factor for most of these properties. The new property description is:

All that part of the South Half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Five (5), Township 108N, Range 26W described as follows: Beginning at the intersection of the South line of the above described property and the Northeasterly right-of-way line of Duke Street, thence in the Northwesterly direction along said right-of-way to its intersection with the Southeasterly right-of-way of Trunk Highway 22, thence Northeasterly on said right-of-way to its intersection with the North line of the South Half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), thence in a Westerly direction along said line to its intersection with the present corporate limits of Mankato, thence southerly along said limits to the Southwest corner of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$), thence easterly on the south line of said North Half ($N\frac{1}{2}$) of Southwest Quarter ($SW\frac{1}{4}$) to the point of beginning except therefrom all lands previously annexed to the City of Mankato.

11. This annexation proceeding, conducted under M.S. 414.033(3) is not subject to a referendum.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The reduced 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 reduced area subject to annexation.

4. The best interest of the City of Mankato and the reduced area subject to annexation will be furthered by annexation.

5. The remainder of the Township of Mankato 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 Mankato and the value of benefits conferred upon the reduced 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 reduced area subject to annexation.

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

All that part of the South Half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Five (5), Township 108N, Range 26W described as follows: Beginning at the intersection of the South line of the above described property and the Northeasterly right-of-way line of Duke Street, thence in the Northwesterly direction along said right-of-way to its intersection with the Southeasterly right-of-way of Trunk Highway 22, thence Northeasterly on said right-of-way to its intersection with the North line of the South Half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), thence in a Westerly direction along said line to its intersection with the present corporate limits of Mankato, thence southerly along said limits to the Southwest corner of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$), thence easterly on the south line of said North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) to the point of beginning except therefrom all lands previously annexed to the City of Mankato.

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

Dated this 14th day of April, 1977

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

William A. Neiman
William A. Neiman
Executive Secretary

30415
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 18 1977
John Anderson Howe
Secretary of State