

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Mary Tollefson	Ex-Officio Member
Palmer Grinager	Ex-Officio Member

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

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 March 14, 1977 at the City Hall in Madison, Minnesota. The hearing was conducted by Chairman Thomas J. Simmons and William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was County Commissioner Palmer Grinager, Ex-Officio Member of the Board. The City of Madison appeared by and through Mr. Roger Swenson; the Town of Madison appeared by and through Mr. Stuart Borstad; and, the property owner, Mr. Sidney Swenson, appeared on his own behalf. Testimony was heard and records 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 Madison and the Town of Madison and duly filed with the Minnesota Municipal Board.
2. That a resolution was filed by one of the signatories to the joint resolution, the City of Madison, on December 20, 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:

The East Two Hundred Ninety-six Feet (E296'), more or less, of Lot Ten (10), consisting of the remainder of said Lot not presently in the city limits, and the West One Hundred Fifty Feet (W150') of Lot Eleven (11), Evergreen Addition to the City of Madison, according to the plat thereof on file and of record in the office of the County Recorder in and for LacquiParle 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 Madison.
- b. The total area of the territory subject to annexation is 3.78 acres.
- c. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes, and major bluffs is as follows: land is flat and developable.

5. Population Data: The area subject to annexation has 0 population but is expected to grow rapidly as lots are developed for single family homes.

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: The land owner intends to sell both undeveloped lots and developed lots for single-family residential. One lot has already been sold. A preliminary plat has been prepared.
- b. What land use controls are presently being employed:
 1. In the City of Madison:
 - a. Zoning - yes
 - b. Subdivision regulations - unknown
 - c. Housing and building codes - yes
 - d. Other - Planning and Zoning Commission
- c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Madison with necessary growth space? Yes.
- d. The present pattern of physical development is:
 1. In the City of Madison:
 - a. Residential - yes
 - b. Industrial - yes
 - c. Commercial - yes
 - d. Institutional - yes

2. In the area subject to annexation, there is no present development.

7. Governmental Services:

- a. Presently, the Town of Madison provides the area subject to annexation with no services.
- b. Presently, the City of Madison 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 - Trash removal
- c. Presently, the City of Madison provides the area subject to annexation with no services.
- d. Plans to extend municipal services to the area subject to annexation includes the following: All services, including utilities, can be extended within a reasonable time.
- e. That the City of Madison is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next three (3) years.

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 Madison 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 three (3) 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 Town of Madison, County of LacquiParle, State of Minnesota, be and the same hereby is annexed to the City of Madison the same as if it had originally been made a part thereof:

The East Two Hundred Ninety-Six Feet (E296'), more or less, of Lot Ten (10), consisting of the remainder of said Lot not presently in the city limits, and the West One Hundred Fifty Feet (W150') of Lot Eleven (11), Evergreen Addition to the City of Madison, according to the plat thereof on file and of record in the office of the County Recorder in and for LacquiParle County, Minnesota.

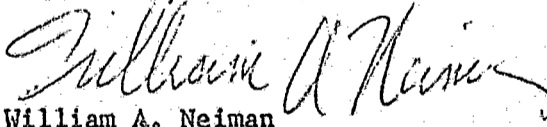
IT IS FURTHER ORDERED: That the mill levy of the City of Madison on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three (3) years to equality with the mill levy of the property already within the city.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of thirty days.

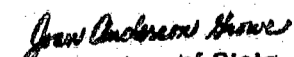
IT IS FURTHER ORDERED: That the effective date of this order is April 21, 1977.

Dated this 21 day of April, 1977

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


William A. Neiman
Executive Secretary

30469
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 25 1977


Secretary of State