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STATE OF MINNESOTA
MUNICIPAL BOARD

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

September 15, 1977

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

Re: Municipal Board Docket Number A-3113 New Uln

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 _____
is increased by NO CHANGE

The population of _____
is decreased by NO CHANGE

A new municipality named _____
has been created with a population of _____

The _____
has been dissolved.

Official date of the Order September 14, 1977. Effective
September 13, 1977.

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

pal
Patricia D. Lundy
Assistant Executive Secretary

Hazel Reinhardt
State Demographer
101 Capitol Square Bldg.

Mr. Arthur C. Roemer
Department of Revenue
201 Centennial Bldg.

A-3113 New Ulm

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Leo Hoffman	Ex-Officio Member
Virgil Wellner	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF NEW ULM)

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 16, 1977 at New Ulm, Minnesota. The hearing was conducted by Board Member Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Leo Hoffman and Virgil Wellner, ex-officio members of the Board. The City of New Ulm and the petitioner appeared by and through Terry Dempsey and Cottonwood Township was represented by William O'Connor. 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

On February 25, 1977, a copy of a petition for annexation by the sole property owner was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Lot "A" of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), of Section Five (5), Township One Hundred Nine (109), Range Thirty (30), Brown County, Minnesota, containing .07 acres more or less;

Beginning at the Northwest corner of Section Four (4), Township One Hundred Nine (109), Range Thirty (30), Brown County, Minnesota, thence South a distance of 318.34 feet along and West of the boundary of said Section 4; thence easterly and parallel to the North line of said Section 4 to the center of the township road; thence northeasterly along said center line of the township road to a point directly East of the South line of Lot A of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 4; thence westerly along the South line of said Lot A, west line of said Lot 4; thence South along said West line of said Lot 4 to the point of beginning;

And also part of Sublot One (1) of Lot G of the Northeast Quarter (NE $\frac{1}{4}$), Section Five (5), Township One Hundred Nine (109), Range Thirty (30), Brown County, Minnesota, described as follows: Commencing at a point 318.34 feet South of the Northeast corner of said Section 5; thence westerly and parallel to the North line of said Section 5 to the westerly boundary of Sublot 1 of Lot G; thence northeasterly along said westerly boundary to a point 119.51 feet Southwest of the Northeast corner of said Section 5; thence easterly to the East boundary of said Lot 5; thence southerly along said East boundary of said Lot 5 to the point of beginning, containing 5.2 acres more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Cottonwood Township on April 28, 1977. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

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 New Ulm.
- b. The total area of the territory subject to annexation is 5.27 acres.
- c. The perimeter of the area to be annexed is less than 5% bordered by the municipality.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: undeveloped and generally flat.

4. Population Data

- a. The City of New Ulm has experienced steady growth.
- b. The area subject to annexation has 0 population and will grow to include one family.

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. There are no plans.
- b. What land use controls are presently being employed.
 - 1) In the City of New Ulm
 - a. Zoning - Yes
 - b. Subdivision regulations - Yes
 - c. Housing and building codes - Yes
 - d. Other - Fire and Plumbing Codes
 - 2) In the area to be annexed:
 - a. Zoning - Yes, Brown County
 - b. Subdivision regulations - Yes, Brown County
- c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of New Ulm with necessary growth space? No.
- d. The present pattern of physical development is:
 - 1) In the City of New Ulm: development of all types.
 - 2) In the area subject to annexation:
 - a) Residential - Yes, one house and a few scattered residential units in the general area.
 - b) Industrial - No
 - c) Commercial - No
 - d) Institutional - No
- e. What will be the effect, if any, of the annexation on adjacent communities? None

6. Governmental Services

- a. Presently, the Township of Cotton provides the area subject to annexation with the following services: No services are required other than fire which is supplied

by the city by contract. Also, a township road runs by the property.

- b. Presently, the City of New Ulm 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 | 7) Recreational - Yes |
| 4) Police Protection - Yes | 8) Other - Gas, steam, library |

- c. Presently, the City of New Ulm provides the area subject to annexation with the following services: No services other than fire are required, and these are supplied by the City.

- d. Plans to extend municipal services to the area subject to annexation include the following: There are no such plans. The area is cut off from utilities by a river and relatively large tracts of undeveloped lands.

7. Fiscal Data

- a. In the City of New Ulm, the assessed valuation as of 1976 is 38 million, the mill rate as of 1976 is 25.32.
- b. In the area subject to annexation, the assessed valuation as of 1976 is \$586.

8. Is annexation to the City of New Ulm 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 New Ulm? No.
- c. Could Cottonwood township provide the services required? Yes, the area is basically rural and agricultural.

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 not now or is about to become urban or suburban in character.

3. Municipal government is not required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interest of the City of New Ulm and the area subject to annexation will not be furthered by annexation.

5. An order should be issued by the Minnesota Municipal Board denying the annexation petition of the area described herein.

O R D E R

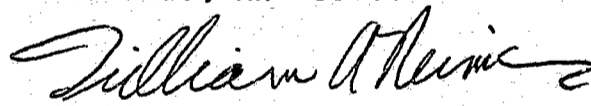
IT IS HEREBY ORDERED: That the petition requesting the annexation of the property described herein situated in the County of Brown, State of Minnesota, be and the same is hereby denied.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days during which time any party of record may demand an oral review by the full Municipal Board.

IT IS FURTHER ORDERED: That the effective date of this order is October 14, 1977.

Dated this 14th day of September, 1977.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, MN 55101


William A. Neiman
Executive Secretary

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 19 1977
John Anderson Thorne
Secretary of State
#31030

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SEP 19 1977
John Anderson Thorne
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