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STATE OF MINNESOTA  
MUNICIPAL BOARD

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

October 20, 1977

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

Re: Municipal Board Docket Number *OA-121 Detroit Lakes*

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

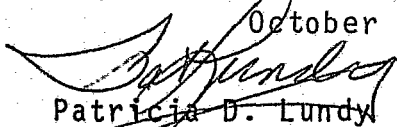
The population of \_\_\_\_\_  
is decreased by NO CHANGE

A new municipality named \_\_\_\_\_  
has been created with a population of \_\_\_\_\_

The \_\_\_\_\_  
has been dissolved.

Official date of the Order October 20, 1977. Effective October 20, 1977.

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

  
Patricia D. Lundy  
Assistant Executive Secretary

Hazel Reinhardt  
State Demographer  
101 Capitol Square Bldg.

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

OA-121 Detroit Lakes City  
Lake View Town

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
C. A. Boyer	Ex-Officio Member
Cecil Bergquist	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR )  
THE ORDERLY ANNEXATION OF CERTAIN )  
LAND TO THE CITY OF DETROIT LAKES )  
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FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER  
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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 23, 1976 at Detroit Lakes, 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 C. A. Boyer and Cecil Bergquist, ex-officio members of the Board. The City of Detroit Lakes appeared by and through William Briggs, Lake View Township, and through William Wilson, and the petitioners were represented by Lynn Hummel. 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. That a petition for orderly annexation was duly filed with the Minnesota Municipal Board on July 14, 1976.
2. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Beginning at the point of intersection of C.S.A.H. #22 and the North line of the NE $\frac{1}{4}$  of Section 9, Township 138 North, Range 41 West; thence South along the centerline of C.S.A.H. #22 to its point of intersection with the centerline of County Highway No. 24; thence Easterly along the centerline of County Highway No. 24 to its point of intersection with the East line of the NE $\frac{1}{4}$  of Section 9, Township 138 North, Range 41 West; thence South along the East line of said Section 9 to the Southeast corner of <sup>NE $\frac{1}{4}$</sup> said Section 9, also the Southwest corner of the NW $\frac{1}{4}$  of Section 10, Township 138 North, Range 41 West; thence East along the South line of the NW $\frac{1}{4}$  of said Section 10, Township 138 North, Range 41 West to the Southeast corner of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 10; thence North to the NE corner of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 10; thence West along the North line of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 10 to a point of intersection with the centerline of County Highway No. 114; thence Northeasterly along the centerline of County Highway No. 114 to the point of intersection with the North line of the NW $\frac{1}{4}$  of Section 10, Township 138 North, Range 41 West; thence East along the North line of the NW $\frac{1}{4}$  of said Section 10 and the North line of the NE $\frac{1}{4}$  of Section 10, Township 138 North, Range 41 West to its point of intersection with Lot 23 of City View Beach; thence North along the West line of said Lot 23 to its Northwest corner; thence Easterly along the North line of Lot 23, City View Beach, to its point of intersection with the shoreline of Detroit Lake; thence Westerly along the shoreline of Detroit Lake to its point of intersection with the North line of the NE $\frac{1}{4}$  of Section 9, Township 138 North, Range 41 West; and thence West along the North line of the NE $\frac{1}{4}$  of said Section 9, Township 138 North, Range 41 West to the centerline of C.S.A.H. #22 and the point of beginning.

The above described area contains approximately 122 acres.

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

4. Geographic Features

- a. The area subject to orderly annexation is unincorporated and abuts the City of Detroit Lakes.
- b. The total area of the City of Detroit Lakes is 3.07 square miles. The total area of the territory subject to orderly annexation is 116 acres.
- c. The degree of contiguity of the boundaries between the affected municipality and the property proposed for orderly annexation 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: lake shore and hilly terrain with about one-half the area being lowlands.

5. Population Data

- a. The City of Detroit Lakes
  - 1) Past population growth: in 1970 - 5,797 people
  - 2) Present population: 6,725 people
  - 3) Projected population: 8,000 people by 1980.
- b. The area subject to orderly annexation
  - 1) Past population growth: steady growth
  - 2) Present population: 260 people
  - 3) Projected population: minor growth is likely

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for orderly annexation and/or the affected municipality. Development has generally been completed and is basically residential.
- b. What land use controls are presently being employed.
  - 1) In the City of Detroit Lakes
    - a) Zoning - Yes
    - b) Subdivision regulations - Yes
    - c) Housing and building codes - Yes
    - d) Other - Building inspector
  - 2) In the area subject to orderly annexation
    - a) Zoning - Becker County
    - b) Subdivision regulations - Becker County
    - c) Housing and building codes - Unknown
    - d) Other - Shoreland Management Act
- c. Does the City require future growth space? Yes. If so, will the area subject to orderly annexation provide the City of Detroit Lakes with necessary growth space? Yes, limited residential growth, generally off the lake.

d. The present pattern of physical development is:

1) In the City of Detroit Lakes:

- a) Residential - Considerable building, including apartments.
- b) Industrial - Yes
- c) Commercial - Especially along the highway
- d) Institutional - Yes

2) In the area subject to orderly annexation:

- a) Residential - Yes, most of the proposed area has year-round or seasonal cabins.
- b) Industrial - No
- c) Commercial - Yes, three resorts and one grocery store
- d) Institutional - No

7. Governmental Services

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

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - By contract with Detroit Lake
- 4) Police Protection - County and a township constable
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - Unknown
- 8) Other

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

- 1) Water - Yes
- 2) Sewer - Yes, a tertiary system, the most sophisticated in the area.
- 3) Fire Protection - Yes
- 4) Police Protection - Yes
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Yes
- 8) Other - electrical, storm sewer

c. Presently the City of Detroit Lakes provides the area subject to orderly annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract with township
- 4) Police Protection - No
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - Unknown
- 8) Other - electrical

- d. Plans to extend municipal services to the area subject to orderly annexation include the following: all services could be extended within a reasonable time.
- e. There are existing or potential pollution problems which are: the sewage from septic systems polluting Detroit Lake and private wells. Much of the lakeshore is too low to meet the County's standards for drainfields but has been "grandfathered in". The following additional services will help resolve this situation: community sewer and water systems which the city can supply. The township may or may not have sewer capacity in the next several years but will not have water capacity.

8. Fiscal Data

- a. In the City of Detroit Lakes, the assessed valuation trend is upward (about 17.5 million as of 1976), the mill rate trend is relatively stable (18.72 mills as of 1976), and the present bonded indebtedness as of 1976 is \$1,000,074.75.
- b. In the area subject to orderly annexation, the assessed valuation as of 1976 is about \$475,000 (the township's entire assessed value being about 5½ million), the mill rate trend is relatively stable (5.71 mills as of 1976) and the present bonded indebtedness is 0.

9. Alteration of Boundaries

- a. A considerable portion of the township contains lake-shore property which is substantially identical to the property under consideration. Judicial notice has been taken of the preparation of several annexation petitions similar to the one presently before the Board.
- b. There is concern regarding the viability of Lake View Township in the event of continuing annexations.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to orderly 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 orderly annexation.
4. The best interest of the City of Detroit Lakes and the area subject to orderly annexation will be furthered by designation of said area.
5. This orderly 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 orderly annexation election.
6. The Board may alter the boundaries of the area proposed for orderly annexation by increasing the area in order to include that property which is now or is about to become urban or suburban in character.
7. An order should be issued by the Minnesota Municipal Board designating for orderly annexation the area described herein.
8. An order should be issued by the Minnesota Municipal Board retaining jurisdiction in this proceeding in order to consider whether all or any portion of an increased area should be designated for orderly annexation. The increased area is described as follows:

That part of Section 36, Township 139, Range 41 and those parts of Sections 1, 12, 13, 14, 15, 16, 23, and 24, Township 138, Range 41 lying within the following described line and present corporate limits:  
Beginning at the intersection of the North line of Section 9, (the Southwest boundary of the City of Detroit Lakes), Township 138 North, Range 41 West and the West bank of Detroit Lake; thence Westerly on said North line to its intersection with the Easterly right-of-way line of Sioux Line Railroad, thence Southerly along said right-of-way to the South line, Section 15, Township 138, Range 41; thence East on said South line to the Southeast corner of said section; thence South approximately three-quarters of a mile to the South line of the township road; thence East, Northeast and East

along Southerly right-of-way through Section 23 and continuing East through Section 24 to the East line of said Section 24; thence North on the East line of Sections 24, 13, 12 and 1 to the South right-of-way line of trunk Highway 10; thence Northwesterly along said right-of-way to the present corporate limits of the City of Detroit Lakes.

O R D E R

IT IS HEREBY ORDERED: That the following described property situated in the County of Becker, State of Minnesota, be and the same is hereby designated for orderly annexation to the City of Detroit Lakes, Minnesota:

Beginning at the point of intersection of C.S.A.H. #22 and the North line of the NE $\frac{1}{4}$  of Section 9, Township 138 North, Range 41 West; thence South along the centerline of C.S.A.H. #22 to its point of intersection with the centerline of County Highway No. 24; thence Easterly along the centerline of County Highway No. 24 to its point of intersection with the East line of the NE $\frac{1}{4}$  of Section 9, Township 138 North, Range 41 West; thence South along the East line of said Section 9 to the Southeast corner of <sup>NE $\frac{1}{4}$</sup>  said Section 9, also the Southwest corner of the NW $\frac{1}{4}$  of Section 10, Township 138 North, Range 41 West; thence East along the South line of the NW $\frac{1}{4}$  of said Section 10, Township 138 North, Range 41 West to the Southeast corner of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 10; thence North to the NE corner of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 10; thence West along the North line of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of said Section 10 to a point of intersection with the centerline of County Highway No. 114; thence Northeasterly along the centerline of County Highway No. 114 to the point of intersection with the North line of the NW $\frac{1}{4}$  of Section 10, Township 138 North, Range 41 West; thence East along the North line of the NW $\frac{1}{4}$  of said Section 10 and the North line of the NE $\frac{1}{4}$  of Section 10, Township 138 North, Range 41 West to its point of intersection with Lot 23 of City View Beach; thence North along the West line of said Lot 23 to its Northwest corner; thence Easterly along the North line of Lot 23, City View Beach, to its point of intersection with the shoreline of Detroit Lake; thence Westerly along the shoreline of Detroit Lake to its point of intersection with the North line of the NE $\frac{1}{4}$  of Section 9, Township 138 North, Range 41 West; and thence West along the North line of the NE $\frac{1}{4}$  of said Section 9, Township 138 North, Range 41 West to the centerline of C.S.A.H. #22 and the point of beginning.

The above described area contains approximately 122 acres.



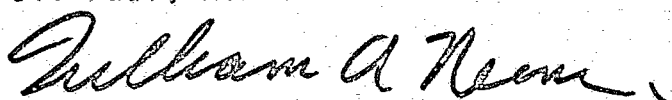
IT IS FURTHER ORDERED: That the Minnesota Municipal Board hereby retains jurisdiction for the purpose of considering whether the increased area, described as follows, should be designated for orderly annexation.

That part of Section 36, Township 139, Range 41 and those parts of Sections 1, 12, 13, 14, 15, 16, 23, and 24, Township 138, Range 41 lying within the following described line and present corporate limits:  
Beginning at the intersection of the North line of Section 9, (the Southwest boundary of the City of Detroit Lakes), Township 138 North, Range 41 West and the West bank of Detroit Lake; thence Westerly on said North line to its intersection with the Easterly right-of-way line of Sioux Line Railroad, thence Southerly along said right-of-way to the South line, Section 15, Township 138, Range 41; thence East on said South line to the Southeast corner of said section; thence South approximately three-quarters of a mile to the South line of the township road; thence East, Northeast and East along Southerly right-of-way through Section 23 and continuing East through Section 24 to the East line of said Section 24; thence North on the East line of Sections 24, 13, 12 and 1 to the South right-of-way line of trunk Highway 10; thence Northwesterly along said right-of-way to the present corporate limits of the City of Detroit Lakes.

IT IS FURTHER ORDERED: That the effective date of this order is October 20, 1977.

Dated this 20th day of October, 1977.

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

  
William A. Neiman  
Executive Secretary

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 24 1977  
  
Secretary of State