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STATE OF MINNESOTA
MUNICIPAL BOARD

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

September 21, 1978

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

Re: Municipal Board Docket Number A-3078 Hastings, city of

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 Hastings City
is increased by (no change)

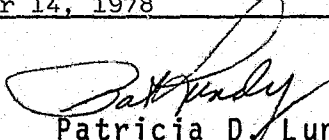
The population of Marshan Township
is decreased by (no change)

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

The _____
has been dissolved.

Official date of the Order September 14, 1978

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


Patricia D. Lundy
Assistant Executive Director

Hazel Reinhardt
State Demographer
101 Capitol Square Bldg.

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 25 1978

James Andrew Howe
Secretary of State

#31704
O.D.

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Patrick Scully	Ex-Officio Member
Russell Streefland	Ex-Officio Member

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

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 6, 1977, at Hastings, Minnesota. The initial hearing was conducted by William A. Neiman, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. There were several subsequent hearings and meetings to consider both the originally proposed annexation as well as that of an expanded area. At said meetings and hearings Chairman Gerald Isaacs, Vice Chairman Robert Johnson, Board Member Thomas Simmons, and Ex-Officio Members Patrick Scully and Russell Streefland were present at various times. The City of Hastings appeared by and through Donald Fluegel, the Township of Marshan appeared by and through David Tanner. 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

I. On December 17, 1976, 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:

The North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) of Section Four (4), Township One Hundred Fourteen North (114 N), Range Seventeen West (17 W), except beginning at the Northeast corner of said Section Four (4), thence West along the North line thereof 399.0 feet, thence South and parallel with the East line of said Section 1320.89 feet, thence East 399.0 feet, to a point on the East line of said Section Four (4), said point being 1319.5 feet South of the point of beginning, thence North along said East line 1319.5 feet to the point of beginning, and except the West 346 feet of the East 745 feet of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{2}$ of the $NE\frac{1}{4}$) of said Section Four (4), except the North 140 feet thereof, containing an area of approximately 58.42 acres, which land is abutting the City of Hastings and is presently within the Township of Marshan.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Marshan Township on March 17, 1976. 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.

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

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Hastings.
- B. The total area of the City of Hastings is 6,604.8 acres. The total area of the territory subject to annexation is 58.29 acres.
- C. The perimeter of the area to be annexed is bordered on one side by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is:
The area is level without major, natural barriers.

IV. Population Data

- A. The City of Hastings:
 1. In 1950, there were 5600 residents.
 2. The present estimated population is 13,500.
 3. By 2000 the projected population is 20,500.
- B. The area subject to annexation:
 1. In the past, there were no residents.
 2. The present estimated population is 0.
 3. By 1985, the projected population is 400.

V. Development Issues

- A. The pattern of physical development:
 1. In the City of Hastings: Development of all types.
 2. In the area subject to annexation: No development at this time, but plans for residential development.
- B. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:
 1. In the City of Hastings:
 - a. Zoning - Yes
 - b. Subdivision Regulations - Yes
 - c. Comprehensive Plan - Yes
 - d. Capital Improvements Program - Yes
 - e. Planning Commission - Yes
 2. In the Township of Marshan:
 - a. Zoning - Yes
 - b. Subdivision Regulations - Yes
 - c. Comprehensive Plan - Yes
 - d. Planning Commission - Yes
 3. The Metropolitan Council provides the following planning and land use services: Metropolitan Council, on July 15, 1977, reported that "additional land will be needed by the City of Hastings during the 1980's."

VI. Governmental Services

- A. The Town of Marshan provides the area subject to annexation with the following services:
1. Water: No
 2. Sewer: No
 3. Fire protection: By contract with Hastings
 4. Police protection: By Dakota County Sheriff
 5. Street improvements: By private contract
 6. Street maintenance: By private contract
 7. Recreational: By unimproved parks
- B. The City of Hastings provides its residents with the following services:
1. Water: Yes
 2. Sewer: Yes
 3. Fire protection : Yes (full and part-time)
 4. Police protection: Yes (full-time)
 5. Street improvements: Yes
 6. Street maintenance: Yes
 7. Recreational: Yes
- C. The City of Hastings provides the area subject to annexation with the following services:
1. Water: No
 2. Sewer: No
 3. Fire protection and rating: By contract
 4. Police protection: Assist Dakota County Sheriff
 5. Street improvements: No
 6. Street maintenance: No
 7. Recreational: No
- D. Existing or potential environmental problems and the need for additional services to resolve these problems: There have been well pollution and septic tank problems in adjacent areas. Development with municipal services will prevent this problem from occurring within the area.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: All governmental services can be extended within a reasonable time.

VII. Tax Data

- A. In the City of Hastings:
1. Mill rate trend in 1977 was 27.966.
 2. Bonded indebtedness in 1977 was \$50,000.
- B. In the Township of Marshan:
1. Mill rate in 1977 was 6.882.
 2. Bonded indebtedness in 1977 was 0.
- C. Mill rate:
1. County in 1977 was 17.4.
 2. School district in 1977 was 62.404.
 3. Township in 1977 was 6.882

VIII. Is annexation to the City of Hastings the best alternative?

- A. Relationship and effect of the proposed annexation on area school districts and on adjacent communities: No detrimental affect.
- B. Adequacy of town government to deliver services to the area proposed for annexation: Unable to deliver utility services.
- C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality other than Hastings? No.
- D. Can Marshan Township continue to function without the area subject to annexation? Yes, the area represents a small portion of its total tax base.

- IX. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

- I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- II. The area subject to annexation is now or is about to become urban or suburban in character.
- III. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.
- IV. The best interest of the area subject to annexation and the City of Hastings will be furthered by annexation.
- V. The remainder of the Township of Marshan can carry on the functions of government without undue hardship.
- VI. There is a reasonable relationship between the increase in revenue for the City of Hastings and the value of benefits conferred upon the area subject to annexation.
- VII. Annexation of all or a part of the property to an adjacent municipality other than Hastings would not better serve the interests of the residents who reside in the area subject to annexation.
- VIII. 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.
- IX. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

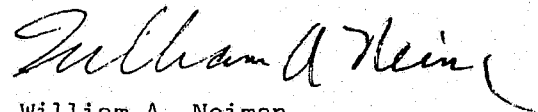
- I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Dakota, State of Minnesota, be and the same is hereby annexed to the City of Hastings, Minnesota, the same as if it had been originally made a part thereof:

The North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) of Section Four (4), Township One Hundred Fourteen North (114 N), Range Seventeen West (17 W), except beginning at the Northeast corner of said Section Four (4), thence West along the North line thereof 399.0 feet, thence South and parallel with the East line of said Section 1320.89 feet, thence East 399.0 feet, to a point on the East line of said Section Four (4), said point being 1319.5 feet South of the point of beginning, thence North along said East line 1319.5 feet to the point of beginning, and except the West 346 feet of the East 745 feet of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ of the $NE\frac{1}{4}$) of said Section Four (4), except the North 140 feet thereof, containing an area of approximately 58.42 acres, which land is abutting the City of Hastings and is presently within the Township of Marshan.

- II. IT IS FURTHER ORDERED: That the effective date of this order is September 14, 1978.

Dated this 14th day of September, 1978.

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



William A. Neiman
Executive Director