

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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| Gerald J. Isaacs | Chairman |
| Robert W. Johnson | Vice Chairman |
| Thomas J. Simmons | Member |
| Clarence Miller | Ex-Officio Member |
| David Lloyd | Ex-Officio Member |

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 22 1978

John Andrew Howe
Secretary of State

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D.D.

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

AMENDED
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 October 28, 1977, at New Prague, Minnesota. The hearing was conducted by Thomas J. Simmons, Board Member, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Clarence Miller and David Lloyd, ex-officio members of the Board. The City of New Prague appeared by and through Robert O'Neill, and the Town of Lanesburgh appeared by and through Luke Melchert. 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 joint resolution for orderly annexation was adopted by the City of New Prague and the Township of Lanesburgh and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, New Prague, on September 16, 1977, 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:

"All that part of the North two-thirds of the Southeast Quarter of Section 3, Township 112 North, Range 23 West, described as:

Commencing at the center of Section 3; thence North 89 degrees, 39 minutes, 30 seconds East (assumed bearing) along the North line of the Southeast quarter of Section 3, a distance of 495.00 feet to the point of beginning; thence continuing North 89 degrees, 39 minutes, 30 seconds East, along said North line, 265.10 feet, said point being 1936.50 feet West of the East quarter corner of Section 3; thence South 0 degrees, 06 minutes, 38 seconds West, 570.00 feet; thence South 89 degrees, 39 minutes, 30 seconds West and parallel with the North line of the Southeast quarter of Section 3, a distance of 55.00 feet; thence South 0 degrees, 00 minutes, 00 seconds West and parallel with and 704.00 feet East of the West line of the Southeast quarter of Section 3, a distance of 490.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 196.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 180.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 210.31 feet; thence South 0 degrees, 03 minutes, 30 seconds East, 872.21 feet to a point on the South line of the North two-thirds of the Southeast quarter of Section 3, said point being 1544.5 feet West of the East line of Section 3; thence South 89 degrees, 53 minutes, 36 seconds West along the South line of the North two-thirds of the Southeast quarter of Section 3, a distance of 352.18 feet to a point 759.00 feet East of the West line of the Southeast quarter of Section 3; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 373.00 feet; thence South 89 degrees, 53 minutes, 36 seconds West and parallel with the South line of the North two-thirds of the Southeast quarter of Section 3, a distance of 759.00 feet; to a point on the West line of the Southeast quarter of Section 3; thence North 0 degrees, 00 minutes, 00 seconds East along the West line S.E. $\frac{1}{4}$ of Section 3, a distance of 1138.73 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the southeast quarter of Section 3, a distance of 183.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 60.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast Quarter of Section 3, a distance of 312.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 176.00 feet to the point of beginning.

Said tract contains 27.57 acres of land and is subject to any and all easements of record.

- AND ALSO -

The following described land commencing at the City Limits (the center of Section 3, Township 112, Range 23) thence Westerly along the North line of the Southwest quarter of Section 3, 33 feet, thence Southerly parallel to the East line of the Southwest quarter of Section 3, 1374.73 feet, thence Easterly 66 feet, thence Northerly parallel to the West line of the Southeast quarter of Section 3, 1374.73 feet to the City Limits, thence Westerly 33 feet along the North line of the Southeast quarter of Section 3 to the point of beginning.

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 New Prague.
 - b. The total area of the territory subject to annexation is 27.57 acres.

5. Development Issues

The present pattern of physical development in the area subject to annexation is residential.

6. Governmental Services

a. Presently, the City of New Prague 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 | |

b. Plans to extend municipal services to the area subject to annexation include the following: all services can be extended within a reasonable time.

c. The City of New Prague 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 years.

7. Fiscal Data - In the area subject to annexation, the assessed valuation is \$4,991.

8. Population Data - The population of the area proposed for annexation is 0.

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 New Prague 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-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 Township of Lanesburgh, County of Le Sueur, State of Minnesota, be and the same hereby is annexed to the City of New Prague the same as if it had originally been made a part thereof:

"All that part of the North two-thirds of the Southeast Quarter of Section 3, Township 112 North, Range 23 West, described as:

Commencing at the center of Section 3; thence North 89 degrees, 39 minutes, 30 seconds East (assumed bearing) along the North line of the Southeast quarter of Section 3, a distance of 495.00 feet to the point of beginning; thence continuing North 89 degrees, 39 minutes, 30 seconds East, along said North line, 265.10 feet, said point being 1936.50 feet West of the East quarter corner of Section 3; thence South 0 degrees, 06 minutes, 38 seconds West, 570.00 feet; thence South 89 degrees, 39 minutes, 30 seconds West and parallel with the North line of the Southeast quarter of Section 3, a distance of 55.00 feet; thence South 0 degrees, 00 minutes, 00 seconds West and parallel with and 704.00 feet East of the West line of the Southeast quarter of Section 3, a distance of 490.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 196.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 180.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 210.31 feet; thence South 0 degrees, 03 minutes, 30 seconds East, 872.21 feet to a point on the South line of the North two-thirds of the Southeast quarter of Section 3, said point being 1544.5 feet West of the East line of Section 3; thence South 89 degrees, 53 minutes, 36 seconds West along the South line of the North two-thirds of the Southeast quarter of Section 3, a distance of 352.18 feet to a point 759.00 feet East of the West line of the Southeast quarter of Section 3; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 373.00 feet; thence South 89 degrees, 53 minutes, 36 seconds West and parallel with the South line of the North two-thirds of the Southeast quarter of Section 3, a distance of 759.00 feet; to a point on the West line of the Southeast quarter of Section 3; thence North 0 degrees, 00 minutes, 00 seconds East along the West line S.E. $\frac{1}{4}$ of Section 3, a distance of 1138.73 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the southeast quarter of Section 3, a distance of 183.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 60.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast Quarter of Section 3, a distance of 312.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 176.00 feet to the point of beginning.

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

IT IS FURTHER ORDERED: That the effective date of this order is March 8, 1978.

Dated this 8th day of March, 1978.

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

William A. Neiman

William A. Neiman
Executive Secretary

Amended order dated this 14th day of December, 1978.

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

William A. Neiman

William A. Neiman
Executive Director