

OA-104-11
City of Marshall
Township of Fairview

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Chet Rewerts	Ex-Officio Member
Dr. William Merritt	Ex-Officio Member

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 28 1978

John Andrew Shaw
Secretary of State
#31894
O.N.

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN FAIRVIEW TOWNSHIP AND THE)
CITY OF MARSHALL FOR THE ORDERLY)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF MARSHALL)

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 16, 1978, at Marshall City Hall, Minnesota. The hearing was conducted by William A. Neiman, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Chet Rewerts and Dr. William Merritt, ex-officio members of the Board. The City of Marshall appeared by and through Mr. Joseph Bott. 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. That a joint resolution for orderly annexation was adopted by the City of Marshall and the Township of Fairview on March 21, 1974 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, City of Marshall, on June 19, 1978 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 Southeast Quarter of Section 33, Township 112 North, Range 41 West, Lyon County, Minnesota, lying within the following described property:

Beginning at the Intersection of the Northwesternly Right of Way line of 5th Street and the Northeasterly Right of Way line of Kossuth Avenue as filed and recorded in the Office of the County Recorder of said Lyon County; thence North 44°52'00" East along the Northwesternly line of said 5th Street 401.37 feet; thence Southeasterly along the Northeasterly line of Hudson Avenue as filed and recorded in the Office of the County Recorder of said County 80.00 feet; thence North 44°52'00" East on the extension of the Southeasterly Right of Way of said 5th Street 339.00 feet;

thence North 44°59'58" West parallel with the North-westerly Right of Way line of said Kossuth Avenue to a point on the centerline of the now vacated Redwood River; thence Southwesterly along said centerline to a point on the Northeasterly Right of Way of said Kossuth Avenue; thence Southeasterly along said Northeasterly Right of Way of said Kossuth Avenue to the Point of Beginning.

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

IV. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Marshall.
- B. The total area of the City of Marshall is 4,164 acres. The total area of the territory subject to annexation is ^{8.4}~~2.4~~ acres.
- C. The perimeter of the area to be annexed is 50% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is:
Flat agricultural land with clay-loam type soils.

V. Population Data

- A. The City of Marshall:
 - 1. In 1970, there were 9,886 residents.
 - 2. The present estimated population is 10,215.
 - 3. By 2000, the projected population is 14,880.
- B. The area subject to annexation:
 - 1. In the past, there were 0 residents.
 - 2. By 2000, the projected population is ⁶⁵~~20~~.

VI. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1: Area in Use

a. In the City of Marshall:

- | | |
|------------------------------|----------------------------|
| 1) Residential: 1288 acres | 4) Industrial: 552 acres |
| 2) Institutional: 1500 acres | 5) Agricultural: 279 acres |
| 3) Commercial: 269 acres | 6) Vacant Land: 220 acres |

b. In the area subject to annexation:

- | | |
|---------------------------|--|
| 1) Residential: 0 acres | 4) Industrial: 0 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 0 acres | 6) Vacant Land: 2.4 acres 8.4 acres |

c. In the Township of Fairview:

- | | |
|---------------------------|------------------------------|
| 1) Residential: 300 acres | 4) Industrial: 0 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 22740 acres |
| 3) Commercial: 0 acres | 6) Vacant Land: 0 acres |

2. Area Being Developed

a. In the City of Marshall:

- | | |
|---------------------------|--------------------------|
| 1) Residential: 86 acres | 4) Industrial: 70 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 5 acres | |

b. In the area subject to annexation:

- | | |
|--------------------------------------|--------------------------|
| 8.4 | |
| 1) Residential: 2.4 acres | 4) Industrial: 0 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 0 acres | |

3. Area Remaining for Various Uses

a. In the City of Marshall:

- | | |
|---------------------------|--------------------------|
| 1) Residential: 165 acres | 4) Industrial: 182 acres |
| 2) Institutional: 5 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 115 acres | |

b. In the area subject to annexation:

- | | |
|--------------------------------------|--------------------------|
| 8.4 | |
| 1) Residential: 2.4 acres | 4) Industrial: 0 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 0 acres | |

B. Transportation:

1. The present transportation network is:

- a) In the City of Marshall: 1 commuter airline
1 bus line
2 railroads
4 highways

b) In the area subject to annexation: same

2. Potential transportation issues include: none

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Marshall

- a. Zoning - yes
- b. Subdivision Regulations - yes
- c. Comprehensive Plan - yes
- d. Official Map - yes
- e. Capital Improvements Program - yes
- f. Fire Code - yes
- g. Building Inspector - yes
- h. Planning Commission - yes

2. In the County of Lyon:

- a. Zoning - yes
- b. Subdivision Regulations - yes
- c. Building Inspector - yes
- d. Planning Commission - yes

3. In the Township of Fairview

- a. Zoning - yes

4. If there is an inconsistency between the proposed development and the planning and land use controls for the area, what is the reason for said inconsistency? none

VII. Governmental Services

- A. The Town of Fairview provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection: yes (Contract with Marshall)
4. Police protection: yes (County Sheriff)
5. Street Maintenance: yes
6. Recreational: no
7. Administrative services: Town Board
8. Other: Ambulance (Contract with Marshall)

- B. The City of Marshall provides its residents 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. Administrative services: yes

- C. The City of Marshall provides the area subject to annexation with the following services:

1. Fire protection: yes (through contract)
2. Other: yes - Ambulance (through contract)

- D. Existing or potential environmental problems and the need for additional services to resolve these problems: no problem

- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include:

City water, sewer, streets (presently under development, completion in 1979).

- F. The following services will be available to the annexed area within 3 years.

VIII. Tax Base

- A. In the City of Marshall, the tax base includes the following:

1. Residential property in 1977 was valued at \$18,805,220, generating \$422,741.35 in taxes or 59.24% of the total.
2. Commercial property in 1977 was valued at \$8,987,378, generating \$202,036.26 in taxes or 28.31% of the total.

3. Industrial property in 1977 was valued at \$2,125,748, generating \$47,786.82 in taxes or 6.70% of the total.
4. Agricultural property in 1977 was valued at \$205,848, generating \$4,627.46 in taxes or .65% of the total.
5. Vacant land in 1977 was valued at \$466,552, generating \$10,488 in taxes or 1.47% of the total.
6. 1974 - Total Tax Exempt \$80,477,785 Est. Market Value

B. In the Township of Fairview, the tax base includes the following:

1. Residential property in 1977 was valued at \$371,800, generating \$1,145.14 in taxes or 13.4% of the total.
2. Commercial property in 1977 was valued at \$12,187, generating \$37.54 in taxes or 0.44% of the total.
3. Industrial property in 1977 was valued at \$4,343, generating \$13.38 in taxes or 0.16% of the total.
4. Agricultural land in 1977 was valued at \$2,166,892 generating \$6,674.03 in taxes or 78.58% of the total.
5. Vacant land in 1977 was valued at \$10,836, generating \$33.37 in taxes or 0.39% of the total.
6. 1974 - Total Tax Exempt \$175,100 Est. Market Value.

IX. Is annexation to the City of Marshall the best alternative?

- A. Relationship and effect of the proposed annexation on area school districts and on adjacent communities: No district change -- little or no effect on School District.
- B. Adequacy of town government to deliver services to the area proposed for annexation: No utility services
- C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? No
- D. Can Fairview Township continue to function without the area subject to annexation? yes

XII. The annexation is consistent with the joint agreement.

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 nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect the public health, safety, and welfare.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation does not conflict with the terms of the joint agreement.

VI. Three years will be required to effectively provide full municipal services to the annexed area.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

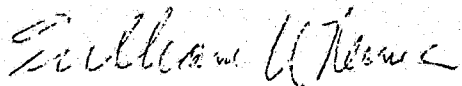
I. IT IS HEREBY ORDERED: That the property described herein in Finding of Fact II situated in the County of Lyon, State of Minnesota, be and the same is hereby annexed to the City of Marshall, Minnesota, the same as if it had been originally made a part thereof.

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

III. IT IS FURTHER ORDERED: That the effective date of this order is December 19, 1978.

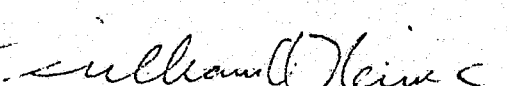
Dated this 26th day of December, 1978.

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


William A. Neiman
Executive Director

Dated this 19th day of December, 1978.

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


William A. Neiman
Executive Director

31894
O.D.