

DEPARTMENT MUNICIPAL BOARD

Office Memorandum

TO : All Parties of Record

DATE: November 30, 1979

FROM : Patricia D. Lundy *PDL*
Assistant Executive Director

PHONE: (612)296-2428

SUBJECT: Attached Amended Order

The attached order has been amended at the request of the City of Marshall and the Minnesota Department of Transportation Mapping Section to more accurately describe the property intended for annexation. The amendments are on Page 8 and only affect the property description.

PDL:kj

32524

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

 IN THE MATTER OF THE JOINT RESOLUTION)
 BETWEEN THE CITY OF MARSHALL AND THE)
 TOWN OF LAKE 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 May 11, 1979, at Marshall, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Paul Knoblauch and Dr. William Merritt, ex-officio members of the Board. The City of Marshall appeared by and through Duane Aden, the Township of Lake Marshall appeared by and through Carl Fuhrman. 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 Lake Marshall on March 4, 1974 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Marshall, on April 6, 1979 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:

The south half of the Southeast Quarter, Sec. 3, T111N, R41W described as follows: Commencing at the northeast corner of the south half of said Southeast Quarter of Sec. 3; thence west on the north line of said south half of the Southeast Quarter to the easterly right of way line of Trunk Highway No. 23; thence south-westerly along the easterly right of way line of Trunk Highway No. 23 which is 142 ft. parallel to the center of Trunk Highway No. 23 to a point of intersection on the south line of the South-

east Quarter of Sec. 3; thence west on the south line of the Southeast Quarter of Sec. 3 to the southwest corner of the Southeast Quarter of Sec. 3; thence north on the west line of the Southeast Quarter of Sec. 3 for a distance of 469 ft.; thence east 400 ft to the westerly right of way line of Jewett St.; thence south 469 ft along the westerly right of way line of Jewett St. to the south line of the Southeast Quarter of Sec. 3; thence east 60 ft; thence north along the easterly right of way line of Jewett St. for a distance of 1,240.43 ft. to the northerly line of the south half of the Southeast Quarter of Sec. 3; thence east along the north line of the south half of the Southeast Quarter of Sec. 3 to a point 310 ft. westerly of the west right of way of Trunk Highway No. 23; thence southwesterly on a line parallel to and 310 ft. distance from the west right of way line of Trunk Highway No. 23 for a distance of 264 ft.; thence southeasterly at right angles to said last line for a distance of 310 ft. to the westerly right of way line of Trunk Highway No. 23; thence northeasterly along Trunk Highway No. 23 northwesterly right of way line to the north line of the south half of the Southeast Quarter of Sec. 3; thence east along the north line of the south half of the Southeast Quarter of Sec. 3 to the point of beginning, containing 52.46 acres, more or less.

ALSO

The Southeast Quarter of the Southwest Quarter of Sec. 3, T111N, R41W, containing 40.40 acres, more or less.

ALSO

That part of the Northeast Quarter of Sec. 10, T111N, R41W, described as follows: Commencing at a point 275.95 ft. south of the northwest corner of the Northeast Quarter, Sec. 10; thence south to the southeasterly right of way line of Trunk Highway No. 23; thence northeasterly along the southeasterly right of way line of Trunk Highway No. 23 being 142 ft. parallel to the center line of Trunk Highway No. 23 to the point of intersection with the north line of the Northeast Quarter of Sec. 10; thence west along the north line of the Northeast Quarter of Sec. 10 to a point 250 ft. east of the northwest corner of the Northeast Quarter of Sec. 10; thence south 90.54 ft.; thence southwesterly 299.88 ft. to the point of beginning, containing 14.45 acres, more or less.

ALSO

That part of the Northwest Quarter of Sec. 10, T111N, R41W described as follows: Beginning at the northeast corner of the Northwest Quarter of Sec. 10; thence south to the southeasterly right of way line of Trunk Highway No. 23; thence southwesterly along the southeasterly right of way line of Trunk Highway No. 23

which is 142 ft.

parallel to the center line of Trunk Highway No. 23 to the north line of the south quarter of the Northwest Quarter of Sec. 10; thence westerly along a north line of the south quarter of the Northwest Quarter of Sec. 10 to the northeasterly right of way line of Trunk Highway No. 59; thence northwesterly on the northeasterly right of way line of Trunk Highway No. 59 to the west section line of Sec. 10; thence north on the west section line of Sec. 10 to the southwest corner of Lot 1, Block 6, Nuese Addition; thence easterly along the south line of Nuese Addition and Nuese 2nd Addition to the east line of Nuese 2nd Addition; thence north along the east line of Nuese 2nd Addition to the north line of the Northwest Quarter of Sec. 10; thence east along the north line of the Northwest Quarter of Sec. 10 to the northeast corner of the Northwest Quarter of Sec. 10 and the point of beginning, containing 77.47 acres, more or less.

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 approximately 4.197 miles. The total area of the territory subject to annexation is 184.78 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 1970, there were 0 residents.
 - 2. The present estimated population is 0.
 - 3. By 2000, the projected population is 600.
- C. The Township of Lake Marshall:
 - 1. In 1970, there were 759 residents.
 - 2. The present population is 759.
 - 3. By 2000, the projected population is 750.

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: 1,290 acres
 - 2) Institutional: 1,500 acres
 - 3) Commercial: 269 acres
 - 4) Industrial: 552 acres
 - 5) Agricultural: 279 acres
 - 6) Vacant land: 200 acres
 - b. In the area subject to annexation:
 - 1) Agricultural: 184.78 acres
 - c. In the Township of Lake Marshall:
 - 1) Residential: 40 acres
 - 2) Commercial: 10 acres
 - 3) Industrial: 100 acres
 - 4) Agricultural: 18,654 acres

2. Area Being Developed

a. In the City of Marshall:

- 1) Residential: 95 acres
- 2) Commercial: 5 acres

b. In the area subject to annexation:

- 1) Residential: 184.78 acres

c. In the Township of Lake Marshall: no activity

3. Area Remaining for Various Uses

a. In the City of Marshall:

- 1) Residential: 48 acres
- 2) Institutional: 26 acres
- 3) Commercial: 115 acres
- 4) Industrial: 182 acres
- 5) Agricultural: 280 acres

b. In the area subject to annexation:

- 1) Residential: 184.78 acres

c. In the Township of Lake Marshall: not applicable as it would require special land use actions.

B. Transportation

1. The present transportation network is:

a) In the City of Marshall:

- 1) Commuter airline
- 2) Bus line
- 3) Railroads
- 4) Highways
- 5) Taxi

b) In the area subject to annexation: same as City of Marshall

2. There are no potential transportation issues.

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 Township of Lake Marshall:

- a. Zoning: yes
- b. Subdivision Regulations: no
- c. Comprehensive Plan: no
- d. Official Map: no
- e. Capital Improvements Program: no
- f. Fire Code: no
- g. Building Inspector: no
- h. Planning Commission: no
- i. Other: no

3. In the County of Lyon:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: no
 - d. Official Map: no
 - e. Capital Improvements Program: no
 - f. Fire Code: no
 - g. Building Inspector: yes
 - h. Planning Commission: yes

VII. Governmental Services

- A. The Town of Lake Marshall provides the area subject to annexation with the following services:
 1. Water: no
 2. Sewer: no
 3. Fire protection and rating: yes (contract with Marshall)
 4. Police protection: yes (county sheriff)
 5. Street improvements: no
 6. Street maintenance: yes
 7. Recreational: no
 8. Administrative services: Town Board
 9. 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 and rating: 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. Water: no
 2. Sewer: no
 3. Fire protection and rating: yes (contract with township)
 4. Police protection: no
 5. Street improvements: no
 6. Street maintenance: no
 7. Recreational: no
 8. Administrative services: no
 9. Other: ambulance (contract with township)
- D. There are neither existing or potential environmental problems.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the construction of City water, sewer, and streets, with the streets presently under construction with completion in 1979.
- F. The following services will be available to the annexed area within 3 years: sewer, water and streets.

VIII. Tax Base

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

1. Residential property in 1978 was valued at \$20,301,058 generating \$482,150.13 in taxes or 59.9% of the total.
2. Commercial property in 1978 was valued at \$10,082,554, generating \$239,460.66 in taxes or 29.75% of the total.
3. Industrial property in 1978 was valued at \$2,029,127, generating \$48,191.77 in taxes or 5.99% of the total.
4. Agricultural property in 1978 was valued at \$229,061, generating \$5,440.20 in taxes or .0068% of the total.
5. Vacant land in 1978 was valued at \$423,937, generating \$10,068.50 in taxes or 1.25% of the total.
6. Public utilities in 1978 was valued at \$82,222, generating \$1,952.77 in taxes or .0024% of the total.
7. Personal property in 1978 was valued at \$741,900, generating \$17,620.13 in taxes or .0219% of the total.
8. Non-taxable property in 1974 the total tax exempt was listed at an estimated market value of \$480,477,785.00.

B. In the Township of Lake Marshall the tax base includes the following:

1. Residential property in 1978 was valued at \$655,119, generating \$0 in taxes.
2. Commercial property in 1978 was valued at \$407,511, generating \$0 in taxes.
3. Agricultural land in 1978 was valued at \$2,591,404, generating \$0 in taxes.
4. Vacant land in 1978 was valued at \$5,203, generating \$0 in taxes.
5. Public utilities in 1978 was valued at \$471,596, generating \$0 in taxes.
6. Personal property in 1978 was valued at \$101,366, generating \$0 in taxes.

IX. Tax Data

A. In the City of Marshall:

1. Mill rate in 1978 was 22.48.
2. Bonded indebtedness in 1978 was \$14,335,000.

B. In the Township of Lake Marshall:

1. Mill rate in 1978 was 0.
2. Bonded indebtedness in 1978 was 0.

C. In the area subject to annexation:

1. Mill rate in 1978 was 0.
2. Bonded indebtedness in 1978 was 0.

D. Mill rate in Marshall for the various assessing units:

1. County in 1978 was 19.73.
2. School district in 1978 was 47.15.
3. Township in 1978 was 0.

X. The annexation to the City of Marshall is the best alternative.

- A. There is no adverse effect from the proposed annexation upon the area school district and on adjacent communities.
- B. The town government is able to deliver services to the area proposed for annexation in its rural state but with the change to an urban area, the town government is inadequate to deliver the needed services.
- C. The necessary governmental services can not best be provided by incorporation or annexation to an adjacent municipality.
- D. Present assessed valuation of the Town of Lake Marshall: \$4,232,199.
Present assessed valuation of proposed annexation area: \$392,700.
New valuation of the Town of Lake Marshall if entire area is annexed: \$3,839,499.
- E. Lake Marshall Township can continue to function without the area subject to annexation.

XII. The annexation is consistent with the joint agreement in that: the area is developing and in need of urban services.

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 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 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 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:

The south half of the Southeast Quarter, Sec. 3, T11N, R41W described as follows: Commencing at the northeast corner of the south half of said Southeast Quarter of Sec. 3; thence west on the north line of said south half of the Southeast Quarter to the easterly right of way line of Trunk Highway No. 23; thence southwesterly along the easterly right of way line of Trunk Highway No. 23 which is 142 ft. parallel to the center of Trunk Highway No. 23 to a point of intersection on the south line of the Southeast Quarter of Sec. 3; thence west on the south line of the Southeast Quarter of Sec. 3 to the southwest corner of the Southeast Quarter of Sec. 3; thence north on the west line of the Southeast Quarter of Sec. 3 for a distance of 469 ft.; thence east 400 ft to the westerly right of way line of Jewett St.; thence south ~~469 ft~~ 398.4 ft along the westerly right of way line of Jewett St. to the ~~south~~ north right of way line of the ~~Southeast Quarter of Sec. 3~~ Township Road; thence ~~east 60 ft~~ easterly along the said North right of way line on a non tangential curve 62.65 ft; thence

north along the easterly right of way line of Jewett St. for a distance of 1,240.43 ft. to the northerly line of the south half of the Southeast Quarter of Sec. 3; thence east along the north line of the south half of the Southeast Quarter of Sec. 3 to a point 310 ft. westerly of the west right of way of Trunk Highway No. 23; thence southwesterly on a line parallel to and 310 ft. distance from the west right of way line of Trunk Highway No. 23 for a distance of 264 ft.; thence southeasterly at right angles to said last line for a distance of 310 ft. to the westerly right of way line of Trunk Highway No. 23; thence northeasterly along Trunk Highway No. 23 northwesterly right of way line to the north line of the south half of the Southeast Quarter of Sec. 3; thence east along the north line of the south half of the Southeast Quarter of Sec. 3 to the point of beginning, containing 52.46 acres, more or less.

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follows: Commencing at a point ~~275.95~~ 257.95 ft. south of the northwest corner of the Northeast Quarter, Sec. 10; thence south to the southeasterly right of way line of Trunk Highway No. 23; thence northeasterly along the southeasterly right of way line of Trunk Highway No. 23 being 142 ft. parallel to the center line of Trunk Highway No. 23 to the point of intersection with the north line of the Northeast Quarter of Sec. 10; thence west along the north line of the Northeast Quarter of Sec. 10 to a point 250 ft. east of the northwest corner of the Northeast Quarter of Sec. 10; thence south 90.54 ft.; thence southwesterly 299.88 ft. to the point of beginning, containing 14.45 acres, more or less.

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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 July 17, 1979.

Dated this 17th day of July, 1979

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director

Amended Order
Dated this 30th day of November, 1979.

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC-3 1979

John Anderson Howe
Secretary of State

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O.D.