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STATE OF MINNESOTA
MUNICIPAL BOARD

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

July 25, 1980

Mr. Mark Winkler
Deputy Secretary of State
c/o Donna Scott
State Office Building
Saint Paul, Minnesota

RE: Municipal Board Docket Number OA-116-3 Luverne

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 City of Luverne
is increased by no change

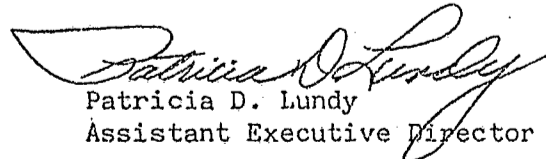
The population of Town of Luverne
is decreased by no change

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

The _____
has been dissolved.

Official date of the Order is July 17, 1980, effective date July 17, 1980

C.C. Commissioner
Department of Revenue
c/o Wallace O. Dahl, Director
Tax Research Division
205 Centennial Building


Patricia D. Lundy
Assistant Executive Director

R. Thomas Gillaspy, Ph.D.
State Demographer
101 Capitol Square Building

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 30 1980
John Anderson Howe
Secretary of State
#32937

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 30 1980

Thomas J. Simmons Chairman
Robert W. Johnson Vice Chairman
Robert J. Ferderer Member
D. A. Roning Ex-Officio Member

James Anderson Howe
Secretary of State
#32937

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

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 March 14, 1979, at Luverne, Minnesota and a continued hearing was held on September 6, 1979. The hearings were conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was County Commissioner D. A. Roning, ex-officio member of the Board. The City of Luverne appeared by and through Walter A. Toftland, the Township of Luverne appeared by and through Maurice R. Fitzner, the petitioners appeared by and through Larry Brinkman, President of the Rock County Development Corporation, Fred Cook, et. al. appeared by and through Benjamin Vander Kooi, and objectors Kuntz, Gibson, Gabrielson, Kirby and Hand appeared by and through Mort B. Skewes and Donald R. Klosterbuer. 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 Luverne on May 13, 1975 and the Township of Luverne on June 11, 1975 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 Luverne, on January 30, 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:

That part of the Southwest Quarter (SW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Two (102) North, Range Forty-five (45) West of the 5th P.M. lying and being South of the center line of State Highway 17 together with the West 1,130 feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Two (102) North, Range Forty-five (45) West of the 5th P.M. and the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Two (102) North, Range Forty-five (45) West of the 5th P.M. also described as: Commencing at the Southwest corner of the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of

Section Fifteen (15), Township One Hundred Two (102) North, Range Forty-five (45) West of the 5th P.M.; thence going in a Northerly direction on the West side of the $N\frac{1}{2}$ of the said $NW\frac{1}{2}$ of Section 15 and on the West side of the Southwest Quarter ($SW\frac{1}{4}$) of Section Ten (10), Township One Hundred Two (102) North, Range Forty-five (45) West of the 5th P.M. to the center line of the State Highway No. 17; thence going in a Northeasterly direction along the center line of said State Highway 17 to the East side of the said $SW\frac{1}{4}$ of Section 10; thence going in a Southerly direction along the East line of the said $SW\frac{1}{4}$ of Section 10 to the Southeast corner thereof; thence going in an Easterly direction on the North side of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Two (102) North, Range Forty-five (45) West of the 5th P.M. 1,130 feet; thence going in a Southerly direction 1,320 feet parallel to the West line of the Northwest Quarter ($NW\frac{1}{4}$) of the said Northeast Quarter ($NE\frac{1}{4}$) of Section 15; thence going in a Westerly direction parallel to the North side of the $NW\frac{1}{4}$ of the said $NE\frac{1}{4}$ of Section 15 and parallel with the North side of the $N\frac{1}{2}$ of the said $NW\frac{1}{2}$ of Section 15 to the point of beginning.

That part of Hatting Street extending from the East boundary of the now abandoned right-of-way of the Rock Island and Pacific Railroad Company to the East side of Freeman Street.

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 Luverne.
- B. The total area of the City of Luverne is approximately 1300 acres. The total area of the territory subject to annexation is approximately 145.28 acres.
- C. The perimeter of the area to be annexed is 35% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: gently rolling farm land. The elevation of proposed annexation area is lower than the abutting land within the City of Luverne, thus requiring lift stations if and when a sewer and drainage system is installed in the area. Further, some of the proposed annexation area is sufficiently lower in elevation than the surrounding area so that severe surface water drainage may result through partial development of the property.

V. Population Data

- A. The City of Luverne:
 1. In 1970, there were 4703 residents.
 2. The present estimated population is 5153.
 3. By 1995, the projected population is 6080.
- B. The area subject to annexation:
 1. In 1979, there were 4 residents.
 2. The present estimated population is 4.
- C. The Township of Luverne:
 1. In 1970, there were 470 residents.
 2. The present estimated population is 442.
 3. By 1995, the projected population is 470.

VI. Development Issues

A. The pattern of physical development, including land already in use, and in the process of being developed.

1. Area in Use

a. In the City of Luverne:

- | | |
|-----------------------------|----------------------------|
| 1) Residential: 560 acres | 4) Industrial: 140 acres |
| 2) Institutional: 20 acres. | 5) Agricultural: 100 acres |
| 3) Commercial: 160 acres | 6) Vacant land: 320 acres |

b. In the area subject to annexation:

- 1) Commercial: 2.01 acres
- 2) Agricultural: 143.27 acres

c. In the Township of Luverne:

- | | |
|----------------------------|------------------------------|
| 1) Residential: 105 acres | 4) Industrial: 90 acres |
| 2) Institutional: 42 acres | 5) Agricultural: 21480 acres |
| 3) Commercial: 20 acres | 6) Vacant land: 30 acres |

2. Area Being Developed

a. In the area subject to annexation: The present trend of development is the same type of use as listed under "area in use", with no change in the foreseeable future of the use and development of the land.

B. Transportation:

1. The present transportation network is:

- a) In the City of Luverne: Municipal State Aid System, City Streets, and Federal Highways.
- b) In the area subject to annexation: Municipal State Aid System, township, and City Roads.

2. A proposed truck route through the proposed annexation area may necessitate the alteration of State Highway #17, should the proposed Truck Route attempt to join State Highway #17. The RR right-of-way and Highway #17 lie alongside each other; and such a connection would require the re-location of of the RR tracks. There has been no showing that the City of Luverne has fully addressed such a problem.

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

1. In the City of Luverne:

- 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
- i. Other: Flood Plain Ordinance Orderly Annexation Agreement with Luverne Township

2. In the Township of Luverne: no testimony was presented as these types of land use controls presently used by the township.

3. In the County of Rock:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: yes
 - d. Building Inspector: yes
 - e. Planning Commission: yes

VII. Governmental Services

- A. The Town of Luverne provides the area subject to annexation with the following services:
 1. Fire protection and rating: yes
 2. Street improvements: yes
 3. Street maintenance: yes
- B. The City of Luverne 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 Luverne provides the area subject to annexation with the following services:
 1. Water: yes
 2. Street improvements: yes
 3. Street maintenance: yes
- D. Additional noise is an environmental problem for the area.
- E. The annexing municipality plans to provide needed governmental services for the area proposed for annexation through a continuation of its land use plan.
 1. There is no showing of any present or foreseeable need for any such municipal governmental service in the area to be annexed.
 2. There has been no showing of any proposed plan for providing and financing municipal services to the area sought to be annexed.

VIII. Tax Base

- A. In the City of Luverne, the tax base includes the following:
 1. Residential property in 1978 was valued at \$13,092,649, generating \$237,733.20 in taxes or 81.43% of the total.
 2. Commercial property in 1978 was valued at \$2,945,930, generating \$43,091.51 in taxes or 14.76% of the total.
 3. Industrial property in 1978 was valued at \$587,208, generating \$7,765.01 in taxes or 2.66% of the total.
 4. Agricultural property in 1978 was valued at \$89,675, generating \$2,685.92 in taxes or .92% of the total.
 5. Vacant land in 1978 was valued at \$43,645, generating \$671.48 in taxes or .23% of the total.
 6. Non-taxable property: unknown

- B. In the Township of Luverne, the tax base includes the following;
1. Residential property in 1978 was valued at \$176,012, generating \$19,223.38 in taxes or 9.84% of the total.
 2. Commercial property in 1978 was valued at \$34,869, generating \$2,133.92 in taxes or 1.09% of the total.
 3. Industrial property in 1978 was valued at \$168,592, generating \$11,725.56 in taxes or 6% of the total.
 4. Agricultural land in 1978 was valued at \$3,175,502, generating \$162,341.40 in taxes or 83.07% of the total.
 5. Vacant land: unknown
 6. Non-taxable property: unknown

- C. In the area subject to annexation, the tax base includes the following:
1. Commercial property in 1978 was valued at \$13,459, generating \$936.07 in taxes or 40% of the total.
 2. Agricultural property in 1978 was valued at \$26,423, generating \$1,426.37 in taxes or 60% of the total.
 3. Non-taxable property: unknown

IX. Tax Data

- A. For the City of Luverne assessment:
1. Mill rate in 1979 is 17.83.
 2. Bonded indebtedness in 1979 is \$365,000.
- B. For the Township of Luverne assessment:
1. Mill rate in 1979 is 2.84.
 2. Bonded indebtedness in 1979 is 0.
- C. For the area subject to annexation the township's assessment:
1. Mill rate in 1979 is 2.84.
Bonded indebtedness in 1979 is 0.
- D. Mill rate in Luverne for the individual assessing unit are:
1. County in 1979 is 18.49.
 2. School district in 1979 is 48.08.
 3. Township in 1979 is 2.84.

X. Annexation to the City of Luverne is not the best alternative.

- A. There will be no effect upon the school district and adjacent communities if the proposed annexation is denied.
- B. The town government is adequate to deliver services to the area proposed for annexation since it is primarily agricultural in nature.
- C. Present assessed valuation of the Town of Luverne: \$3,554,975
Present assessed valuation of proposed annexation area: \$39,882

XI. There was no showing of any present plans for the specific development of any of the area proposed for annexation.

XII. The annexation is not consistent with the joint agreement in that the majority of the land is agricultural in use and not being developed or seeking City 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 not now nor is it about to become urban or suburban in nature.
- III. The existing township form of government is adequate to protect the public health, safety, and welfare.
- IV. The annexation would not be in the best interests of the area proposed for annexation.
- V. The annexation conflicts with a term of the joint agreement.
- VI. An order should be issued by the Minnesota Municipal Board denying the proposed annexation.

ORDER

- I. IT IS HEREBY ORDERED: That the resolution for the annexation situated in the County of Rock, State of Minnesota, for the property described herein is denied.
- II. IT IS FURTHER ORDERED: That a copy of the joint resolution as to Orderly Annexation between the City of Luverne and the Town of Luverne is attached hereto and made a part hereof.
- III. IT IS FURTHER ORDERED: That the effective date of this order is July 17, 1980.

Dated this 17th day of July, 1980

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director

OA-116

JUN 20 1975

CITY OF LUVERNE RESOLUTION NO. 13-75

TOWNSHIP OF LUVERNE RESOLUTION NO. _____

A JOINT RESOLUTION AS TO ORDERLY ANNEXATION

Whereas: The City of Luverne and the Township of Luverne desire to avail themselves of the benefits of Section 414.032 of the Minnesota Statutes 1974 concerning "Orderly Annexation within a Designated Area" and,

Whereas: The parties hereto have agreed upon an area in need of orderly annexation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Luverne and the Township of Luverne hereby confer upon the Municipal Commission of the State of Minnesota jurisdiction over annexation in the following areas in accordance with the terms of this resolution:

a. All of Sections 2, 3, 10, and 11 not presently within the Corporate Limits of the City of Luverne.

b. All of the North 1/2 Sections 14 and 15 North of the North R.O.W. line of Interstate Highway #90 not presently within the corporate limits of the City of Luverne.

All in Township One Hundred Two (102) North of Range Forty-five (45), West of the 5th P.M.

2. No annexation will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or suburban in character and unless the City has available and is capable of providing municipal services.

3. The Town will not object to the annexation during the next year of the following described parcels:

a. That part of the Northeast Quarter (NE 1/4) of Section Fifteen (15) in Township One Hundred Two (102) North of Range Forty-five (45), West of the 5th P.M., lying North of the right-of-way of Interstate #90 as now established across said NE 1/4, and containing 117.47 acres, more or less, excepting that part of the said Northeast Quarter (NE 1/4) being within the corporate limits and described as follows:

Beginning at a point on the East line of said Section 15, distant 1242.10 feet North of the East Quarter Corner thereof, thence Westerly at an angle of $90^{\circ}02'$ with said East Section Line (measured from North to West) for 550.00 feet, thence deflect Northerly at an angle of $09^{\circ}58'$ (measured from East to North) and running thence parallel to said East Section line for 1415.00 feet to the North line of said Section 15, thence Easterly on said North Section line for 550.00 feet to the North-east corner of said Section 15, thence Southerly on said East Section line for 1416.00 feet to the true Point of Beginning.

- b. A tract of land in the Northwest Quarter (NW 1/4) of Section Fourteen (14) in Township One Hundred Two (102), North of Range Forty-five (45), West of the 5th P.M., described as follows:

Beginning at the Northwest corner of the Northwest Quarter (NW 1/4) of Section Fourteen (14) thence deflecting left 90° and running parallel to the North line of said Section Fourteen (14) to the East line of the right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned, thence Southerly on the East right-of-way line of said abandoned railway to its intersection with the Northeast (NE) corner of the following described tract of land: "Beginning at a point on the West line of said Section Fourteen (14) 1040.92 feet South of the Northwest corner thereof, thence deflect left 90° to the East line of the right-of-way of the Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned, thence Southerly on the East right-of-way line of said abandoned railway to its point of intersection of Interstate #90, thence in a Northeasterly direction on the North right-of-way line of said Interstate Highway #90 and then Westerly, projection of said line to the West line of said Section Fourteen (14), thence Northerly on the West line of said Section Fourteen (14) to the point of beginning, thence Westerly on the North line of said tract of land to the West of said Section Fourteen (14), thence Northerly on the West line of said Section Fourteen (14), to the point of beginning.

4. Subject to 6 below, the City agrees not to attempt any annexations of any of the following described property for a period of at least 3 years:

- a. The South one-half (S 1/2) of the Northeast Quarter (NE 1/4) of Section Two (2).
- b. The South one-half (S 1/2) of the Northwest Quarter (NW 1/4) of Section Two (2).
- c. That portion of the Southeast Quarter (SE 1/4) of Section Two (2) not presently within the corporate limits of the City of Luverne.
- d. The Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section Three (3).
- e. The Northwest one-half (NW 1/2) of the Northwest Quarter (NW 1/4) of Section Ten (10) not presently in the corporate limits of the City of Luverne.
- f. Outlots 3 and 4 of Auditor's plot #3 of the City and Township of Luverne.
- g. The North one-half (N 1/2) of the Northwest Quarter (NW 1/4) of Section 15.

All within the Township One Hundred Two (102), North of Range Forty-five (45), West of the 5th P.M.

5. Subject to 6 below, the City agrees not to attempt any annexation of any of the following described property for a period of at least 5 years:

- a. The North one-half (N 1/2) of the Northeast Quarter (NE 1/4) of Section Two (2).
- b. The North one-half (N 1/2) of the Northwest Quarter (NW 1/4) of Section Two (2).
- c. All of Section Three (3) except the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) not presently in the corporate limits of the City of Luverne.
- d. All of the Northwest Quarter (NW 1/4) of Section Fifteen (15) North of right-of-way line of Interstate #90 except the North one-half (N 1/2) of the Northwest Quarter (NW 1/4) of Section Fifteen (15).
- e. All of the North one-half (N 1/2) of Section Fourteen (14) North of the right-of-way line

of approximately 300 and East of the right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned.

All within Township One Hundred Two (120), North of Range Forty-five (45), West of the 5th P.M.

6. In the event that a subdivision plat is filed for any of the land included in 4 and 5 above the City may immediately petition the Municipal Commission for annexation of that land and any land lying between that land and the corporate limits so may be necessary to provide access for streets, utilities and other public service consistent with good planning practice.
7. The mill levy of the annexing municipality on the area annexed shall be increased in conformance with Section 414.032 Subdivision 4 of Minnesota Statutes 1974, over a period of not less than three (3) nor more than five (5) years.
8. Apportionment of assets and obligation shall be made in conformance with Section 414.067, Subdivision 1 of Minnesota Statutes 1974.
9. Zoning within the area designated for orderly annexation by this joint resolution shall, until annexed, be administered for zoning purposes by the Luverne Planning Commission plus the Luverne Township Board in acting jointly with all powers provided by laws. The Zoning Ordinance of the City of Luverne shall govern the zoning and administration of zoning procedures in the area included in this joint resolution.
10. Unless and until a further orderly annexation agreement is negotiated the City agrees not to attempt any further annexations within Luverne Township for a period of 10 years from the date of this agreement unless there is a unanimous petition of the land-owners involved.

TOWNSHIP OF LUVERNE

Passed and adopted by the Township of Luverne this June 11 day of June 11, 1975.

ATTEST: Audrey H. Ninkler
Township Clerk

Ernest M. Hamann
Chairman

CITY OF LUVERNE

Passed and adopted by the City of Luverne this 13th day of May, 1975.

ATTEST: R.C. Ruhl
City Administrative Assistant

Harold S. Schell
Mayor