

An Equal Opportunity Employer

Phone: 296-2428



STATE OF MINNESOTA
MUNICIPAL BOARD

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

March 24, 1983

Secretary of State
c/o Donna Scott
State Office Building
Saint Paul, Minnesota

RE: Municipal Board Docket Number

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 Austin

is increased by No Change

The population of Town of Austin

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 March 24, 1983

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

Patricia D. Lundy
Patricia D. Lundy
Assistant Executive Director

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1983

Anderson
Secretary

* 34499

A-3943 Austin

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1983

Andrew Han
Secretary

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Richard Cummings	Ex-Officio Member
Robert Finbraaten	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF AUSTIN PURSUANT TO)
MINNESOTA STATUTES 414)

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 November 24, 1982 at Austin, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Robert Finbraaten and Richard Cummings, Ex-Officio Members of the Board. The City of Austin appeared by and through Kermit Hoversten. Mr. and Mrs. Crews appeared by and through Paul Sween, Jennings Salvage Yard appeared by and through Bryan Baudler and the Town of Austin appeared by and through David Jackson, Township Supervisor. 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. On August 5, 1982, a copy of a petition for annexation by all of the property owners 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:

Commencing at the Northeast corner of Section 11, Township 102

North, Range 18 West, Mower County, Minnesota, thence westerly along the North line of said section a distance of 559.70 feet to the point of beginning thence continuing westerly along the same line a distance of 750 feet thence southerly at a right angle a distance of 870 feet thence easterly on a line parallel to the North line of said section a distance of 750 feet thence northerly on a straight line to the point of beginning. (15 acres)

An objection to the proposed annexation was received by the Minnesota Municipal Board from Austin Township on October 21, 1982. 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, Subdivision 5.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.
3. The area subject to annexation is unincorporated, approximately 15 acres in size and abuts the City of Austin by approximately 23% of its border.
4. The area proposed for annexation is presently vacant farmland which is proposed to be used as a relocation place for Crews Auto Salvage Yard.
5. In 1970 the City of Austin had a population of 26,210, its 1980 population was 23,020, its current population is 22,613 and it is projected that in 1985 it will have a population of 23,368.
6. The Town of Austin had a population in 1970 of 2,777, its population in 1980 was 2,386, its present population is 2,448 and it is projected that in 1985 it will have a population of 2,422.
7. The area proposed for annexation has no present population and it is not projected to have a population in 5 years and it had no population in 1970 or 1980.
8. The City of Austin has land in residential use, institutional use, commercial use, industrial use, agricultural use and vacant land.
9. The Town of Austin has land in agricultural use, residential use, commercial use and industrial use.
10. In the area proposed for annexation the land is presently in use for agricultural purposes.

11. The City of Austin has a zoning ordinance, subdivision regulations, flood plain ordinance and a planning commission.

12. Mower County land use controls apply to the area proposed for annexation.

13. The area proposed for annexation is presently zoned rural.

14. If annexed, it is anticipated that the area would be rezoned for an auto salvage yard. Presently this auto salvage yard is located in the northern part of the City of Austin. Further, the auto salvage yard is being relocated under a Housing and Urban Development Relocation grant being administered by the Austin Housing and Redevelopment Authority. The annexation area is an acceptable relocation site.

15. The City of Austin presently provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvement and maintenance, administrative services and recreational opportunities.

16. The Town of Austin provides the area proposed for annexation with fire protection through a contract for fire protection with the City of Austin.

17. The City of Austin is willing to provide municipal services to the area proposed for annexation as requested.

18. The area proposed for annexation has a soil of udolpho silt sandy loam with seasonal wetness. The area immediately north of the area proposed for annexation is lower in elevation and subject to some flooding. The area proposed for annexation is higher ground which alleviates the flooding problem.

19. Access to the area proposed for annexation would be along 8th Avenue, Southeast. The City is willing to pay for the extension of 8th Avenue, Southeast to the area proposed for annexation.

20. The City of Austin is serviced by federal, state, county and city roads.

21. In 1982 the City of Austin had an assessed valuation of \$85,247,723. The city's mill levy is 30.440. The City of Austin had a total bonded indebtedness of \$7,795,000.

22. In 1982 the Town of Austin had an assessed valuation of \$13,178,155. The township's mill levy is 2.277. The township has a special taxing district mill levy of .751. The township does not have any current bonded indebtedness.

23. The mill levy for the County of Mower in 1982 is 23.311. The school district mill levy for the area proposed for annexation in the City of Austin is 41.278.

24. The City of Austin has a fire insurance rating of 5. The Town of Austin has a fire insurance rating of 10.

25. The township presently receives \$8.61 in local government taxes for 1982 from the area proposed for annexation.

26. Austin Township can continue to function without the area proposed for annexation.

27. The City of Austin is the only municipality adjacent to the area subject to annexation.

28. All necessary governmental services can best be provided to the area proposed for annexation by its annexation to the City of Austin.

29. There is no evidence that the annexation of the area subject to annexation to the City of Austin will have any adverse effect on the school district in the area.

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

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

3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interests of the area subject to annexation will be furthered by annexation.

5. The remainder of the Town of Austin can carry on the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in values to the City of Austin and the value of benefits conferred upon the area subject to annexation.

7. The annexation proceeding has been initiated by a petition of a majority of the property owners, and therefore this Minnesota Municipal Board Order is not subject to an annexation election.

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

O R D E R

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 be and the same is hereby annexed to the City of Austin, Minnesota the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is March 24, 1983.

Dated this 24th day of March, 1983.

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director