

An Equal Opportunity Employer

Phone: 296-2428



STATE OF MINNESOTA
MUNICIPAL BOARD

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

April 25, 1983

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

RE: Municipal Board Docket Number A-3953 Montevideo - Interim Order

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 Montevideo

is increased by No Change

The population of Town of Sparta

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 April 25, 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

DEPARTMENT OF STATE
FILED

APR 26 1983

Joan Anderson
Secretary of State

34528

A-3953 Montevideo

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Stanley Jacobson	Ex-Officio Member
Marvin Teichert	Ex-Officio Member

DEPARTMENT OF STATE
FILED
 APR 26 1983
Joan Anderson
 Secretary of State

34528

 IN THE MATTER OF THE NOTICE OF)
 INTENT FOR THE ANNEXATION OF)
 CERTAIN LAND TO THE CITY OF)
 MONTEVIDEO 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 January 19, 1983 at Montevideo, Minnesota. The hearing was conducted by Robert W. Johnson, Vice Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Member of the Municipal Board and County Commissioners Marvin Teichert and Stanley Jacobson, Ex-Officio Members of the Board. The City of Montevideo appeared by and through John P. Nelson and the Town of Sparta appeared by and through Kaye S. Reishus. 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 4, 1982, a copy of a notice of intent to annex was filed with the Minnesota Municipal Board by the City of Montevideo. The notice of intent contained all the information required including a statement that the area proposed for annexation is 60% or more bordered by the city and 40 acres or less and a description of the territory subject to the annexation which is as follows:

A tract of land in Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West described as

follows: Beginning at the northwest corner of said Section Eight (8); thence south along the west line of said Section Eight (8) a distance of Two Thousand Two Hundred Feet (2,200.0'); thence east at right angles a distance of Two Hundred Forty-five Feet (245.0'); thence north along a line Two Hundred Forty-five Feet (245.0') east of and parallel to the west line of said Section Eight (8) a distance of Two Hundred Eleven Feet (211.0'); thence east at right angles a distance of One Hundred Forty-seven and four-tenths Feet (147.4'); thence north along a line that is Three Hundred Ninety-two and Four-tenths Feet (392.4') east of and parallel to the west line of said Section Eight (8) a distance of One Hundred Eleven Feet (111.0'); thence west at right angles a distance of Thirty Feet (30.0'); thence north along a line that is Three Hundred Sixty-two and Four-tenths Feet (362.4') east of and parallel to the west line of said Section Eight (8) a distance of Three Hundred Sixty-one Feet (361.0'); thence west at right angles a distance of Forty-six Feet (46.0'); thence north along a line that is Three Hundred Sixteen and Four-tenths Feet (316.4') east of and parallel to the west line of said Section Eight (8) a distance of One Thousand Five Hundred Seventeen Feet (1,517.0') to the north line of said Section Eight (8); thence west along the north line of said Section Eight (8) a distance of Three Hundred Sixteen and Four-tenths Feet (316.4') to the point of beginning; except the following three tracts:

A tract of land in Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West of the Fifth Principal Meridian, described as commencing at a point on the west line of said Section Eight (8) which is One Thousand One Hundred Fifty-eight Feet (1,158.0') south of the northwest corner of said Section Eight (8), running thence east at a right angle for a distance of Three Hundred Sixteen and four-tenths Feet (316.4'); thence south and parallel to the west line of said Section Eight (8) a distance of Two Hundred Twenty-five Feet (225.0'); thence west at a right angle for a distance of Three Hundred Sixteen and Four-tenths Feet (316.4') to the west line of said Section Eight (8) and thence north along said west line a distance of Two Hundred Twenty-five Feet (225.0') to the point of beginning, containing 1.6341 acres, more or less, and except:

A tract of land in Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West of the Fifth Principal Meridian, described as commencing at a point on the west line of said Section Eight (8) which is One Thousand Six Hundred and Eight Feet (1,608.0') south of the northwest corner of said Section Eight (8), running thence east at a right angle for a distance of Three Hundred Sixteen and four-tenths (316.4'); thence south and parallel to the west line of said Section Eight (8) a distance of Seventy-five Feet (75.0'); thence west at a right angle for a distance of Three Hundred Sixteen and four-tenths Feet (316.4') to the west line of said Section Eight (8), and thence north along

said west line a distance of Seventy-five Feet (75.0') to the point of beginning, containing .5447 acres, more or less, and except:

A tract in the North Three-Quarters (N 3/4) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Eight (8), Township One Hundred Seventeen (117), Range Forty (40), more particularly described as: Beginning at a point One Thousand Six Hundred Eighty-three Feet (1,683.0') south and Two Hundred Fifteen Feet (215.0') east of the northwest corner of Section Eight (8), Township One Hundred Seventeen (117), Range Forty (40), as measured along and at right angles to the west line of said Section Eight (8); thence south at right angles a distance of One Hundred Sixty-five Feet (165.0'); thence east at right angles a distance of One Hundred Forty-seven Feet (147.0'); thence north at right angles a distance of One Hundred Sixty-five Feet (165.0'); thence West at right angles a distance of One Hundred Forty-seven Feet (147.0') to the point of beginning, containing .5568 acres, more or less.

Containing 13.30 acres, more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Sparta Township on October 27, 1982. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subdivision 3 and 4 as required by M.S. 414.033, Subdivision 3.

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

3. At the hearing, the township withdrew their objection to the following described property:

That piece of property located in Section 8, Township 117 North, Range 40 West, Fifth Meridian, Minnesota, described as beginning at a point 245 feet south of the Northwest corner of said NW $\frac{1}{4}$ of Section 8, running thence East parallel with the north line of said quarter Section 316.4 feet; thence South at right angles parallel with the west line of said quarter Section 182 feet; thence Northwesterly of said quarter Section 316.4 feet; thence North 172 feet to the place of beginning.

4. On April 1, 1983, the Minnesota Municipal Board received a request from the City Attorney of Montevideo concurred with by Counsel for the Township that the Board issue an interim order approving the annexation of the property described in Findings of Fact 3.

5. The remaining Findings of Fact and Conclusions of Law deal with the property described in Findings of Fact 3, and these Findings of Fact do not dispose of the entire area proposed for annexation in Findings of Fact 1. The area dealt with in the remainder of these Findings of Fact and Conclusions of Law shall be described as the "area subject to annexation."

6. The area subject to annexation is unincorporated, approximately 1.28 acres in size and abuts the City of Montevideo by approximately 17.43% of its border. The City of Montevideo is approximately 2,322.08 acres in size. The general topography of the area subject to annexation is fairly level.

7. The City of Montevideo had a population of 5,661 in 1970, a population of 5,845 in 1980 and at the present.

8. The area subject to annexation has no present population.

9. The Town of Sparta had a population of 1,039 in 1970, 1,055 in 1980, and its present population is 1,080.

10. The City of Montevideo has approximately 934.4 acres in residential use, approximately 764.02 acres in institutional use, approximately 158.21 acres in commercial use, approximately 258.72 acres in industrial use, approximately 187.56 acres in agricultural use, and approximately 19.17 vacant acres.

11. In the area subject to annexation the land is either Highway 29 right-of-way or open land proposed for residential development. The owner plans to build a duplex on the area subject to annexation, if it is annexed.

12. The City of Montevideo currently has in effect zoning and subdivision regulations, a fire code, a housing code, a building code, and a comprehensive plan.

13. The Comprehensive Plan of the City of Montevideo designates the area subject to annexation as urban, and appropriate for annexation. The land within the City of Montevideo immediately west of the area subject to annexation is designated for residential use.

14. The city provides its residents with sewer, water, storm sewer, police

protection, fire protection, recreational opportunities, library opportunities, civil defense, city transit and administrative services.

15. Fire protection to the area proposed for annexation is presently provided through a contract between the township and the City of Montevideo under which the City of Montevideo provides personnel and equipment to service the township. The city has assisted the county in providing police protection to the area.

16. The Town of Sparta has a fire code, a building code, and a zoning ordinance which conforms with the county's zoning ordinance.

17. The extension of city sanitary sewer and water to the area subject to annexation would require the construction of lateral services only since the main lines are already in place.

18. The City of Montevideo has sufficient capacity to provide sanitary sewer and water services to the area subject to annexation.

19. The area subject to annexation is adjacent to Trunk Highway 29.

20. The city is served by city, county, state and federal roads.

21. In 1982, the City of Montevideo had a mill levy of 35.797.

22. In 1982, Sparta Township had a mill levy of 4.910.

23. In 1982, the county, school district and special taxing area, which affect the area subject to annexation, had mill levies of 24.213, 39.119 and .16 respectively.

24. The City of Montevideo is the only municipality adjacent to the area subject to annexation and therefore there are no other adjacent municipalities to be affected by the annexation of the area subject to annexation.

25. All necessary governmental services can best be provided to the area subject to annexation by its annexation to the City of Montevideo.

26. Annexation of the area subject to annexation to the City of Montevideo will not have any adverse impact on the school district that serves the area subject to annexation or the City of Montevideo.

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 Sparta can carry on the functions of government without undue hardship.

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

7. The annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

8. This Minnesota Municipal Board order is not subject to an annexation election.

9. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact 3, herein, and retaining jurisdiction on the remaining property described in Findings of Fact 1, herein.

O R D E R

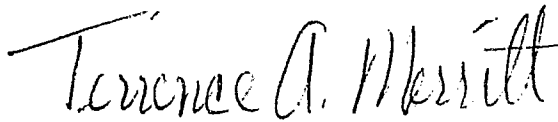
1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 3 and the same is hereby annexed to the City of Montevideo, Minnesota the same as if it had been originally a part thereof and the Minnesota Municipal Board retains

its jurisdiction on the remaining area described in Findings of Fact 1.

2. IT IS FURTHER ORDERED: That the effective date of this order is April 25, 1983.

Dated this 25th day of April, 1983.

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



Terrence A. Merritt
Executive Director