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STATE OF MINNESOTA
MUNICIPAL BOARD

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

September 29, 1983

Secretary of State
c/o Donna Scott
State Office Building
Saint Paul, Minnesota 55155

Re: Municipal Board Docket Number A-3953 Montevideo

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 37

The population of Town of Sparta

is decreased by 37

A new municipality named

has been created with a population of

The

has been dissolved.

Official date of the Order September 29, 1983

cc: Commissioner
Department of Revenue
c/o Wallace Dahl, Director
Tax Research Division
205 Centennial Building

Patricia D. Lundy
Patricia D. Lundy
Assistant Director

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT - 3 1983
Joan Anderson Howe
Secretary of State
#34804

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT - 3 1983
John Anderson Thorne
Secretary of State

134804

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, Board Member and County Commissioners Marvin Teichert and Stanley Jacobson, Ex-Officio Members of the Board. The City of Montevideo appeared by and through John Nelson and Janice 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 in size and a description of the territory subject to 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 (NW¼) 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 Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subdivisions 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. On April 25, 1983, the Minnesota Municipal Board, pursuant to a withdrawal of objection by the township and a request by the city and property owner, issued an interim order annexing 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 NW¼ 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. The remaining Findings of Fact, Conclusions of Law, and Order deal with the following described property, which is referred to as the area proposed for

annexation or the area subject to annexation:

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:

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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.

LESS

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.

5. The area subject to annexation is unincorporated, approximately 12.02 acres in size, and abuts the City of Montevideo in excess of 60% of its total boundary. The City of Montevideo is approximately 2,322.08 acres in size. The general topography of the area subject to annexation is fairly level.
6. The City of Montevideo had a population of 5,661 in 1970, a population of 5,845 in 1980 and at the present.
7. The area subject to annexation has a present population of approximately 37.
8. The Town of Sparta had a population of 1,039 in 1970, 1,055 in 1980, and

its present population is 1,080.

9. 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.

10. The Town of Sparta has land in agricultural use, residential use, commercial use, and industrial use.

11. Presently the land in the area proposed for annexation has one vacant lot, a majority of it in residential use, and the remainder of the land is in commercial use with one 30 foot wide road approximately 329 feet in length.

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

13. The Town of Sparta zoning for the area proposed for annexation complies with Chippewa County zoning. The township building code is the same as the city building code. The Town has a fire code.

14. The present uses of the area proposed for annexation are consistent with the city's comprehensive plan. The city's comprehensive plan designates the area proposed for annexation as a presently urban area appropriate for orderly annexation or in the alternative, annexation.

15. West of the area proposed for annexation is Trunk Highway 29 and west of the highway is land within the city, which is zoned for and built up as residential development. North of the area proposed for annexation is the Airport Industrial Park. South of the area proposed for annexation is the Northfield Mobile Home Park. Land east of the area proposed for annexation is located within the township and is presently rural in nature.

16. The City of Montevideo presently provides its residents with water, sewer, police protection, fire protection, street improvements and maintenance, storm sewer, civil defense warnings, recreational opportunities, transportation

opportunities, adult education opportunities, library services, and administrative services.

17. Fire protection of the area proposed for annexation is provided by Sparta Township through a contract with the City of Montevideo.

18. The City of Montevideo presently provides the area proposed for annexation with police patrols, as portions of the area east of Highway 29 are within the city, recreational opportunities, civil defense warnings, and city transit system.

19. The area proposed for annexation is zoned by the county under the city's subdivision regulations.

20. The assessed valuation of the area proposed for annexation is approximately \$113,174.

21. The assessed valuation of the Town of Sparta is approximately \$9,268,960.

22. The assessed valuation of the City of Montevideo is approximately \$8,444,018.

23. The 1982 mill rates are as follows: County of Chippewa, 24.213; City of Montevideo, 35.797; Sparta Township, 4.910; the school district, 39.119; and the special taxing district, .16.

24. The City of Montevideo has capacity in its waste water treatment facility and existing trunk sewer lines adjacent to the area proposed for annexation to service the area proposed for annexation.

25. The City of Montevideo has sufficient water capacity in its system and lines adjacent to the area proposed for annexation to service the area proposed for annexation.

26. The area proposed for annexation is presently served by the same school district as the City of Montevideo.

27. The City of Montevideo is the only municipality adjacent to the area proposed for annexation.

28. Sparta Township can continue to function without the area proposed for annexation.

29. All residential and commercial development in the area proposed for annexation is presently served by on-site sewer and water systems.

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 to the City of Montevideo and the value of benefits conferred upon the area subject to annexation.

7. Pursuant to M.S. 414.035, the Municipal Board determines that the mill levy of the annexing municipality shall be increased over a period of six years.

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

ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 4, herein, be and the same is hereby annexed to the City of Montevideo, Minnesota on January 1, 1984 the same as if it had been originally a part thereof if the City of Montevideo commits itself and certifies by an affidavit of the City Attorney to

the Municipal Board by December 15, 1983 the following: That the city will not require the hook-up to either city sewer or water by the property owners in the area described in Findings of Fact 4, herein, for the period of the mill levy step-up referred to hereinafter within this order, unless a pollution problem develops or the on-site water or sewer system needs repair or reconstruction. Should either system need repair or reconstruction, the City of Montevideo may require the property owners to hook up to city sewer and water instead of reconstructing the on-site system.

2. IT IS FURTHER ORDERED: That if the City of Montevideo does not commit to the proposed policy for the extension of city sewer and water in the area to be annexed, the petition for annexation is denied.

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

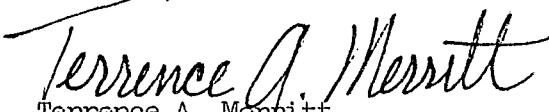
4. IT IS FURTHER ORDERED: That the population of the City of Montevideo is increased by 37 persons.

5. IT IS FURTHER ORDERED: That the population of the Town of Sparta is decreased by 37 persons.

6. IT IS FURTHER ORDERED: That the effective date of this order is September 29, 1983.

Dated this 29th day of September, 1983.

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


Terrence A. Merritt
Executive Director