



STATE OF MINNESOTA
MUNICIPAL BOARD

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

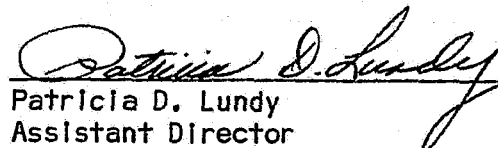
October 10, 1985

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

Re: Municipal Board Docket Number: D-202 West Concord

The subject order of the Minnesota Municipal Board makes no changes in the population of the City of West Concord.

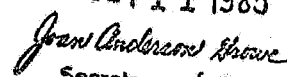
Official date of the Order is October 10, 1985.


Patricia D. Lundy
Assistant Director

PDL:sg

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

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 11 1985

Secretary of State

#36300

D-202 West Concord

STATE OF MINNESOTA
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BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

John Anderson Howe
Secretary of State

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner

IN THE MATTER OF THE PETITION FOR)
THE DETACHMENT OF CERTAIN LAND FROM)
THE CITY OF WEST CONCORD PURSUANT)
TO MINNESOTA STATUTES 414.06)

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 23, 1985 at West Concord, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance was Kenneth F. Sette, Vice Chairman of the Minnesota Municipal Board. The petitioners were represented by Michael S. Mellum and the City of West Concord was represented by Brian L. Weber, City Attorney. 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 October 22, 1984, a petition for detachment from the City of West Concord was filed by all of the property owners with the Minnesota Municipal Board. The petition contained all of the information required by statute including a description of the property proposed for detachment which is as follows:

The North Seventy-three (73) acres of the East One-half (E 1/2) of the Southeast Quarter (SE 1/4) of Section Eighteen (18), Township One Hundred Eight (108) North, Range Seventeen (17) West, EXCEPT four (4) parcels described as follows: 1) The South 200 feet of the East 277 feet of said North Seventy-three (73) acres; 2) Beginning at a point 1,022 feet East and 332 feet South of the Northwest corner of said East One-half (E 1/2) Southeast Quarter (SE 1/4), thence South 380 feet, thence East to the east section line, thence North along said line 380 feet, thence West to place of beginning; 3) Beginning at a point 712 feet South of the Northeast corner of said East One-half (E 1/2) Southeast Quarter (SE 1/4), thence West 279.2 feet, thence South 150 feet, thence East 279.2 feet, thence North to place of beginning; 4) Commencing at the east quarter corner of said Section Eighteen (18), Township One Hundred Eight (108) North, Range Seventeen (17) West; thence South, assumed bearings, along the east line of said Section Eighteen (18), a distance of 862.00 feet to the point of beginning; thence continuing South along said east line, said line also being the centerline of a public highway a distance of 556.00 feet; thence West 385.00 feet; thence North 566.00 feet parallel to the east line of said Section 18; thence East 385.00 feet to the point of beginning, containing 5.00 acres more or less and subject to a public highway easement on the east side thereof; Subject to existing highways; containing 65 acres, more or less.

AND

Commencing at a point on the Section line which is 712 feet South of the Northeast corner of the Southeast Quarter of Section 18, Township 108 North, Range 17 West, thence due West 279.2 feet to a point, thence South parallel to the Section line 150 feet to a point, thence East 279.2 feet to a point, thence North 150 feet to point of beginning, excepting right of way of Minnesota Highway #56, containing .9614 acres, more or less.

AND

That part of the East Half of the Southeast Quarter of Section 18, Township 108 North, Range 17 West described as follows:

Commencing at a point which is 862 feet South and 385 feet West of the East Quarter corner of said Section 18, Township 108 North, Range 17 West, assumed bearings, thence North parallel to the said East line of Section 18 a distance of 150 feet to a point, thence East 105.8 feet to a point, thence South 150 feet to a point, thence West 105.8 feet to the point of beginning.

AND

Commencing at the Northwest corner of the East One-half (E 1/2) of the Southeast Quarter (SE 1/4) of Section Eighteen (18), in Township One Hundred Eight (108) North, Range Seventeen (17) West, thence due

east along said Section line 1,022 feet, thence due south 332 feet for a place of beginning, thence due south 380 feet, thence due east to the said section line, thence north along said Section line a distance of 380 feet, thence due west to the place of beginning, all in the Southeast Quarter (SE 1/4) of Section 18-108-17.

AND

That part of the E 1/2 SE 1/4 of Sec. 18-108-17W, described as follows: Commencing at the east quarter corner of said Section 18-108-17; thence South, assumed bearings, along the east line of said Section 18 a distance of 862.00 feet to the point of beginning; thence continuing South along said east line, said line also being the centerline of a public highway a distance of 566.00 feet; thence West 385.00 feet; thence North 566.00 feet parallel to the east line of said Section 18; thence East 385.00 feet to the point of beginning. The said tract contains 5.00 acres, more or less, and is subject to a public highway easement on the east side thereof.

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

3. The area proposed for detachment is situated within the City of West Concord and abuts the municipal boundary.

4. The area proposed for detachment is approximately 71.76 acres in size.

Of the land in the area proposed for detachment, approximately 8.36 acres are used for residential and commercial purposes, and the remaining 63.4 acres are used for agricultural purposes.

5. The City of West Concord is approximately 680 acres in size. The city has land in use as follows: approximately 234.17 acres in residential, commercial or vacant land use; approximately 24.5 acres in school use; and approximately 421.33 acres in agricultural use.

6. The Town of Concord is approximately 23,189 acres in size and the land is used for agricultural purposes.

7. The area proposed for detachment is located west of State Highway 56. The westernmost boundary of the area proposed for detachment is

approximately one-quarter mile east of the western boundary of the City of West Concord.

8. The City of West Concord had a population of 762 in 1980 and 748 in 1983.

9. Concord Township had a population of 659 in 1980 and 723 in 1983.

10. The population in the area proposed for detachment was 7 in 1980 and 6 in 1983.

11. The property used for residential or commercial purposes is adjacent to Highway 56, on the eastern boundary of the area proposed for detachment and has approximately one quarter of a mile in length, of agriculturally used land, which is in the detachment area, immediately south of that area. The northern boundary of the land in the detachment area that is used for residential or commercial purposes is less than approximately one eighth of a mile from the northern boundary of the City of West Concord.

12. The area proposed for detachment has an assessed value for taxes payable 1985 of \$56,715.

13. The City of West Concord has an assessed value for taxes payable 1985 of \$2,163,903.

14. The Town of Concord has an assessed value for taxes payable 1985 of \$7,837,103.

15. The total mill levy for the City of West Concord, payable 1985, is .10574.

16. The total mill levy for the Town of Concord, payable 1985, is .76375.

18. If the area proposed for detachment were detached, the city would have lost for taxes payable 1985 the sum of \$2,109.80.

19. Access to the agricultural land proposed for detachment is from

Highway 56.

If only the westernmost portion of the area proposed for detachment were detached, it would no longer have an access onto Highway 56. Also, the boundaries for the City of West Concord would be extremely irregular, since there would be a finger of land less than a quarter of a mile wide and less than a half mile long almost in the center of the northwestern quadrant of the City of West Concord.

20. There is a drainage ditch which flows through the agricultural portion of the area proposed for detachment, as well as through land within the city immediately west of the detachment area and land in the city immediately east of the detachment area.

21. The city has a bonded indebtedness of \$118,000.

22. The City of West Concord had revenues in 1984 of \$579,379.47. Of that figure, approximately \$307,484.39 represent state and federal payments for sewage treatment facilities.

23. In the area proposed for detachment, there are three single-family residences, as well as a lumber yard and a trucking operation.

24. The city provides the area proposed for detachment with fire protection and police protection.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The detachment of the area proposed for detachment would unreasonably affect the symmetry of the City of West Concord.

3. A majority, but not all, of the area proposed for detachment is rural in character.

4. An order should be issued by the Minnesota Municipal Board denying the petition for detachment of the area described herein.

ORDER

1. IT IS HEREBY ORDERED: That the petition for the detachment of the property described herein in Findings of Fact 1 be, and the same hereby is denied.

2. IT IS FURTHER ORDERED: That the effective date of this order is October 10, 1985.

Dated this 10th day of October, 1985.

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director

436300
O.D.