



**STATE OF MINNESOTA  
MUNICIPAL BOARD**

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

January 31, 1986

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

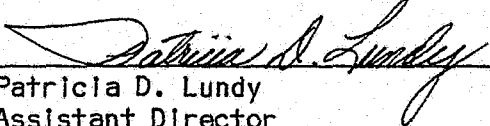
Re: Municipal Board Docket Number: D-208 Nashwauk

The subject order of the Minnesota Municipal Board makes the following changes in the population of the named units of government:

The population of the City of Nashwauk is decreased by 4.

The population of the Town of Nashwauk is increased by 4.

Official date of the Order is January 31, 1986.

  
Patricia D. Lundy  
Assistant Director

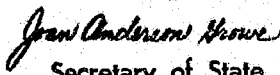
PDL:sg

cc: Wallace O. Dahl, Director  
L.G.A. & A. Division  
Department of Revenue  
2nd Floor Centennial Building

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

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

FEB - 4 1986

  
Secretary of State

*36441*

D-208 Nashwauk

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Kenneth F. Sette                      Chair  
Richard A. Sand                      Vice Chair  
Shirley J. Mihelich                  Commissioner

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB - 4 1986  
*Jean Anderson Howe*  
Secretary of State

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

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 17, 1985 at Nashwauk, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, and Richard A. Sand, Vice Chair. The petitioners were represented by Dennis Elj, the City of Nashwauk was represented by John Hawkinson, City Attorney, and the Town of Nashwauk was represented by Edward Carter, Town 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. The petition was duly filed with the Minnesota Municipal Board on April 23, 1985 by the property owners requesting the detachment from the City of Nashwauk.

2. The petition contained all of the information required by statute

Including a description of the property proposed for detachment which is as follows:

The West Ten (10) acres of the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of Section Twenty-nine (29) in Township Fifty-seven (57) North of Range Twenty-two (22), West of the Fourth Principal Meridian, more particularly described by metes and bounds, as follows, to-wit: Commencing at the Southwest corner of the NW 1/4 of NW 1/4 of said Section 29, thence due north a distance of 1320 feet, thence due east a distance of 330 feet, thence due south 1320 feet, thence a distance due west 330 feet to the point of beginning, containing ten (10) acres, more or less.

LESS THAT PART CONVEYED to Jack Clemens and Mildred Clemens by Warranty Deed dated February 28, 1978 and filed as Document File No. 20,850 on March 2, 1978 in the office of the Registrar of Titles, Itasca County, in the following language, to-wit: The South Half of the West Half of the West Half (S 1/2 of W 1/2 of W 1/2) of the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of Section Twenty-nine (29), Township Fifty-seven (57) North of Range Twenty-two (22) West of the Fourth Principal Meridian;

and

The South Half of the West Half of the West Half (S 1/2 of W 1/2 of W 1/2) of the Northwest Quarter of the Northwest Quarter (NW 1/4 of NW 1/4) of Section Twenty-nine (29), Township Fifty-seven (57) North of Range Twenty-two (22) West of the Fourth Principal Meridian.

3. The area proposed for detachment is located within the City of Nashwauk and abuts the municipal boundary.
4. The area proposed for detachment is approximately 10 acres in size.
5. The City of Nashwauk is approximately 2,600 acres in size.
6. The area proposed for detachment lies along the eastern side of the north/south center line of the city and abuts the city's northern boundary.
7. The area proposed for detachment is presently used as a single-family residence and has approximately five acres of woodland and three acres of field.
8. The area proposed for detachment has a population of four. Located on the land is a single-family residential dwelling, a garage, and a shed.

9. The area proposed for detachment presently receives city solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, recreational opportunities, and library services. The area does not receive city water, sanitary sewer, or storm sewer.

10. The petitioners do not own any land adjacent to the area proposed for detachment.

11. The City of Nashwauk provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and library services.

12. The Town of Nashwauk provides its residents with fire protection through a contract with the City of Nashwauk, street improvements and maintenance, recreational opportunities, and administrative services.

13. The County of Itasca has planning and zoning controls in place for the Town of Nashwauk.

14. The City of Nashwauk does not have a building code, zoning ordinance, subdivision regulations or comprehensive plan.

15. The police department of the City of Nashwauk has an agreement with the Itasca County Sheriff's Department to provide mutual aid for police protection for areas adjacent to the City of Nashwauk.

The Chief of Police anticipates providing police service to the area proposed for detachment, even if it were not within the city.

16. The access to the area proposed for detachment is by a city road. The city anticipates plowing the road regardless of whether the area is detached or not.

17. A portion of the local government taxes pay for street improvements and sewer and water extension for the central portion of the City of Nashwauk.

The area proposed for detachment is liable for such payments, even though it does not receive any benefit of sewer and water or the street improvements.

18. Sanitary sewer and water are approximately three-quarters of a mile away from the area proposed for detachment.

The city has no plans for extending municipal sewer and water to the detachment area.

19. The area proposed for detachment is presently served by a private well and a private septic system.

20. The City of Nashwauk presently receives approximately \$582.00 from the area proposed for detachment through real estate taxes, taconite aids, and homestead credits.

21. The mill levy for the Town of Nashwauk is 10.833. The mill levy for the City of Nashwauk is 131.150.

22. The population of the City of Nashwauk in 1984 was 1,410.

The population of the Town of Nashwauk in 1984 was 820.

23. The property owners have no plans for any additional development of the area proposed for detachment.

24. The area proposed for detachment abuts the Town of Nashwauk.

25. The detachment of the area proposed for detachment would not unreasonably impact the symmetry of the City of Nashwauk.

#### CONCLUSIONS OF LAW

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

2. The detachment would not unreasonably affect the symmetry of the City of Nashwauk.

3. The remainder of the municipality can continue to carry out the functions of government without undue hardship should the area proposed for detachment be detached.

4. The area proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

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

ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 2 herein is hereby detached and made a part of the Town of Nashwauk the same as if it had been originally made a part thereof.

2. IT IS FURTHER ORDERED: That the population of the City of Nashwauk is decreased by four persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Nashwauk is increased by four persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is January 31, 1986.

Dated this 31st day of January, 1986.

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

*Terrence A. Merritt*  
Terrence A. Merritt  
Executive Director

D-208 Nashwauk

MEMORANDUM

At the hearing on this proposed detachment, the board inquired of both the city and the town about the future possibility of the merging of the two governmental entities into one unit of government. The Town Supervisor and Mayor both expressed some interest in such a merger. The board takes this opportunity to urge the town and city to consider exploring the possibilities of such a merger. There are essentially two options that the communities could proceed under. One is the annexation of the entire town to the city by joint resolution pursuant to M.S. 414.031, Subdivision 1(d). The other option is pursuant to M.S. 412.091, the city through a request of the voters could seek to dissolve the city and have the city become part of the Town of Nashwauk.

The board notes that the testimony indicated an on-going spirit of cooperation between the Town of Nashwauk and the City of Nashwauk. The board hopes that the communities will continue to work to foster such a spirit of cooperation. The board takes this opportunity to raise the issue of the merging of the two governmental entities as an opportunity for the communities to more efficiently deliver services to their constituents.

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