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STATE OF MINNESOTA
MUNICIPAL BOARD

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

April 14, 1987

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

Re: Municipal Board Docket Number: A-4304 Mankato

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

Official date of the Order is April 14, 1987.

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 Gillaspy, Ph.D.
State Demographer
200 Capitol Square Building

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 20 1987
Joan Anderson Growe
Secretary of State

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A-4304 Mankato

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Carl E. Carlson	Ex-Officio Member
William A. Maher	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR THE ANNEXATION OF CERTAIN LAND TO THE CITY OF MANKATO 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 September 3, 1986 at Mankato, 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, Shirley J. Mihelich, Vice Chair, and County Commissioners William A. Maher and Carl E. Carlson, Ex-Officio Members of the Board. The City of Mankato appeared by and through Michael McCauley, City Attorney, the Town of Mankato appeared by and through John Riedy, Town Attorney, and the petitioners appeared by and through Randall Berkland. 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 April 9, 1986, a copy of a petition for the 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 property subject to annexation which is as follows:

Lot 5, Block 1, J.T. Dalton Addition.

and

The West Half of the Southwest Quarter of Section 21, Township 108 North, Range 26 West, more particularly described as:

A sanitary sewer and water easement across said Tract E, said sixth course being 25 feet in width and 12.5 feet on either side of the following described centerline: Commencing at the Southeast corner of said Tract D; thence on a bearing of North 0 degrees 00 minutes East for a distance of 100 feet to the point of beginning; thence on a bearing of South 78 degrees 51 minutes East for a distance of 672.26 feet thence for a distance of approximately 660 feet to a point on the East line of said Tract E, said point being 300 feet North of the Southeast corner of said Tract E and there terminating.

An objection was received by the Minnesota Municipal Board from the Town of Mankato on June 27, 1986. 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 and approximately 32.54 acres in size. The City of Mankato is approximately 6,496 acres in size. The Town of Mankato is approximately 27,000 acres in size.

4. The petitioners sought to abut the City of Mankato from the annexation area by inclusion in the petition for annexation of their easement for sewer and water service, which extends from the City of Mankato to the area proposed for annexation. The petitioners did not seek to annex the underlying fee of the land over which their sewer and water easement travels. But for that easement, there is no other part of the area proposed for annexation that abuts the City of Mankato.

5. The area proposed for annexation is presently used as a mobile home park. It has approximately 227 mobile home sites.

6. The City of Mankato has a population of approximately 29,746.

7. The Town of Mankato has a population of approximately 2,947.

8. The area proposed for annexation has a population of approximately 513.

9. The City of Mankato has land in residential use, institutional use, commercial use, industrial use, and agricultural use.

10. The Town of Mankato has land in residential use and a majority of the land in agricultural use.

11. The area proposed for annexation has all of its land in residential use.

12. The City of Mankato has approximately 130 miles of maintained roadway.

13. The Town of Mankato has approximately 44 miles of roadway.

14. The area proposed for annexation has approximately 1.9 miles of interior roadway.

15. Access to the area proposed for annexation is from U.S. Highway 22. Maintenance and control of the highway would not be a city problem were the area to be annexed as it is presently not maintained by the town since it is a U.S. Highway.

16. The city, town, and county each have comprehensive plans.

17. The City of Mankato has a zoning ordinance, subdivision regulations, an official map, capital improvements and budget program, fire code, Minnesota Building Code, Minnesota Plumbing Code, floodplain ordinance, and an urban renewal program.

18. The Town of Mankato has a zoning ordinance, subdivision regulations, an official map, shoreland ordinance, and floodplain ordinance.

19. The County of Blue Earth has a zoning ordinance, subdivision regulations, an official map, capital improvements and budget program, fire code, Minnesota Building Code, Minnesota Plumbing Code, shoreland ordinance, sanitation ordinance, and a human services program.

20. The area proposed for annexation is currently zoned R-3.

21. If the area proposed for annexation were annexed, it would be zoned R-3.

22. The City of Mankato presently 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, health inspection, and library services.

23. The City of Mankato presently provides the area proposed for annexation with water and sanitary sewer.

24. The Town of Mankato presently provides its residents with solid waste collection and disposal, fire protection, police protection, administrative services, and library services.

25. In 1985, the City of Mankato has an assessed valuation of approximately $144,642,362. The City of Mankato's 1985 mill rates are as follows: 27.42 for the county, 40.20 for the city, 51.47 for the school district, and .14 for the special taxing district.

26. In 1985, the City of Mankato had a total bonded indebtedness of $17,360,000.

27. In 1985, the Town of Mankato had an assessed valuation of approximately $15,716,238. The Town of Mankato's 1985 mill rates are as follows: 28.41 for the county, 3.50 for the town, 51.47 for the school district, and .14 for the special taxing district.

28. In 1985, the Town of Mankato had no bonded indebtedness.

29. The City of Mankato has a fire rating of 4. The Town of Mankato has a fire rating of 8.

30. The same school district serves the area proposed for annexation and the City of Mankato.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board does not have jurisdiction of the within proceeding, since the area proposed for annexation does not abut the City of Mankato.

2. An order should be issued by the Minnesota Municipal Board dismissing the petitioned annexation described herein on the basis of lack of jurisdiction.

O R D E R

1. IT IS HEREBY ORDERED: That the request for annexation of the property described in Findings of Fact 1, herein, be and the same is hereby dismissed without prejudice.

2. IT IS FURTHER ORDERED: That the effective date of this order is April 14, 1987.

Dated this 14th day of April, 1987.

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

Terrence A. Merritt
Executive Director

A-4304 Mankato

MEMORANDUM

In dismissing the proposed annexation without prejudice, the board does not address the issue of the urban development of the area, nor the appropriateness of its annexation to the City of Mankato. Rather, the board is forced to focus upon whether it meets the jurisdictional requirements set forth in M.S. 414.033, Subdivision 1, "Unincorporated property abutting a municipality may be annexed ...". In seeking to annex land to the City of Mankato by use of an easement, the property owners failed to meet this jurisdictional threshold, thereby denying the Municipal Board jurisdiction over the within proceeding.

The board hopes that the parties are able to address the issues raised at the hearing and reach a mutually acceptable resolution of the matter.

TM 4-14-87

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O.K.