



STATE OF MINNESOTA  
MUNICIPAL BOARD

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

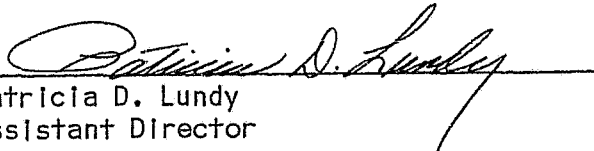
April 29, 1988

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

Re: Municipal Board Docket Number: D-238 Austin

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

Official date of the Order is April 29, 1988.

  
Patricia D. Lundy  
Assistant Director

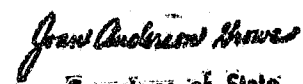
PDL:sg

cc: Jerome F. Silkey, Asst. Director  
Local Government Services Division  
Department of Revenue  
2nd Floor Centennial Building

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

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

MAY 4 1988

  
Secretary of State

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Shirley J. Mihelich	Chair
John W. Carey	Vice Chair
Kenneth F. Sette	Commissioner

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IN THE MATTER OF THE PETITION FOR )  
THE DETACHMENT OF CERTAIN LAND )  
FROM THE CITY OF AUSTIN PURSUANT )  
TO MINNESOTA STATUTES 414.06 )  
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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 December 15, 1987 at Austin, Minnesota, and was continued from time to time. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Shirley J. Mihelich, Chair, John W. Carey, Vice Chair, and Kenneth F. Sette, Commissioner of the Minnesota Municipal Board. The petitioners appeared by and through Robert M. Maus, Attorney at Law, and the City of Austin appeared by and through Kermit Hoversten, Attorney at Law. 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 November 2, 1987, a petition for detachment from the City of Austin 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:

Lot 1 in Block 5 of Austin Homesteads, Mower County, Minnesota, excepting therefrom the two parcels of land sold to Arnold Stanek by those certain deeds recorded in Book 199 of Deeds, Page 5, and Book 202 of Deeds, Page 30, in the Office of the Mower County Recorder, including one half of street right of way abutting the above property.

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 Austin and abuts the municipal boundary by approximately 36%.

4. The area proposed for detachment was annexed to the City of Austin on October 9, 1987.

The properties owners had requested the city to initiate annexation proceedings pursuant to orderly annexation.

5. The area proposed for detachment is approximately 2.36 acres in size.

6. The City of Austin is approximately 5,880 acres in size.

7. The area proposed for detachment has a relatively flat terrain with Udolpho silt loam soil. On the western edge the soil is Maxfield silty clay loam. The soils in the area proposed for detachment are somewhat wet.

8. The City of Austin has approximately 124.56 miles of highways, streets, and roads.

The area proposed for detachment has approximately 605 feet of highways, streets, and roads.

9. The City of Austin had a 1970 population of approximately 26,210, a 1980 population of approximately 23,020, and a current population of approximately 22,543.

10. The population of the area proposed for detachment is three.

11. The area proposed for detachment has one house, a garage, and a

garden shed located on it.

12. The area proposed for detachment has been divided into an additional three lots south of the existing home.

13. The City of Austin has a 1986 assessed valuation of \$99,153,155.

14. The Town of Austin has a 1986 assessed valuation of \$10,053,798.

15. The area proposed for detachment has a 1986 assessed valuation of \$10,008.

16. The Mower County mill rate for the city is 38.301 and 39.525 for the town.

17. The mill rate for the City of Austin is 38.312.

18. The mill rate for the Town of Austin is 6.412.

19. The mill rate for the school district is 53.920, and .131 for the Special Taxing District.

20. The City of Austin has a total bonded indebtedness of \$6,985,000.

21. The Town of Austin has no bonded indebtedness.

22. The City of Austin 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, and library services.

23. The Town of Austin presently provides its residents with storm sewer, fire protection by contract with the City of Austin, street improvements and maintenance, and administrative services.

The Town of Austin does not have a central sanitary sewer system or water distribution system.

The Town of Austin does not have any plans to develop either a central water distribution system or sanitary sewer system.

24. The area proposed for detachment has an on-site septic system and a

well, which provides sewer and water to the existing residence.

25. The City of Austin presently provides the area proposed for detachment with all of the services it provides other residents of the city except sewer and water.

Engineering work has been done for the extension of sewer and water to the area proposed for detachment. It is anticipated that sewer and water will be extended to the area proposed for detachment during the summer of 1988.

26. The Town of Austin has no separate land-use planning controls. It relies on Mower County for the necessary land-use controls.

27. The City of Austin has deferred special assessments against the three southern lots which were subdivided after discussions between the propertyowner and the city and which are presently not built upon. The deferred special assessments are for the proposed sewer and water service, which are to be constructed.

28. The City of Austin has a comprehensive plan, zoning ordinance, subdivision regulations, an official map, Capital Improvements Program and Budget, fire code, shoreland ordinance, and floodplain ordinance.

#### 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 Austin.

3. The area proposed for detachment presently is used for residential purposes and can further accommodate three additional single-family residential lots.

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 April 29, 1988.

Dated this 29th day of April, 1988.

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

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

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

MAY 4 1988

*Joan Anderson Brown*  
Secretary of State

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O.D.