



STATE OF MINNESOTA
MUNICIPAL BOARD

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

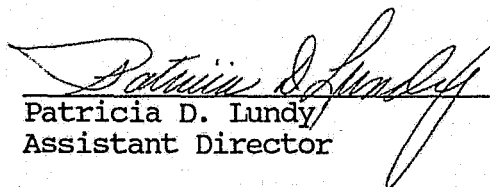
December 21, 1989

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

Re: Municipal Board Docket Number: A-4546 Alexandria

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

Official date of the Order is December 14, 1989.


Patricia D. Lundy
Assistant Director

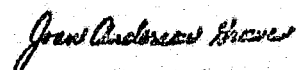
PDL:sjh

cc: Jerome F. Silkey, Asst. Dir.
Local Gov't Services 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

DEC 27 1989


Secretary of State

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O.D.

A-4546 Alexandria

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

John W. Carey	Chair
Kenneth F. Sette	Vice Chair
Shirley J. Mihelich	Commissioner
Ann Malmgren	Ex-Officio Member
Jerry Callaghan	Ex-Officio Member

IN THE MATTER OF THE NOTICE OF INTENT)	<u>FINDINGS OF FACT</u>
FOR THE ANNEXATION OF CERTAIN LAND TO)	<u>CONCLUSIONS OF LAW</u>
THE CITY OF ALEXANDRIA PURSUANT TO)	<u>AND ORDER</u>
MINNESOTA STATUTES 414)	<u>AND MEMORANDUM OPINION</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 28, 1989 at Alexandria, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were John W. Carey, Chair, Kenneth F. Sette, Vice Chair, Shirley J. Mihelich, Commissioner, and County Commissioners Jerry Callaghan and Ann Malmgren, Ex-Officio Members of the Board. The City of Alexandria appeared by and through John Lervick, City Attorney, and the Town of LaGrand appeared by and through Ralph Tillitt, Attorney at Law, and Bill Radzwill, 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.

1. On January 3, 1989, the Municipal Board received a Notice of Intent requesting annexation to the City of Alexandria. The Notice of Intent contained all the information required by statute including a description of the property subject to annexation, which is as follows:

Part of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4), of Section 24, Township 128 North, Range 38 West, described as follows, to-wit: Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4 SE1/4) of said Section 24, thence East on the Forty line 677 feet to the Northwest corner of Franzen's Westwood Addition to the City of Alexandria, thence South on the West line of said Franzen's Westwood Addition 132 feet to the North line of Winona Drive, thence West 677 feet to the Forty line, thence North 140.1 feet on the Forty line to the point of beginning, excepting from said tract; however, a triangular portion thereof located in the Southwest corner thereof described as follows, to-wit: Beginning at the Southwest corner of the above described tract, thence North 60 feet on the Forty line, thence Southeast to a point on the South line of the tract hereby conveyed that is 70 feet East of the Southwest corner thereof, thence West on the Forty line to the place of beginning, (2.07 Acres \pm).

All of Westview Acres Addition including Lots 1 - 2, Block 1; Lots 1 - 5, Block 2; Lots 1 - 21, Block 3; and dedicated street and part lands, (23.18 \pm)

Part of Franzen's 2nd Westwood Addition including Lots 17 - 28 and the West 46 feet of Lot 29, Block 3; Lots 1 - 9 and 17 - 23, Block 4; and Lots 1 - 4, Block 5; and adjoining dedicated street right-of-way, (12.06 Acres \pm)

An objection was received by the Minnesota Municipal Board from the Town of LaGrand on March 24, 1989. 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 3.

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

3. The area subject to annexation, hereinafter referred to as the subject area, is unincorporated and approximately 37.31 acres in size.

4. The City of Alexandria calculated the perimeter of the subject area by taking actual measurements from the official subdivision maps for the bordered areas and for the non-bordered land by measuring the areas of land surface taken from the subdivision maps and by measuring the lake frontage of Lake Winona by drawing a straight line along the frontage. By use of this method, the city borders the subject area by approximately 60.28 percent.

5. The lake frontage of the subject area is not a straight line, but includes inlets and bays.

6. The subject area borders the City of Alexandria by approximately 52 percent if the lake frontage of the subdivisions in the subject area is used for the calculation of perimeter and not the straight line method as used by the city.

7. Based on the calculations submitted, the subject area's perimeter is not 60 or more percent bordered by the City of Alexandria, and the board lacks jurisdiction to consider the annexation of the subject area.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board does not have jurisdiction of the within proceeding, since the perimeter of the area proposed for annexation is not 60 percent or more bordered by the City of Alexandria.

2. An order should be issued by the Minnesota Municipal Board

dismissing the request for annexation described herein.

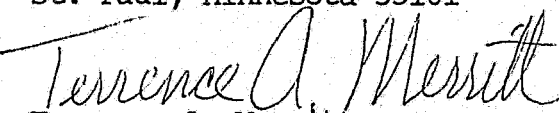
O R D E R

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 December 14, 1989.

Dated this 19th day of December, 1989.

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


Terrence A. Merritt
Executive Director

A-4546 Alexandria

M E M O R A N D U M

The board dismisses the subject annexation for lack of jurisdiction. This dismissal allows the parties to return to the board with an annexation request within two years. The board notes that initial testimony presented at the hearing on the subject area included significant references to the areas where both the City of Alexandria and the Town of LaGrand work together for the accomplishment of a common goal. The board is confident that the parties can use this basis of cooperation to address the issues related to boundary adjustment so that the community as a whole is benefited and citizen resources are conserved.

TAM 12-19-89

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 27 1989

Jean Anderson Shaver
Secretary of State

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O.D.