

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Gordon Sanders	Ex-Officio Member
Cecil B. Bergquist	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF DETROIT LAKES, MINNESOTA)	<u>AND ORDER</u>
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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 January 8, 1976 at the City Hall, Detroit Lakes, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners George Sonders and Cecil Bergquist, ex-officio members of the Board. The City of Detroit Lakes appeared by and through Wayne Lance, City Clerk-Treasurer and David Stowman, Attorney at Law, on behalf of the petitioners and Lynn Hummel, Attorney at Law, on behalf of the Township of Lake View. 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 August 20, 1975 a petition by a majority of the property owners in number was received by the Minnesota Municipal Board. An objection was received from Lake View Township on October 6, 1975. The Municipal Board upon receiving this objection conducted further proceedings in accordance with M.S. 414.031 as required by M.S. 414.033, Subd. 5. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

The Northerly boundary being the center line of CSAH No. 6;
the Westerly boundary being the center line of CSAH No. 22;
the Southerly boundary being the center line of the Pelican River; and, the Easterly boundary being the shoreline of Little Detroit Lake.

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

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Detroit Lakes.
- b. The total area of the City of Detroit Lakes is unknown. The total area of the territory subject to annexation is 13.67 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 300 - 400'.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: flat lakeshore land bounded on the south by a river and swamp.

4. Population Data

a. The City of Detroit Lakes

- 1) Past population growth:
- 2) Present population: there has been a slight increase over the last couple of years, in part because of prior annexations.
- 3) Projected population: a slow increase is estimated.

b. The area subject to annexation

- 1) Past population growth: the area was developed with summer cabins.
- 2) Present population: 34
- 3) Projected population: stable, but some cabins are being converted into permanent residences.

5. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council/state planning agency. There are no plans. The area is developed.
- b. What land use controls are presently being employed.
 - 1) In the City of Detroit Lakes
 - a) Zoning - yes
 - b) Subdivision regulations - yes
 - c) Housing and building codes - yes
 - d) Other - The city has a planning commission which reviews all land brought into the city and makes recommendations to the city council regarding future zoning.

- 2) In the area to be annexed:
 - a) Zoning - Yes
 - b) Subdivision regulations - Unknown
 - c) Housing and building codes - Unknown
 - d) Other - Land use ordinance; the area is platted.
- c. Does the city require future growth space? Unknown. If so, will the area subject to annexation provide the City of Detroit Lakes with necessary growth space? This area is not being relied upon to provide any necessary growth space.
- d. The present pattern of physical development is:
 - 1) In the City of Detroit Lakes:
 - a) Residential - yes
 - b) Industrial - yes
 - c) Commercial - yes
 - d) Institutional - yes
 - 2) In the area subject to annexation:
 - a) Residential - yes, including many summer homes.
 - b) Industrial - no
 - c) Commercial - yes
 - d) Institutional - no
- e. What will be the effect, if any of the annexation on adjacent communities? There are no adjacent communities.

6. Governmental Services

- a. Presently, the Township of Lake View provides the area subject to annexation with the following services:

1) Water - No	5) Street Improvements - Unknown
2) Sewer - No	6) Street Maintenance - yes
3) Fire Protection- by contract with city.	7) Recreational- facilities on major lakes
4) Police Protection- Constable, 3½ months and Becker County Sheriff's Department.	8) Other
- b. Presently, the City of Detroit Lakes provides its citizens with the following services:

1) Water - yes	5) Street Improvements - yes
2) Sewer - yes	6) Street Maintenance - yes
3) Fire Protection - yes	7) Recreational - unknown
4) Police Protection - yes	8) Other

c. Presently, the City of Detroit Lakes provides the area subject to annexation with the following services:

- | | |
|---|---|
| 1) Water - no but city lines are within approximately 300' of annexation area | 5) Street Improvements - no |
| 2) Sewer - Same as water | 6) Street Maintenance - no |
| 3) Fire Protection - by contract with township | 7) Recreational - no |
| 4) Police Protection | 8) Other - an adjacent road runs into the city. |

d. Plans to extend municipal services to the area subject to annexation include the following: Upon annexation the city will immediately extend all services to the area except for utilities which will be extended during the next construction season. The present system can carry the increased load.

e. There are existing or potential pollution problems which are:

Many of the lots are now under PCA orders to change their sewage disposal system because of potential pollution to the lake.

The following additional services will help resolve this situation: city sewer.

7. Fiscal Data

a. In the City of Detroit Lakes, the assessed valuation trend is unknown, the mill rate trend is stable (21.53 in 1974 and 18.72 in 1975) and the present bonded indebtedness is unknown.

b. In the area subject to annexation, the assessed valuation trend is \$93,515, the mill rate trend is stable and the present bonded indebtedness is unknown

c. The mill rate trends in the following units of government are:

- | | |
|---------------------|--|
| 1) State - unknown | 3) School Districts - unknown |
| 2) County - unknown | 4) Township - stable and 6.02 mills payable in 1975. |

d. Will the annexation have any effect upon area school districts? No, the area is already a part of the Detroit Lakes school district. Also, there are few permanent residents with children.

8. Is annexation to the City of Detroit Lakes the best alternative?

a. Could governmental services be better provided for by incorporation of the area subject to annexation? No, the area is too small.

b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Detroit Lakes? No, there is none.

- c. Could Lake View Township provide the services required? Possibly, but the plans are not definite - especially for utility service.
- d. Can Lake View Township continue to function without the area subject to annexation, and, if not, could it be incorporated separately or combined with some other governmental unit? Yes, the assessed value of the area subject to annexation is \$93,515 for 1975. Lake View Township's total assessed value for 1975 is 5 million+. Further, this area, unlike the rest of the developed Detroit Lakes property, is cut off from the township by a river and swamp.

9. A majority of property owners in number in the area to be annexed have petitioned the City of Detroit Lakes for annexation.

CONCLUSIONS OF LAW

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

2. The area subject to annexation is now or is about to become urban or suburban in character

3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interest of the City of Detroit Lakes and the area subject to annexation will be furthered by annexation.

5. The remainder of the Township of Lake View can carry on the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in revenue for the City of Detroit Lakes and the value of benefits conferred upon the area subject to annexation.

7. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

8. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

9. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the property described herein situated in the County of Becker, State of Minnesota, be and the same is hereby annexed to the City of Detroit Lakes, Minnesota, the same as if it had originally made a part

thereof:

The Northerly boundary being the center line of CSAH No. 6;
the Westerly boundary being the center line of CSAH No. 22;
the Southerly boundary being the center line of the Pelican
River; and, the Easterly boundary being the shoreline of
Little Detroit Lake.

IT IS FURTHER ORDERED: That the population of the City of Detroit Lakes

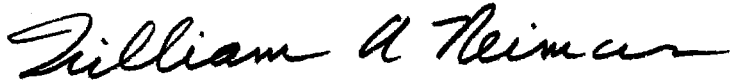
has increased by 34 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Lake View
has decreased by 34 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is March
18th, 1976.

Dated this 18th day of March, 1976

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101



William A. Neiman
Executive Secretary

M E M O R A N D U M

The Minnesota Municipal Board understands that there is a possibility that this annexation order will generate a series of annexation petitions, particularly by other Detroit Lake, lakeshore property owners. The Municipal Board wishes to make clear that this order offers no precedential value to such further petitions.

All annexation decisions are determined by the individual circumstances of each proceeding, and the Municipal Board urges prospective applicants to review those factors in M.S. 414.031(4) to determine the viability of their proposal.