

A-2947 Jordan
A-2948 Jordan
A-2950 Jordan

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Roland Boegeman	Ex-Officio Member
Marvin Oldenburg	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF JORDAN)

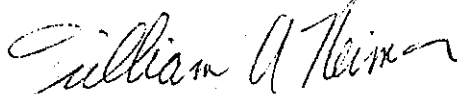
DENIAL OF MOTION
FOR REHEARING

The request by the City of Jordan for a rehearing regarding the above-entitled matters is hereby denied on the following grounds:

- A. The City of Jordan did not comply with the procedural requirements of the Minnesota Municipal Board's Rules of Practice (Rule 19b).
- B. Even if there had been compliance with these Rules, the City of Jordan's request failed to set forth sufficient grounds upon which a rehearing can be granted.

Dated this 4th day of March, 1977

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


William A. Neiman
Executive Secretary

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Roland Boegeman	Ex-Officio Member
Marvin Oldenburg	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF JORDAN)

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 June 28, 1976 at Jordan, Minnesota and was continued from time to time. The hearing was conducted by Chairman Thomas Simmons. Also in attendance were County Commissioners Roland Boegeman and Marvin Oldenburg, ex-officio members of the Board. The City of Jordan appeared by and through Lee Labore and the Township of Sand Creek appeared by and through Lou Moriarity. 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 May 3, 1976, a copy of a Notice of Intent to annex was filed with the Minnesota Municipal Board by the City of Jordan. Further procedural discussion is contained within the accompanying memorandum which is hereby incorporated by reference. The Notice of Intent contained all the information required including a

Northwest quarter to its intersection with the Northerly right-of-way line of Scott County Road #61; thence Southwesterly along said Northerly right-of-way line to its intersection with the West line of the East half of said Northwest quarter; thence South along said West line to the South line of said Northwest quarter; thence East along said South line to the Southeast corner of said Northwest quarter; thence North along the East line of said Northwest quarter to the point of beginning, all in Sand Creek Township, Scott County, Minnesota.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Sand Creek Township on March 30, 1976. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subds. 3 & 4 as required by M.S. 414.033, Subd. 3. Interim Orders

Interim orders were filed annexing certain portions of the area under consideration upon the request and stipulation of all parties.

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 Jordan.
- b. The total area of the City of Jordan is 1,260 acres. The total area of the territory subject to annexation is 41 acres, less those parcels already annexed.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: Approximately 75%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: South of County Road #61, the area is hilly with approximately a 30' rise over the highway.

4. Population Data

- a. The City of Jordan

ment of the property proposed for annexation and/or the annexing municipality, including development projected by the Metropolitan Council. Annexation conforms to Scott County's plan of development near urban centers. The city is considering a comprehensive plan and expects part of this area to become residential.

- b. What land use controls are presently being employed.
- 1) In the City of Jordan
 - a. Zoning - Yes
 - b. Subdivision Regulations - Yes
 - c. Housing and Building Codes - State Building Code
 - d. Other - Building Inspector, State Plumbing Code
 - 2) In the area to be annexed:
 - a. Zoning - Sand Creek has zoning.
 - b. Subdivision Regulations - Yes
 - c. Other - Sand Creek has a Planning Commission.
- c. Does the city require future growth space? Yes, Metropolitan Council projects approximately 125 more households in Jordan by 1980. The growth will further accelerate by 1990. If so, will the area subject to annexation provide the City of Jordan with necessary growth space? Yes, it is projected that this area provide 31 residential units.
- d. The present pattern of physical development is:
- 1) In the City of Jordan
 - a. Residential - Yes
 - b. Industrial - Yes
 - c. Commercial - Yes
 - d. Institutional - Yes
 - 2) In the area subject to annexation: North of County Road #61 there will be a church, and there is some residential. South a loop of County Road #61 has some residential but also agricultural

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - No, contracts with Jordan
- 4) Police Protection - A constable
- 5) Street Improvements - Unknown
- 6) Street Maintenance - Yes
- 7) Recreational - Unknown

b. Presently, the City of Jordan provides its citizens with the following services:

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - 27 person volunteer force, three pumpers, other vehicles include new rescue unit.
- 4) Police Protection - 4 full-time officers, 24 hour service 2 cars
- 5) Street Improvements - Yes
- 6) Street Maintenance - Various equipment, 2 full-time persons
- 7) Recreational - Year around recreational program, 2 parks, another being developed.

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

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract with Sand Creek, including entire township for over 20 years.
- 4) Police Protection - Informal assistance
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - All programs and facilities available

d. Plans to extend municipal services to the area subject to annexation include the following: Property can be serviced for sewer by lateral extensions from present system. The system is designed to service 8,000 people. Jordan's water supply is also sufficient to service this area and existing lines are not too distant. The Street Department can service area. However, it would be difficult to provide services, especially utilities, in the area south of County Rd. #61.

e. There are existing or potential pollution problems which are: It is likely that the area has a sandy gravel, soil condition, increasing the likelihood that private system will pollute. The following additional services will help resolve this situation: City sewer; Jordan's treatment

was \$ 1,173,000, \$715,000 being retired through special assessments.

b. In the area subject to annexation, the assessed valuation of all five (5) parcels is \$90,000 (of over 3 million in the entire township).

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

1) County - In 1974, \$3.43 per \$100 valuation

2) School Districts - In 1974, \$4.90 per \$100 valuation

3) Sand Creek Township - In 1976, 2.73 mills.

d. Will the annexation have any effect upon area school districts? No.

8. Is annexation to the City of Jordan the best alternative?

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

b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Jordan? No.

c. Could Sand Creek Township provide the services required? No, there was no evidence to this effect.

d. Can Sand Creek Township continue to function without the area subject to annexation? Yes.

9. The area subject to annexation should be decreased in order to only include that property which is now or is about to become urban or suburban in character; the new description of the area to be annexed is as follows: All that property

All that property described herein except that property previously annexed to the City of Jordan and that property lying south of County Road #61.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and

1. The Minnesota Municipal Board duly acquired and now has

jurisdiction of the within proceeding.

5. The remainder of the Township of Sand Creek 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 Jordan 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 Notice of Intent under 414.033, Subd. 3 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 hereing

O R D E R

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

All that property described herein except that property previously annexed to the City of Jordan and that property lying south of County Road #61.

IT IS FURTHER ORDERED: That the effective date of this order is January 13, 1977.

Dated this 20th day of January, 1977

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55105


William A. Neiman
Executive Secretary



STATE OF MINNESOTA
MUNICIPAL BOARD

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

TO: All Parties of Record
FROM: Municipal Board
SUBJECT: Correction of Jordan Annexation Order
Dated July 21, 1976, Docket No. A-2947


A clerical error in the Jordan order incorrectly described that property which was annexed by the Municipal Board. The corrected description is as follows:

~~That part of the NW $\frac{1}{4}$ of Section 30, Township 114, Range 23, described as follows:-- Commencing at the NE corner of said NW $\frac{1}{4}$, thence West along the North line of said NW $\frac{1}{4}$ a distance of 684.8 feet, thence South parallel to the East line of said NW $\frac{1}{4}$ to its intersection with the Northerly right-of-way line of Scott County Road #61, thence Southwesterly along said Northerly right-of-way line to its intersection with the West line of the E $\frac{1}{2}$ of said NW $\frac{1}{4}$, thence South along said West line to the South line of said NW $\frac{1}{4}$, thence East along said South line to the SE corner of said NW $\frac{1}{4}$, thence North along the East line of said NW $\frac{1}{4}$ to the point of beginning all in Sand Creek Township, Scott County, Minnesota.~~

"That part of the East 684.80 feet (as measured at right angles to the East line) of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 30, Township 114, Range 23, Scott County, Minnesota described as follows: Beginning at a point 618.80 feet (as measured at right angles) West of the East line of said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and on the Southerly right of way line of a public highway which traverses the northerly portion of said tract; thence South and parallel with said East line of said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ a distance of 560.00 feet; thence East at right angles a distance of 618.00 feet to said East

line; thence South along said East line a distance of 709.25 feet; thence West at right angles to said East line a distance of 684.80 feet; thence North and parallel with said East line a distance of 1274.25 feet to said Southerly right of way line of said public highway; thence Easterly along said right of way line a distance of 66 feet more or less to the point of beginning, containing 12.00 acres, more or less.

Dated this 10th day of August, 1976


William A. Neiman
Executive Secretary

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Roland Boegeman	Ex-Officio Member
Marvin Oldenburg	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF JORDAN)

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 June 28, 1976 at Jordan, Minnesota. The hearing was conducted by Chairman Thomas Simmons. Also in attendance were Board Member Gerald Isaacs and County Commissioners Roland Boegeman and Marvin Oldenburg, Ex-Officio Members of the Board. The City of Jordan appeared by and through Lee Labore, Attorney at Law. The Town of Sand Creek appeared by and through Lou Moriarity, Attorney at Law.

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 March 30, 1976, an objection by Sand Creek Township to an annexation by ordinance resolution from the City of Jordan was received by the Minnesota Municipal Board requesting the Board to conduct hearings as in the case of annexation. The annexation resolution contained all the information required by statute including the fact that the area is more than 60% surrounded by the City of Jordan and that the territory subject to annexation is as follows:

That part of the NW¼ of Section 30, Township 114, Range 23, described as follows: Commencing at the NE corner of said

line of the E $\frac{1}{2}$ of said NW $\frac{1}{4}$, thence South along said West line to the South line of said NW $\frac{1}{4}$, thence East along said South line to the SE corner of said NW $\frac{1}{4}$, thence North along the East line of said NW $\frac{1}{4}$ to the point of beginning all in Sand Creek Township, Scott County, Minnesota.

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 Jordan.
- b. The total area of the City of Jordan is 1,260 acres. The total area of the territory subject to annexation is 12 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:
more than 60%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: some of the area is a former gravel pit.

4. Population data

a. The City of Jordan

- 1) Past population growth: 1970 - 1,836
- 2) Present population: 1974,- 2,231
- 3) Projected population; 1980 - 2,500

b. The area subject to annexation

The township, as a whole, is growing. However, in the area proposed for annexation:

- 1) Past population growth: Unknown
- 2) Present population: Unknown
- 3) Projected population: Very little, if any, since the area is expected to be developed for church purposes.

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. A church is planned for the area.
- b. What land use controls are presently being employed.
 - 1) In the City of Jordan
 - a) Zoning - yes
 - b) Subdivision regulations - yes
 - c) Housing and building codes - state building and plumbing codes
 - d) Other - planning commission
 - 2) In the area to be annexed:
 - a) Zoning - yes, by Scott County
 - b) Subdivision regulations - unknown
 - c) Housing and building codes - unknown
 - d) Other - Sand Creek Planning Commission
- c. The present pattern of physical development is:
 - 1) In the City of Jordan:
 - a) Residential - yes
 - b) Industrial - yes
 - c) Commercial - yes
 - d) Institutional - yes
 - 2) In the area subject to annexation:
 - a) Residential - unknown
 - b) Industrial - unknown
 - c) Commercial - unknown
 - d) Institutional - unknown
- d. What will be the effect, if any, of the annexation on adjacent

6. Governmental Services

a. Presently, the Township of Sand Creek provides the area subject to annexation with the following services:

- 1) Water - no
- 2) Sewer - no
- 3) Fire Protection - No, contracts with the City of Jordan
- 4) Police Protection - by Scott County and township constable.
- 5) Street Improvements - unknown
- 6) Street Maintenance - yes
- 7) Recreational - unknown

b. Presently, the City of Jordan provides its citizens with the following services:

- 1) Water - yes
- 2) Sewer - yes
- 3) Fire protection - yes, 27 person volunteer force
- 4) Police protection - yes, 24 hour service
- 5) Street improvements - yes, most streets paved
- 6) Street maintenance - yes
- 7) Recreational - yes

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

- 1) Water - no
- 2) Sewer - no
- 3) Fire protection - yes, by contract
- 4) Police protection - will assist, if needed
- 5) Street Improvements - unknown
- 6) Street Maintenance - Does provide some service
- 7) Recreational - yes

- d. Plans to extend municipal services to the area subject to annexation include the following: the City of Jordan has designed its utility system for future expansion and all services can be made available when required.
- e. There are existing or potential pollution problems which are: effluents entering the ground water because of soil conditions. The following additional services will help resolve this situation: city sewer

7. Fiscal Data

- a. In the City of Jordan, the assessed valuation trend is rising, the mill rate is \$2.89 per \$100 (1974) and the present bonded indebtedness is unknown.
- b. In the area subject to annexation, the mill rate trend is stable.
- c. Will the annexation have any effect upon area school districts?
No, the entire area is in the same school district.

8. Is annexation to the City of Jordan the best alternative?

- a. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than the City of Jordan? No, there are none.
- b. Could Sand Creek Township provide the services required? No, sewer and water are not available.
- c. Can Sand Creek Township continue to function without the area subject to annexation? Yes, the value of this property, even if it was taxable, represents a very small portion of the township's assessed valuation.

CONCLUSIONS OF LAW

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

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

5. The remainder of the Township of Sand Creek 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 Jordan 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 conducted under Minnesota Statutes 414.031(3)(4), as required by Minnesota Statutes 414.033(3), 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.

ORDER

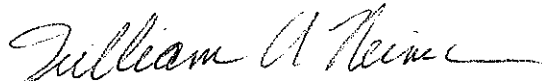
IT IS HEREBY ORDERED: That the property described herein situated in the County of Scott, State of Minnesota, be and the same is hereby annexed to the City of Jordan, Minnesota, the same as if it had been originally made a part thereof:

That part of the NW $\frac{1}{4}$ of Section 30, Township 114, Range 23, described as follows: Commencing at the NE corner of said NW $\frac{1}{4}$, thence West along the North line of said NW $\frac{1}{4}$ a distance of 684.8 feet, thence South parallel to the East line of said NW $\frac{1}{4}$ to its intersection with the Northerly right-of-way line of Scott County Road #61, thence Southwesterly along said Northerly right-of-way line to its intersection with the West line of the E $\frac{1}{2}$ of said NW $\frac{1}{4}$, thence South along said West line to the South line of said NW $\frac{1}{4}$, thence East along said South line to the SE corner of said NW $\frac{1}{4}$, thence North along the East line of said NW $\frac{1}{4}$ to the point of beginning all in Sand Creek Township, Scott County, Minnesota.

IT IS FURTHER ORDERED: That the effective date of this order is
July 21, 1976.

Dated this 21st day of July, 1976

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



William A. Neiman
Executive Secretary