

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Ross Kunkel	Ex-Officio Member
Marvin Rau	Ex-Officio Member

IN THE MATTER OF THE NOTICE OF INTENT)	<u>FINDINGS OF FACT,</u>
FOR ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF CROSBY)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 16, 1977 at Crosby, Minnesota. The hearing was conducted by Board Member Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Ross Kunkel and Marvin Rau, ex-officio members of the Board. The City of Crosby appeared by and through F. Clark Witter and the Town of Irondale appeared by and through Gordon Moosbrugger. 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 January 27, 1977, a copy of a Notice of Intent to annex was filed with the Minnesota Municipal Board by the City of Crosby. The Notice of Intent contained all the information required including a statement that the area proposed for annexation is 60 percent or more bordered by the city and a description of the territory subject to annexation which is as follows:

The East one-half of the Northeast one-quarter ($E\frac{1}{2}NE\frac{1}{4}$),
Section Twelve (12), Township Forty-six (46), Range
Twenty-nine (29).

An objection to the proposed annexation was received by the Minnesota Municipal Board by Irondale Township on January 27, 1977. 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.

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 Crosby
- b. The total area of the territory subject to annexation is 80 acres.
- c. The perimeter of the area to be annexed is about 65% bordered by the municipality.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: flat (an outwash plain).

4. Population Data

- a. The City of Crosby has a stable population of 2,000 - 2,500 persons.
- b. The area subject to annexation has a population of six persons in one family with no immediate growth prospects.

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 State Planning Agency. There are none other than discussion of a cultural center in the southern portion of the area proposed for annexation.
- b. What land use controls are presently being employed.
 - 1) In the City of Crosby
 - a. Zoning - Yes
 - b. Subdivision regulations - No
 - c. Housing and building codes - Yes
 - d. Other - Planning Commission
 - 2) In the area to be annexed:
 - a. Zoning - Yes, by Irondale
 - b. Subdivision regulations - Unknown

- c. Housing and building codes - Unknown
 - d. Other - Zoning map
 - c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Crosby with necessary growth space? Given the lack of planning and potential service problems, this is uncertain.
 - d. The present pattern of physical development is:
 - 1) In the City of Crosby:
 - a. Residential - Yes
 - b. Industrial - Yes
 - c. Commercial - Yes
 - d. Institutional - Yes
 - 2) In the area subject to annexation much of the area is undeveloped with no immediate development prospects.
 - a. Residential - one home
 - b. Industrial - No
 - c. Commercial - one business (truck hauling)
 - d. Institutional - No.
 - e. What will be the effect, if any, of the annexation on adjacent communities? None.
6. Governmental Services
- a. Presently, the Township of Irondale provides the area subject to annexation with the following services:
 - 1) Water - No
 - 2) Sewer - No
 - 3) Fire Protection - by contract with city.
 - 4) Police Protection - No
 - 5) Street Improvements - Yes
 - 6) Street Maintenance - Yes
 - 7) Recreational - Unknown
 - b. Presently, the City of Crosby provides its citizens with the following services:
 - 1) Water - Yes
 - 2) Sewer - Yes
 - 3) Fire Protection - Yes
 - 4) Police Protection - Yes
 - 5) Street Improvements - Yes
 - 6) Street Maintenance - Yes
 - 7) Recreational - Yes
 - 8) Other - Trash removal

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

- | | |
|----------------------------------|-----------------------------|
| 1) Water - No | 5) Street Improvements - No |
| 2) Sewer - No | 6) Street Maintenance - Yes |
| 3) Fire Protection - by contract | 7) Recreational - Yes |
| 4) Police Protection - No | |

- d. Plans to extend municipal services to the area subject to annexation include the following: The city has considerable problems with utilities, particularly storm and sanitary sewer. There is a substantial question as to whether they could service the area.

- e. There are existing or potential pollution problems which are: Intensive development could create a pollution problem in Serpent Lake.

The following additional services will help resolve this situation: City sewer, but its availability is uncertain.

7. Fiscal Data

- a. In the City of Crosby, the assessed valuation trend is rising, the mill rate trend is rising (23.55 in 1977).
- b. In the area subject to annexation, the assessed valuation trend is rising, the mill rate trend is decreasing (8.73 in 1977).
- c. The mill rates in the following units of government are:
- | |
|----------------------------|
| 1) County - 23.37 |
| 2) School District - 52.10 |
| 3) Township - 8.73 |
- d. Will the annexation have any effect upon area school districts? No.

8. Is annexation to the City of Crosby 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 Crosby? No.
- c. Could Irondale Township provide the services required? Yes, few services are required.

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 not now nor is about to become urban or suburban in character.
3. Municipal government is not required to protect the public health, safety, and welfare in the area subject to annexation.
4. The best interest of the City of Crosby and the area subject to annexation will not be furthered by annexation.
5. There is not a reasonable relationship between the increase in revenue for the City of Crosby and the value of benefits conferred upon the area subject to annexation.
6. 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.
7. An order should be issued by the Minnesota Municipal Board denying the annexation of the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the resolution proposing annexation for the area described herein is denied.

IT IS FURTHER ORDERED: That the effective date of this order is August 24, 1977.

Dated this 24th day of August, 1977

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


William A. Neiman
Executive Secretary