

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Alvin Hall	Ex-Officio Member
Edwin Hoff	Ex-Officio Member

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

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 August 23, 1977, at Virginia, Minnesota. The hearing was conducted by Commissioner Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Edwin Hoff and Alvin Hall, ex-officio members of the Board. The City of Virginia appeared by and through Jerry Ketola, City Attorney. 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 April 6, 1977, a resolution of the annexing municipality was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Partial Sections Two (2), Three (3), Four (4), Five (5) and Six (6), unorganized Township Fifty-eight and one-half (58½), North, Range Seventeen (17), West, according to the original government survey thereof of said area more commonly referred to as Sliver Township.

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 Virginia.

- b. The total area of the City of Virginia is 19 square miles. The total area of the territory subject to annexation is 174 acres.
- c. The perimeter of the area to be annexed is 50% 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: used for mining purposes.

4. Population Data

- a. The City of Virginia
 - 1) Past population growth: Decrease
 - 2) Present population: 12,450
 - 3) Projected population: 14,000
- b. The area subject to annexation
 - 1) Past population growth: 0
 - 2) Present population: 0
 - 3) Projected population: 0

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? The area is used for mining purposes and no other development is anticipated.
- b. What land use controls are presently being employed.
 - 1) In the City of Virginia:
 - a. Zoning - Yes, by ordinance
 - b. Subdivision regulations - Yes, and Planned Unit Development
 - c. Housing and building codes - Yes
 - 2) In the area to be annexed:
 - a. Zoning - Yes, St. Louis County
 - b. Subdivision regulations - Yes, St. Louis County
 - c. Housing and building codes - Yes, St. Louis County
- c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Virginia with necessary growth space? No.

d. The present pattern of physical development is:

1) In the City of Virginia:

a) Residential - Yes

b) Industrial - Yes

c) Commercial - Yes

2) In the area subject to annexation:

Industrial - Mining

e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

a. Presently, the unorganized territory called "Sliver" provides the area subject to annexation with the following services:
None.

b. Presently, the City of Virginia 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 - Yes

4) Police Protection - Yes

c. Presently, the City of Virginia provides the area subject to annexation with the following service: Fire Protection.

d. Plans to extend municipal services to the area subject to annexation include the following: Police and Fire Protection.

e. There are no existing or potential pollution problems.

7. Fiscal Data

a. In the City of Virginia, the assessed valuation trend is increasing, the mill rate trend is stable, and the present bonded indebtedness is 0.

b. In the area subject to annexation, the assessed valuation trend is stable, the mill rate trend is stable, and the present bonded indebtedness is 0.

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

1) County - Stable

2) School Districts - Stable

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

8. Is annexation to the City of Virginia the best alternative? Yes.
 - 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 Virginia? No.
 - c. Could "Sliver Township" provide the services required? No.
9. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Board requesting annexation. However, there are no persons who qualify as voters residing on the property proposed 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 Virginia and the area subject to annexation will be furthered by annexation.
5. There is a reasonable relationship between the increase in revenue for the City of Virginia and the value of benefits conferred upon the area subject to annexation.
6. The area primarily and substantially interested in or affected by the Board order only includes that area subject to annexation.
7. The area primarily and substantially interested in or affected by the Board order has no resident voters. Therefore, the referendum requirement of M.S. 414.031, Subd. 5, is not applicable to this proceeding.
8. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

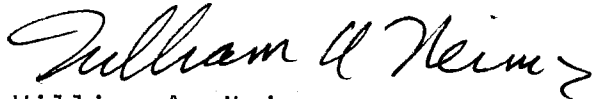
IT IS HEREBY ORDERED: That the property described herein situated in the County of St. Louis, State of Minnesota, be and the same is hereby annexed to the City of Virginia, Minnesota, the same as if it had been originally made a part thereof:

Partial Sections Two (2), Three (3), Four (4), Five (5) and Six (6), unorganized Township Fifty-eight and one-half (58½), North, Range Seventeen (17), West, according to the original government survey thereof of said area more commonly referred to as Sliver Township.

IT IS FURTHER ORDERED: That the effective date of this order is March 16, 1978.

Dated this 16th day of March, 1978.

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



William A. Neiman
Executive Secretary