

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
James Papenfuss	Ex-Officio Member
Robert Steffes	Ex-Officio Member

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF ROLLINGSTONE)

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 July 25, 1977 at Rollingstone, 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 James Papenfuss and Robert Steffes, ex-officio members of the Board. The petitioners appeared by and through Robert Langford and Rollingstone Township appeared by and through John D. Nemes. 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 11, 1977, a copy of a petition for annexation by the sole property owner was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

All that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Six (6), Township 107 North, Range Eight (8) West, Winona County, Minnesota, lying Northerly of the centerline of Trunk Highway No. 248 as same is situated therein, containing 29.0 acres more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Rollingstone Township on May 12, 1977. 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, Subd. 5.

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 Rollingstone.
- b. The total area of the City of Rollingstone is 240 acres. The total area of the territory subject to annexation is 29 acres.
- c. The perimeter of the area to be annexed is 19-20% 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: Slopes upward with bluffs in small portion of the area.

4. Population Data

- a. The City of Rollingstone is experiencing moderate to rapid growth (present population estimated at 450 persons).
- b. The area subject to annexation has zero population but will grow substantially when developed.

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. Plans show this area being developed for residential purposes.
- b. What land use controls are presently being employed.
 - 1) In the City of Rollingstone
 - a. Zoning - Yes
 - b. Subdivision regulations - Ordinances under consideration.
 - c. Housing and building codes - Ordinances under consideration.
 - d. Other - Comprehensive plan, including area proposed for annexation.
 - 2) In the area to be annexed:
 - a. Zoning - County
 - b. Subdivision regulations - by County
 - c. Housing and building codes - Unknown

- c. Does the city require future growth space? Yes.
If so, will the area subject to annexation provide the City of Rollingstone with necessary growth space?
Yes, much of the land surrounding the city is "undevelopable" because of topographical considerations.
- d. The present pattern of physical development is:
- 1) In the City of Rollingstone:
 - a) Residential - Yes, including recent growth
 - b) Industrial - Yes
 - c) Commercial - Yes, including recent growth and upgrading.
 - d) Institutional - Yes, including an upgrading of a school.
 - 2) In the area subject to annexation: None, but there is a residential subdivision immediately to the east of the area under consideration, and there are plans for residential development in the area.
- e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

- a. Presently, the Township of Rollingstone provides the area subject to annexation with the following services:
- | | |
|---|-----------------------------|
| 1) Water - No | 5) Street Improvements - No |
| 2) Sewer - No | 6) Street Maintenance - No |
| 3) Fire Protection - By contract with city. | 7) Recreational - No |
| 4) Police Protection - County Sheriff | |
- b. Presently, the City of Rollingstone 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, 25 volunteer force. | 7) Recreational - Yes |
| 4) Police Protection - Part-time constable | 8) Other - Trash removal, mobile health unit, public meeting hall. |
- c. Presently, the City of Rollingstone provides the area subject to annexation with the following services:
- | | |
|---|-----------------------------|
| 1) Water - No | 4) Police Protection - No |
| 2) Sewer - No | 5) Street Improvements - No |
| 3) Fire Protection - By contract with township. | |

6) Street Maintenance - No 7) Recreational - No

d. Plans to extend municipal services to the area subject to annexation include the following: All services, including utilities, can be extended concurrent with development.

e. There are existing or potential pollution problems which are: Soil and groundwater conditions in the area could lead to pollution if the area was developed with private sewer and water systems. The following additional services will help resolve this situation: city sewer and water.

7. Fiscal Data

a. In the City of Rollingstone the mill rate trend is decreasing (29.14 in 1977).

b. In the area subject to annexation, the assessed valuation is \$5,750, and the mill rate trend is decreasing (6.06 in 1977).

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

1) County - Decreasing (23.72 in 1977)

2) Township - Decreasing (6.06 in 1974)

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

8. Is annexation to the City of Rollingstone 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 Rollingstone? No.

c. Could Rollingstone Township provide the services required? No.

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

9. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting 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 Rollingstone and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Rollingstone 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 Rollingstone 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 is situated in the County of Winona, State of Minnesota, be and the same is hereby annexed to the City of Rollingstone, Minnesota, the same as if it had been originally made a part thereof:

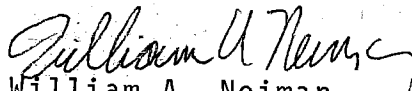
All that part of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Six (6), Township 107 North, Range Eight (8) West, Winona County, Minnesota, lying Northerly of the centerline of Trunk Highway No. 248 as same is situated therein, containing 29.0 acres more or less.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days.

IT IS FURTHER ORDERED: That the effective date of this order is October 7th, 1977.

Dated this 7th day of September, 1977

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


William A. Neiman
Executive Secretary