

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Robert Jurgensen	Ex-Officio Member
Dusty Rhoades	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION NOTICE)
 OF INTENT FOR ANNEXATION OF CERTAIN)
 LAND TO THE CITY OF OWATONNA)

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 1, 1977 at Owatonna, Minnesota and was continued from time to time. The hearing was conducted by William A. Neiman, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Robert Jurgensen and Dusty Rhoades, ex-officio members of the Board. The City of Owatonna appeared by and through Mark Walbran, the Township of Owatonna appeared by and through Ken Sette. 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, Conclusion of Law and Order.

FINDINGS OF FACT

1. On May 26, 1977, a resolution by Owatonna 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:

Parcel I.

The South half (S $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Eight (8), Township One Hundred Seven (107) North, Range Twenty (20) West, the South half (S $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section Eight (8) (including highway right of way), and the Northeast quarter (NE $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seven (107) North, Range Twenty (20) West, including highway right of way, in Steele County, Minnesota; and containing 320 acres more or less.

Parcel II.

All that part of the Southeast quarter (SE $\frac{1}{4}$), Section Seventeen (17), Township One Hundred Seven (107), Range Twenty (20) West, in Steele County, Minnesota, described as follows:

Commencing at the Northeast corner of the Southeast quarter (SE $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seven (107) North, Range Twenty (20) West thence West along the North line of said Southeast quarter (SE $\frac{1}{4}$) to the centerline of Lemond Road (also designated as C.S.A.H.-7) being the point of Beginning; thence West along North line of said Southeast quarter (SE $\frac{1}{4}$) to the westerly right of way line of Interstate 35; thence Southerly along Westerly right of way line of Interstate 35 to the centerline of Lemond Road; thence Northeasterly along the centerline of Lemond Road to the point of beginning; containing 27.80 acres, more or less.

2. On May 8, 1978, a Joint Resolution of the Town of Owatonna and the City of Owatonna designating an area for immediate annexation 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. A general description of the territory subject to annexation was included in the joint resolution, supplemented by a letter by the City of Owatonna. The property is described as follows:

The description of the portion of Alexander Farm lying east of 35W is described as follows:

All that part of the South Half ($S\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section Eight (8) and all that part of the Northeast quarter ($NE\frac{1}{4}$) of Section Seventeen (17), in Township one hundred seven (107), Range twenty (20) West lying East of the westerly right of way line of Interstate Highway 35, containing 97.53 acres, more or less.

The description of the triangle of property belonging to Doctor Ogle immediately south of the aforesaid portion of Alexander Farm also lying easterly of 35W is described as follows:

All that part of the Southeast quarter ($SE\frac{1}{4}$), Section seventeen (17), Township one hundred seven (107), Range twenty (20) West, in Steele County, Minnesota, described as follows:

Commencing at the Northeast corner of the Southeast quarter ($SE\frac{1}{4}$) of Section seventeen (17), Township one hundred seven (107) North, Range twenty (20) West; thence West along the North line of said Southeast quarter ($SE\frac{1}{4}$) to the centerline of Lemond Road (also designated as C.S.A.H. 7) being the point of Beginning; thence West along North line of said Southeast quarter ($SE\frac{1}{4}$) to the westerly right of way line of Interstate 35; thence Southerly along Westerly right of way line of Interstate 35 to the centerline of Lemond Road; thence Northeasterly along the centerline of Lemond Road to the point of Beginning; containing 27.80 acres, more or less.

The description of the five acre armory site west of 35W is described as follows:

All that part of the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 8 T 107 N, R 20 W, Steele County, Minnesota, described by:

Commencing at the northwest corner of said $S\frac{1}{2}$ of $SE\frac{1}{4}$; thence $S 0^{\circ}51'56'' E$, assumed bearing, 49.50 feet along the west line of said $SE\frac{1}{4}$; thence $N 88^{\circ}59'40'' E$ 50.00 feet along a line parallel with the north line of said $S\frac{1}{2}$ of $SE\frac{1}{4}$ to the True Point of Beginning:

Thence $N 88^{\circ}59'40'' E$ 465 feet along a line parallel with the north line of said $S\frac{1}{2}$ of $SE\frac{1}{4}$; thence $S 0^{\circ}51'56'' E$ 465 feet along a line parallel with the west line of said $SE\frac{1}{4}$; thence $S 88^{\circ}59'40'' W$ 465 feet along a line parallel with the north line of said $S\frac{1}{2}$ of $SE\frac{1}{4}$ to a point 50.00 feet east of the west line of said $SE\frac{1}{4}$; thence $N 0^{\circ}51'56'' W$ 465 feet along a line parallel with the west line of said $SE\frac{1}{4}$ to said True Point of Beginning;

Containing 4.96 acres, more or less; Subject to easements and restriction of record, if any.

This area is a decreased portion of the area proposed for annexation and is the subject of this order.

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Owatonna.
- b. The total area of the City of Owatonna is 8.7 square miles. The total area of the territory subject to annexation is approximately 125 acres.
- c. The perimeter of the area to be annexed is 25% bordered by the municipality.

5. Population Data

a. The City of Owatonna

- 1) Past population growth: 1950 - 10,191; 1960 - 13,409;
1970 - 15,341
- 2) Present population: Estimated by Minnesota Department of Economic
Development - 17,300.
- 3) Projected population: Continued growth.

b. The area subject to annexation

- 1) Past population growth: 0
- 2) Present population: 0
- 3) Projected population: Substantial growth if development is residential.

6. Development Issues

a. What, if any, are the plans for the development of the property/proposal
for annexation and/or the annexing municipality, including development
projected by the state planning agency: proposed national guard armory and
other development consistent with Chapter 459 (1978) requiring Owatonna to
permit only development consistent with adjacent land use.

b. What land use controls are presently being employed.

- 1) In the City of Owatonna
 - a. Zoning - Yes
 - b. Subdivision regulations - Yes
 - c. Housing and building codes - Yes
- 2) In the area to be annexed:
 - a. Zoning - Yes
 - b. Subdivision regulations - Yes
 - c. Housing and building codes - Yes

c. What will be the effect, if any, of the annexation on adjacent municipalities?
None.

7. Governmental Services

a. Presently, the Township of Owatonna 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 - Yes | 7) Recreational - No |
| 4) Police Protection - Yes | |

b. Presently, the City of Owatonna 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. Plans to extend municipal services to the area subject to annexation include the following: Municipal services will be extended as needed.
- d. There are existing or potential pollution problems which are: None.

8. Fiscal Data

- a. In the City of Owatonna, the assessed valuation as of 1/1/78 is \$50,882,560, the mill rate as of 1/1/78 is 22.26 and the bonded indebtedness as of 6/22/78 is \$4,657,623.
- b. In the area subject to annexation, the assessed valuation as of 1/1/78 is \$4,448.50, the mill rate as of 1/1/78 is 2.82 and the bonded indebtedness as of 6/22/78 is 0.
- c. The mill rate in the following units of government are:
 - 1) County 22.16
 - 2) School District 51.86
 - 3) Township 2.82

9. Is annexation to the City of Owatonna 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 Owatonna? - no.
- c. Could Owatonna township provide the services required? - no.
- d. Can Owatonna township continue to function without the area subject to annexation? - yes.

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 Owatonna and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Owatonna 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 Owatonna 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 the City of Owatonna, concurred with by the property owner on March 8, 1978 and by the Township on May 8, 1978 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 Steele, State of Minnesota, be and the same is hereby annexed to the City of Owatonna, Minnesota, the same as if it had been originally made a part thereof:

The description of the portion of Alexander Farm lying east of 35W is described as follows:

All that part of the South Half ($S\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section Eight (8) and all that part of the Northeast quarter ($NE\frac{1}{4}$) of Section Seventeen (17), in Township one hundred seven (107), Range twenty (20) West lying East of the westerly right of way line of Interstate Highway 35, containing 97.53 acres, more or less.

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Commencing at the northwest corner of said $S\frac{1}{2}$ of $SE\frac{1}{4}$; thence $S 0^{\circ}51'56'' E$, assumed bearing, 49.50 feet along the west line of said $SE\frac{1}{4}$; thence $N 88^{\circ}59'40'' E 50.00$ feet along a line parallel with the north line of said $S\frac{1}{2}$ of $SE\frac{1}{4}$ to the True Point of Beginning:

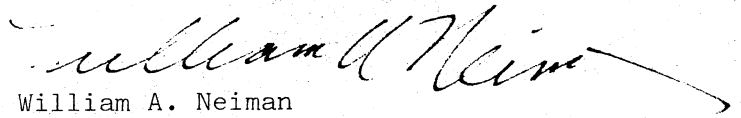
Thence N 88°59'40" E 465 feet along a line parallel with the north line of said S $\frac{1}{2}$ of SE $\frac{1}{4}$; thence S 0°51'56" E 465 feet along a line parallel with the west line of said SE $\frac{1}{4}$; thence S 88°59'40" W 465 feet along a line parallel with the north line of said S $\frac{1}{2}$ of SE $\frac{1}{4}$ to a point 50.00 feet east of the west line of said SE $\frac{1}{4}$; thence N 0°51'56" W 465 feet along a line parallel with the west line of said SE $\frac{1}{4}$ to said True Point of Beginning;

Containing 4.96 acres, more or less; Subject to easements and restriction of record, if any.

IT IS FURTHER ORDERED: That the effective date of this order is October 19, 1978.

Dated this 19th day of October, 1978.

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


William A. Neiman
Executive Director