

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Carol Kamper	Ex-Officio Member
Douglas Krueger	Ex-Officio Member

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

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 November 2, 1977, at Stewartville, Minnesota. The hearing was conducted by William A. Neiman pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Carol Kamper and Douglas Krueger, ex-officio members of the Board. The City of Stewartville appeared by and through Thomas Healy, the Township of High Forest was represented by Henry Schumann, and the petitioner appeared by and through Robert Suk. 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 June 16, 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: Lots One (1), Two (2), and Three (3), Block One (1), less commencing at the Southwest corner of Lot Three (3), thence North 83 feet, thence East 147.5 feet, thence South 83 feet, thence West 147.5 feet, to the place of beginning, Brin's Plat, Stewartville, Minnesota, according to the plat thereof on file and of record in the office of the County Recorder in and for said county and state.
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 Stewartville.
- b. The total area of the territory subject to annexation is approximately 1½ acres.
- c. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: lowland, clay soil; land has been "filled."

4. Population Data

- a. The City of Stewartville is experiencing modest growth.
- b. The area subject to annexation has 0 population and is likely to have no growth unless the area is annexed.

5. Development Issues

- a. What, if any, are the plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency? Property owner plans to develop a condominium with 32 units. Area is surrounded by commercial on 2 sides and single-family residential on another.
- b. What land use controls are presently being employed?
 - 1) In the City of Stewartville:
 - a. Zoning - Yes
 - b. Subdivision regulations - Unknown
 - c. Housing and building codes - Yes
 - d. Other - Planning Commission
 - 2) In the area to be annexed:
 - a. Zoning - By Olmsted County
 - b. Subdivision regulations - Unknown
 - c. Housing and building codes - Unknown
- c. Does the city require future growth space? Unknown
- d. Development of the following types is occurring:
 - 1) In the City of Stewartville:
 - a. Residential - Large residential subdivision, several apartment buildings.
 - b. Industrial - Potential expansion in industrial park.

c. Commercial - Some expansion underway.

d. Institutional - Unknown

2) In the area subject to annexation: none

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

6. Governmental Services

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

1) Water - No

5) Street Improvements - Unknown

2) Sewer - No

6) Street Maintenance - Yes

3) Fire Protection - By contract

7) Recreational - Unknown

4) Police Protection - Unknown

b. Presently, the City of Stewartville 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 - Unknown

c. Presently, the City of Stewartville provides the area subject to annexation with the following services: none.

d. Plans to extend municipal services to the area subject to annexation include the following: none.

e. There are existing or potential pollution problems which are: if the area is developed with septic tanks without community sewer, poor soil conditions will likely create a pollution problem. The following additional services will help resolve this situation: city sewer, and Stewartville is presently preparing its application for a Step I Federal grant to improve its system.

7. Fiscal Data

a. In the area subject to annexation, the assessed valuation as of 1977 is \$1,490, the mill rate as of 1977 is 2.75 and the bonded indebtedness as of 1977 is 0.

b. The mill rates as of 1977 in the following units of

government are:

1) County - 23.34

2) Township - 2.75

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

8. 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 area subject to annexation will be furthered by annexation.

5. The remainder of the Township of High Forest 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 Stewartville 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.

O R D E R

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

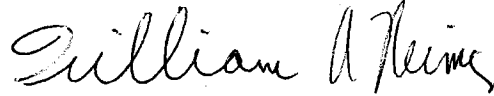
Lots One (1), Two (2), and Three (3), Block One (1), less commencing at the Southwest corner of Lot Three (3), thence North 83 feet, thence East 147.5 feet, thence South 83 feet, thence West 147.5 feet, to the place of beginning, Brin's Plat, Stewartville, Minnesota, according to the plat thereof on file and of record in the office of the County Recorder in and for said county and state.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days during which time any party of record may demand an oral review by the full Municipal Board.

IT IS FURTHER ORDERED: That the effective date of this order is May 4, 1978.

Dated this 4th day of April, 1978.

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

A handwritten signature in cursive script, reading "William A. Neiman".

William A. Neiman
Executive Secretary