

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
C. A. Boyer	Ex-Officio Member
Gordon Sanders	Ex-Officio Member

IN THE MATTER OF THE PETITION)	<u>FINDINGS OF FACT,</u>
FOR ANNEXATION OF CERTAIN LAND)	<u>CONCLUSIONS OF LAW,</u>
TO THE CITY OF AUDUBON)	<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 February 16, 1978 at Audubon, Minnesota. The hearing was conducted by William A. Neiman pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners C. A. Boyer, and Gordon Sanders, ex-officio members of the Board. The township of Audubon appeared by and through Robert White, and the petitioners appeared by and through Lynn Hummel. 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

On October 13, 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:

Beginning at the center of Section 15, Township 139 North, Range 42 West of the 5th Principal Meridian; thence North 0° 07' 24" West along the East line of Government Lot 3, 165.56 feet; thence North 72° 26' 48" West 623.54 feet to the East line of First Street, Original Townsite of Audubon; thence South 1° 43' 39" West along the East line of said First Street 294.52 feet; thence North 87° 27' 44" West along the South end of First Street and Second Street and the South line of Block 52 and part of Block 51, to the East right-of-way line of County State Aid Highway 11, 555.63 feet; thence South 15° 24' 22" West along the Easterly right-of-way line of said CSAH 11, 103.26 feet; thence Southerly along the Easterly right-of-way line of said CSAH 11 on a 1859.86 foot radius curve to the left, with Central angle of 15° 10', 492.32 feet; thence South 0° 13' 58" West along the Easterly right-of-way line of said CSAH 11, 440.86 feet, thence South 87° 27' 44" East 826.75 feet; thence North 68° 02' 06" East 464.33 feet to the East line of Government Lot 6; thence North 0° 07' 24" West along the East line of said Government Lot 6, 806.56 feet to the place of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Audubon Township on November 17, 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 Audubon.

b. The total area of the City of Audubon is 210 acres. The total area of territory subject to annexation is 31.85 acres.

c. The perimeter of the area to be annexed is 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: slightly rolling, towards south.

4. Population Data

a. The City of Audubon

- 1) Past population growth: 1970, 297 persons
- 2) Present population: Estimated at approximately 400 persons
- 3) Projected population: Continued growth

b. The area subject to annexation

- 1) Past population growth: 0
- 2) Present population growth: 0
- 3) Projected population: 180 persons upon full development.

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. The property owner plans to build single-family homes.

b. Does the city require growth space? Yes, virtually all land available for development has been used. If so, will the area subject to annexation provide the City of Audubon with necessary growth space? Yes.

c. Development of the following types is occurring:

- 1) The City of Audubon has had continuing residential and commercial growth.
- 2) In the area subject to annexation: agricultural, alfalfa grown at this time.

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

6. Governmental Services

a. Presently, the Township of Audubon 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: | 7) Recreational: No |
| By contract with city | |
| 4) Police Protection: | |
| County Sheriff | |

b. Presently, the City of Audubon provides its citizens with the following services:

- | | |
|----------------------------------|-----------------------------|
| 1) Water: by private corporation | 5) Street Improvements: yes |
| 2) Sewer: yes | 6) Street Maintenance: yes |
| 3) Fire Protection: yes | 7) Recreational: unknown |
| 4) Police Protection: yes | |

c. Presently, the City of Audubon 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 | 7) Recreational: no |
| 4) Police Protection: no | |

d. Plans to extend municipal services to the area subject to annexation include the following: All services, except water and sewer, can be extended within a reasonable time. Water and sewer are planned for this area in the future.

e. There are existing or potential pollution problems which are: none

7. Fiscal Data

a. In the City of Audubon, the assessed valuation as of 1977 is \$51,900, the mill rate as of 1977 is about 19, and the bonded indebtedness is \$2,000.

b. In the area subject to annexation, the assessed valuation trend as of 1977 is rising.

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

8. Is annexation to the City of Audubon 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 Audubon? no

c. Could Audubon township provide the services required? no

d. Can Audubon township continue to function without the area subject to annexation? Yes, the taxes generated by this property are minimal.

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


Beginning at the center of Section 15, Township 139 North, Range 42 West of the 5th Principal Meridian; thence North 0° 07' 24" West along the East line of Government Lot 3, 165.56 feet; thence North 72° 26' 48" West 623.54 feet to the East line of First Street, Original Townsite of Audubon; thence South 1° 43' 39" West along the East line of said First Street 294.52 feet; thence North 87° 27' 44" West along the South end of First Street and Second Street and the South line of Block 52 and part of Block 51, to the East right-of-way line of County State Aid Highway 11, 555.63 feet; thence South 15° 24' 22" West along the Easterly right-of-way line of said CSAH 11, 103.26 feet; thence Southerly along the Easterly right-of-way line of said CSAH 11 on a 1859.86 foot radius curve to the left, with Central angle of 15° 10', 492.32 feet; thence South 0° 13' 58" West along the Easterly right-of-way line of said CSAH 11, 440.86 feet, thence South 87° 27' 44" East 826.75 feet; thence North 68° 02' 06" East 464.33 feet to the East line of Government Lot 6; thence North 0° 07' 24" West along the East line of said Government Lot 6, 806.56 feet to the place of beginning.

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 June 4, 1978.

Dated this 5th day of May, 1978.

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


William A. Neiman
Executive Secretary