

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Jerome Aretz	Ex-Officio Member
Harold Trende	Ex-Officio Member

IN THE MATTER OF THE PETITION AND RESOLUTION)	<u>FINDINGS OF FACT,</u>
FOR ANNEXATION OF CERTAIN LAND)	<u>CONCLUSIONS OF LAW,</u>
TO THE CITY OF YOUNG AMERICA)	<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 March 20, 1978, at Hamburg, Minnesota. The hearing was conducted by Chairman Gerald J. Isaacs pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Jerome Aretz and Harold Trende, ex-officio members of the Board. The City of Young America appeared by and through Robert Nickolas, the Township of Young America appeared by and through Luther Woltar, Jr., and the City of Norwood appeared by and through Kerry Olson. 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

I. On November 25, 1977, a copy of a petition for annexation by all property owners 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:

"Exhibit A" Property of Lynis and Barbara Lehrke:

That part of the NW 1/4 of the NE 1/4 of Section 14, Twp. 115, Range 26, Carver County, Minnesota which lies westerly of the westerly right of way line of the Chicago and North Western Railway and south of the north 584.62 feet of said NW 1/4 of the NE 1/4. Containing 9.86 acres and subject to the right of way of Faxon Road over the west 33.00 feet thereof.

Excepting therefrom:

"Exhibit D" described as follows:

That part of the West 273.15 feet of the South 279 feet of the Northwest Quarter of the Northeast Quarter of Section 14, Township 115, Range 26 which lies westerly of the westerly right of way line of the Chicago and Northwestern Railway, containing 1.69 acres, and subject to the right of way of Faxon Road over the West 33.00 feet thereof.

Also: "Exhibit C"

That part of the SW 1/4 of the NE 1/4 of Section 14, Township 115, Range 26, Carver County, Minnesota which lies westerly of the westerly right of way line of the Chicago and North Western Railway and Northerly of the Northerly right of way line of Minnesota State Highway Number 212, containing 1.72 acres and subject to the right of way of Faxon Road over the west 33.00 feet thereof.

"Exhibit B" Property of Harvey and Bernice Bachmann:

The North 584.62 feet of the NW 1/4 of the NE 1/4 of Section 14, Township 115, Range 26, Carver County, Minnesota which lies westerly of the westerly right of way line of Chicago and North Western Railway.

"Exhibit D" Property of Fairway Foods, Inc. a corporation:

That part of the West 273.15 feet of the South 270 feet of the Northwest Quarter of the Northeast Quarter of Section 14, Township 115, Range 26, which lies westerly of the westerly right of way line of the Chicago and Northwestern Railway. Containing 1.69 acres and subject to the right of way of Faxon Road over the West 33.00 feet thereof.

"Exhibit E" Property of Jack and Alvera Clark:

Beginning at the Southeast corner of the Southwest Quarter of Southeast Quarter of Section 11, Township 115, Range 26; running thence West to line of the right of way of the Minneapolis and St. Louis Railway Company; thence along said line NEly to the intersection of said line and the E. line of the aforesaid Southwest 1/4 of Southeast 1/4 of Section 11; thence South to the point of beginning. The whole being that portion of the SW 1/4 of SE 1/4 of Sec. 11, Twp. 115, Range 26, which lies Southeast of the right of way of the M. and St. Louis Railway Company containing about 3/4 of an acre, more or less.

A petition for the annexation of a substantially identical parcel was denied by the Municipal Board on September 21, 1977. An objection to the proposed annexation was received by the Minnesota Municipal Board from Young America Township on January 4, 1978. 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.

A resolution supporting the annexation was received from the annexing municipality.

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

III. The area described as Parcel "E" is a small parcel, approximately 3/4 of an acre, which juts into an otherwise symmetrical boundary on Young America's southern border. The City of Norwood did not object to the annexation of this parcel and the

Township of Young America made only a pro forma objection.

IV. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Young America.
- B. The total area of the territory subject to annexation is approximately 23 acres.
- C. The perimeter of the area to be annexed is approximately 10 percent bordered by the municipality except for parcel "E", which is approximately 75 percent surrounded by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: The area has no major, natural barriers.

V. Population Data

- A. The City of Young America has experienced very rapid growth, particularly during the last 10 years; to a somewhat lesser extent, this is also true of the City of Norwood.
- B. The area subject to annexation:
 - 1. The present estimated population is 0.
 - 2. By 1990, the projected population is unknown.

VI. Development Issues

- A. The pattern of physical development:
 - 1. In the City of Young America: Development of all types is occurring.
 - 2. In the area subject to annexation: Commercial or industrial development is anticipated with some residential. There is one grocery store on the parcel at this time, the remaining area being farmed.
- B. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:
 - 1. In the City of Young America:
 - a. Zoning - Yes
 - b. Subdivision Regulations - Yes
 - c. Comprehensive Plan - Yes, by contract with County.
 - 2. In the Township of Young America:
 - a. Zoning - Yes, by County

VII. Governmental Services

- A. The Town of Young America provides the area subject to annexation with the following services:

1. Water - No
2. Sewer - No
3. Fire protection - By contract with Norwood
4. Police protection - County Sheriff
5. Street improvements - No
6. Street maintenance - Yes
7. Recreational - No

B. The City of Young America provides its residents with the following services:

1. Water - Yes
2. Sewer - Yes, but the treatment plant is presently over-extended.
3. Fire protection and rating - Yes
4. Police protection - Yes
5. Street improvements - Yes
6. Street maintenance - Yes
7. Recreational - Yes

C. The City of Young America provides the area subject to annexation with the following services:

1. Water - Yes, to the grocery store
2. Sewer - Yes, to the grocery store
3. Fire protection - No
4. Police protection - No
5. Street improvements - No
6. Street maintenance - No
7. Recreational - No

D. Existing or potential environmental problems and the need for additional services to resolve these problems: A ditch which disposes of the Norwood/Young America effluent is creating a potential health hazard in Young America Township, and, an upgraded plant, which would resolve this problem is no less than several years in the future.

VIII. Is annexation to the City of Young America the best alternative?

- A. Relationship and effect of the proposed annexation on area school districts and on adjacent communities: There was little evidence, if any, to suggest that any substantial change has occurred regarding this issue since September 21, 1977. This annexation proposal, if approved, could substantially and permanently injure Norwood's potential for economic growth. Further, the entire area would benefit from either a municipal consolidation or an orderly annexation agreement between both the cities and the township. The orderly annexation section was considerably strengthened by the Legislature during the 1978 session, and the Board encourages the parties to review these sections.
- B. Adequacy of town government to deliver services to the area proposed for annexation: While the area remains rural, the township can service the area.
- C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? It remains unclear which municipality could best provide for the area.
- D. The area subject to annexation should be decreased because certain properties within may be served better by another unit of government; the new description of the property is as follows:

(Parcel E)

Beginning at the Southeast corner of the Southwest Quarter of Southeast Quarter of Section 11, Township 115, Range 26; running thence West to line of the right of way of the Minneapolis and St. Louis Railway Company; thence along said line NEly to the intersection of said line and the E. line of the aforesaid Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 11; thence South to the point of beginning. The whole being that portion of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 115, Range 26, which lies Southeast of the right of way of the M. and St. Louis Railway Company containing about $\frac{3}{4}$ of an acre, more or less.

IX. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The decreased area subject to annexation is now or is about to become urban or suburban in character.

III. Municipal government is required to protect the public health, safety, and welfare in the decreased area subject to annexation.

IV. The best interest of the decreased area subject to annexation will be furthered by annexation.

V. The remainder of the Township of Young America can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in revenue for the City of Young America and the value of benefits conferred upon the decreased area subject to annexation.

VII. An order should be issued by the Minnesota Municipal Board annexing the decreased area described herein.

O R D E R

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

Beginning at the Southeast corner of the Southwest Quarter of Southeast Quarter of Section 11, Township 115, Range 26; running thence West to line of the right of way of the Minneapolis and St. Louis Railway Company; thence along said line NEly to the intersection of said line and the E. line of the aforesaid Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 11; thence South to the point of beginning. The whole being that portion of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, Township 115, Range 26, which lies Southeast of the right of way of the M. and St. Louis Railway Company containing about $\frac{3}{4}$ of an acre, more or less.

II. IT IS FURTHER ORDERED: That the effective date of this order is October 27, 1978.

Dated this 27th day of October, 1978.

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


William A. Neiman
Executive Director