

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Virgil J. Johnson	Ex-Officio Member
Harold J. Leary	Ex-Officio Member

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

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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 March 21, 1979 and April 12, 1979, at LaCrescent, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Virgil J. Johnson and Harold J. Leary, ex-officio members of the Board. The City of LaCrescent appeared by and through William Von Arx, City Attorney and Kenneth Deyo, Mayor, the Township of LaCrescent appeared by and through Don Haefs, Town Board Chairman, and the petitioners appeared by and through John E. Flynn, Attorney. 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 September 5, 1978, a petition of all the property owners in the area to be annexed was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

All of that part of the E $\frac{1}{2}$  of the NE $\frac{1}{2}$  of said Section 16, Township 104, Range 4, described as:

Commencing at the Northeast corner of said Section 16; thence South along the Section line 640 feet; thence West 330 feet; thence South 660 feet; thence East 330 feet; Thence South again along the Section line 1,261 feet; thence North 20° 35' 30" West 170.86 feet; thence North 52° 22' 30" West 99.7 feet; thence North 3° 22' 30" West 532 feet; thence North 57° 1' West 448.3 feet; thence North 10° 2' Feet; thence North 79° 58' West 495 feet; thence North 88° 0' West 142 feet; thence North 0° 1' East 83.61 feet; thence West 161.82 feet; thence North 1,337.15 feet to the North Section line, thence East along the North Section line a distance of 1,227.3 feet to the place of beginning.

1. An objection to the proposed annexation was received by the Minnesota Municipal Board by LaCrescent Township on November 28, 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. At the hearing on April 12, 1979 the townships objection was withdrawn as the result of an agreement reached between the city and the township.

A resolution supporting the annexation was not received from the annexing municipality.

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 LaCrescent.
- b. The total area of the City of LaCrescent is 1330 acres. The total area of the territory subject to annexation is approximately 40 acres.
- c. The perimeter of the area to be annexed is 50% 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: Flat farmland

4. Population Data

- a. The City of LaCrescent
  - 1) Past population growth: 1970 - 3296
  - 2) Present population: 3833
  - 3) Projected population: 1990 - 5000
- b. The area subject to annexation
  - 1) Past population growth: 0
  - 2) Present population: 0
  - 3) Projected population: 1990 - 340

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 metropolitan council/state planning agency. Residential
- b. What land use controls are presently being employed.
  - 1) In the City of LaCrescent
    - a. Zoning - yes
    - b. Subdivision regulations - yes
    - c. Housing and building codes - yes
    - d. Other - yes fire code, planning commission, official map, comprehensive plan

- 2) In the area to be annexed:
  - a. Zoning - yes
  - b. Subdivision regulations - No
  - c. Housing and building codes - No
  - d. Other (Fire Code and Building Inspector) - yes

c. The city requires future growth space. The area subject to annexation will provide the City of LaCrescent with necessary growth space.

d. Development of the following types is occurring:

- 1) In the City of LaCrescent: unknown
- 2) In the area subject to annexation:
  - a) Residential - approximately 40 acres

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

6. Governmental Services

a. Presently, the Township of LaCrescent provides the area subject to annexation with the following services: None

b. Presently, the City of LaCrescent 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 | 8) Other (administrative) - yes |

c. Presently, the City of LaCrescent provides the area subject to annexation with the following services:

- 1) Fire Protection - yes

d. Plans to extend municipal services to the area subject to annexation include the following: extending sewer, water, and streets.

7. Fiscal Data

a. In the City of LaCrescent, the assessed valuation as of 1978 is \$29,899,292.00, the total mill rate as of 1978 is 91.637 and the bonded indebtedness as of 1978 is \$976,500.00

b. In the area subject to annexation, the assessed valuation as of 1978 is \$8,158.00, the total mill rate as of 1978 is 88.005 and the bonded indebtedness as of 1978 is 0.

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

- 1) County 26.008
- 2) School Districts 51.042
- 3) Township 10.955

d. Will the annexation have any effect upon area school districts?

As the area is developed it may place a demand on the school system through increased students.

8. Is annexation to the City of LaCrescent the best alternative?

- a. Governmental services could not be better provided for by incorporation of the area subject to annexation.
- b. Governmental services could not be better provided for by consolidation or annexation of the area with an adjacent municipality other than LaCrescent.
- c. LaCrescent township could not provide the services required.
- d. LaCrescent township can continue to function without the area subject to annexation.

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 LaCrescent and the area subject to annexation will be furthered by annexation.

5. The remainder of the Township of LaCrescent 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 LaCrescent 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 Houston, State of Minnesota, be and the same is hereby annexed to the City of LaCrescent, Minnesota, the same as if it had been originally made a part thereof:

All of that part of the  $E\frac{1}{2}$  of the  $NE\frac{1}{4}$  of said Section 16, Township 104, Range 4, described as:

Commencing at the Northeast corner of said Section 16; thence South along the Section line 640 feet; thence West 330 feet; thence South 660 feet; thence East 330 feet; Thence South again along the Section line 1,261 feet; thence North  $20^{\circ} 35' 30''$  West 170.86 feet; thence North  $52^{\circ} 22' 30''$  West 99.7 feet; thence North  $3^{\circ} 22' 30''$  West 532 feet; thence North  $57^{\circ} 1'$  West 448.3 feet; thence North  $10^{\circ} 2'$  Feet; thence North  $79^{\circ} 58'$  West 495 feet; thence North  $88^{\circ} 0'$  West 142 feet; thence North  $0^{\circ} 1'$  East 83.61 feet; thence West 161.82 feet; thence North 1,337.15 feet to the North Section line, thence East along the North Section line a distance of 1,227.3 feet to the place of beginning.

IT IS FURTHER ORDERED: That the effective date of this order is May 10th, 1979.

Dated this 10th day of May 1979

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

*Terrence A. Merritt*

Terrence A. Merritt  
Executive Director