

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Frank Swedzinski	Ex-Officio Member
Johannes Hansen	Ex-Officio Member

IN THE MATTER OF THE PETITION)	<u>AMENDED</u>
FOR ANNEXATION OF CERTAIN LAND)	<u>FINDINGS OF FACT,</u>
TO THE CITY OF LAKE BENTON)	<u>CONCLUSIONS OF LAW,</u>
	<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 November 29, 1979 at 10:00 a.m. at the Lake Benton Fire Hall Meeting Room, Lake Benton, Minnesota. The hearing was conducted by Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Frank Swedzinski and Johannes Hansen, Ex-officio members of the Board. The City of Lake Benton appeared by and through Mike Cable, the Township of Lake Benton appeared by and through Lyle Troutman, and some of the affected property owners appeared by and through David Watson. 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 May 16, 1979, a copy of a petition for annexation by all the 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:

All that part of Government Lot 2 and Northwest Quarter of the Southeast Quarter of Section 9, Township 109 North, Range 45 West, Lincoln County, Minnesota, described as follows:
 Beginning at the Southwest corner of said Government Lot 2, thence North 00°29'47" West, assumed bearing, along the West line of said Government Lot 2, 381.13 feet; thence North 89°30'13" East 218.39 feet; thence South 00°29'47" East parallel with said West line 70.04 feet; thence North 67°10'29" East 302.70 feet; thence North 89°30'13" East 200.00 feet; thence South 60°34'12" East 265.63 feet; thence South 00°29'47" East parallel with said West line 170.00 feet; thence South 87°42'42" West 106.60 feet; thence North 52°21'08" West 55.00 feet; thence Southwesterly along a curve to the right having a central angle of 43°41'54", a radius of 45.00 feet and an arc length of 34.32 feet; thence South 63°17'12" West on a tangential line 48.38 feet; thence South 82°22'43" West 202.10 feet; thence Southwesterly along a tangential curve to the left having a central angle of 14°00'00", a radius of 170.00 feet, and an arc length of 41.54 feet; thence South 68°22'43" West on a tangential line 113.46 feet; thence Southwesterly along a tangential curve to the right having a central angle of 14°56'53", a radius of 230.00 feet, and an arc length of 60.00 feet; thence South 83°19'36" West on a tangential line 250.19 feet to a point

on the South line of Government Lot 2; thence North $89^{\circ}58'13''$ West along said South line 22.95 feet; thence South $00^{\circ}29'47''$ East along a line 30.00 feet East and parallel with the West line of said Southeast Quarter 122.78 feet to a point on the Northwesternly right of way of U.S. T.H. No. 14; thence South $82^{\circ}54'24''$ West along said right of way 30.21 feet to a point on the West line of said Southeast Quarter; thence North $00^{\circ}29'47''$ West along said West line 126.54 feet to the Point of Beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Lake Benton Township on August 14, 1979. 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 not received from the annexing municipality.

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

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Lake Benton
- B. The total area of the City of Lake Benton is 2,295 acres. The total area of the territory subject to annexation is 7 acres.
- C. The perimeter of the area to be annexed is 15% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: rolling topography, soil is Buse-Barnes and is sloping to steep contour.

IV. Population Data

- A. The City of Lake Benton:
 1. In 1970, there were 759 residents.
 2. The present estimated population is 911.
 3. By 1982, the projected population is 1,025.
 4. By 1997, the projected population is 1,300.
- B. The area subject to annexation:
 1. In 1970, there were 0 residents.
 2. The present estimated population is 10.
- C. The Township of Lake Benton:
 1. In 1970, there were 262 residents.
 2. The present estimated population is 272 as estimated in the year 1976.

V. Development Issues

A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

a. In the City of Lake Benton:

- | | |
|---------------------------|---|
| 1. Residential: 200 acres | 3. Vacant land and agricultural: 1640 acres |
| 2. Commercial: 80 acres | 4. Lake Benton area: 375 acres |

b. In the area subject to annexation:

1. Residential: 7 acres

c. In the Township of Lake Benton

1. Residential and agricultural: 21,000 acres

B. Transportation:

1. The present transportation network is:

- a. In the City of Lake Benton: roadway and railroad transportation for freight.
- b. The area proposed for annexation is serviced by a private road.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Lake Benton:

- a. Zoning: yes
b. Comprehensive Plans: yes
c. Official Map: yes
d. Capital Improvements Program: yes
e. Fire Code: yes
f. Planning Commission: yes

2. In the Township of Lake Benton:

- a. Official Map: yes

3. In the County of Lincoln:

- a. Zoning: yes, Lakeshore
b. Official Map: yes
c. Planning Commission: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area,

VI. Governmental Services

A. The Town of Lake Benton provides the area subject to annexation with the following services:

1. Fire protection and rating: yes, by contract with City
2. Administrative Services: yes

B. The City of Lake Benton provides its residents with the following services:

1. Water: yes
2. Sewer: yes
3. Fire protection: yes
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes
9. Other: Refuse collection

- C. The City of Lake Benton provides the area subject to annexation with the following services:
 - 1. Water: yes
 - 2. Fire protection and rating: yes, through contract with Township
- D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: new water line, hydrant, street maintenance subject to the acceptance by City of Lake Benton of the private road presently servicing the area for annexation (including pavement and curb and gutter), street, lighting, police protection and refuse collection.
- E. The following services will be available to the annexed area within three years: extension of water.

VII. Tax Base - the following are 1979 assessed values with a gross tax calculation for taxes due and payable in year 1980.

- A. In the City of Lake Benton, the tax base includes the following:
 - 1. Residential property in 1980 was valued at \$1,165,441, generating \$128,641 in taxes or 66.42% of the total.
 - 2. Commercial property in 1980 was valued at \$378,401, generating \$41,768 in taxes or 21.56% of the total.
 - 3. Industrial property in 1980 was valued at \$107,704, generating \$11,888 in taxes or 6.14% of the total.
 - 4. Agricultural property in 1980 was valued at \$90,848, generating \$10,028 in taxes or 5.18% of the total.
 - 5. Vacant land in 1980 was valued at \$12,314, generating \$1,359 in taxes or .70% of the total.
- B. In the Township of Lake Benton, the tax base includes the following:
 - 1. Non-ag and residential property in 1980 was valued at \$51,770, generating \$4,060 in taxes or 3% of the total.
 - 2. Commercial property in 1980 was valued at \$83,559, generating \$6,554 in taxes or 5% of the total.
 - 3. Agricultural land in 1980 was valued at \$1,662,001, generating \$130,352 in taxes or 90% of the total.
 - 4. Vacant land in 1980 was valued at \$36,852, generating \$2,890 in taxes or 2% of the total.
- C. In the area subject to annexation, the tax base includes the following:
 - 1. Residential property in 1980 was valued at \$20,407, generating \$1,601 in taxes or 99% of the total.
 - 2. Agricultural property in 1980 was valued at \$265, generating \$21 in taxes or 1% of the total.

VIII. Tax Data

- A. In the City of Lake Benton:
 - 1. Mill rate payable in 1980 is 110.38.
 - 2. Bonded indebtedness in 1980 is \$82,000.
- B. In the Township of Lake Benton for Lake Benton School District:
 - 1. Mill rate payable in 1980 is 78.43.
 - 2. Bonded indebtedness in 1980 is 0.

C. In the area subject to annexation:

1. Mill rate payable in 1980 is 78.43.
2. Bonded indebtedness in 1980 is 0.

D. Mill rate payable in 1980 for the following governmental units:

1. County is 22.81.
2. School district is 50.
3. Township is 5.5.
4. City of Lake Benton is 37.45.
5. Southwest Regional Development is .12.

IX. Annexation to the City of Lake Benton is the best alternative.

- A. There is no effect on area school districts and on adjacent communities if the area proposed for annexation is annexed.
- B. The town government is not adequate to deliver the needed services to the area proposed for annexation.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
- D. Present assessed valuation of the Town of Lake Benton: \$2,346,899.

Present assessed valuation of proposed annexation area: \$20,672 -

New valuation of the Town of Lake Benton if entire area is annexed: \$2,326,227
- E. Lake Benton Township can continue to function without the area subject to annexation.

CONCLUSIONS OF LAW

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

II. The 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 area subject to annexation.

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

V. The remainder of the Township of Lake Benton 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 Lake Benton and the value of benefits conferred upon the area subject to annexation.

VII. 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.

VIII. Five years will be required to effectively provide full municipal services to the annexed area.

IX. 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.

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

O R D E R

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

All that part of Government Lot 2 and Northwest Quarter of the Southeast Quarter of Section 9, Township 109 North, Range 45 West, Lincoln County, Minnesota, described as follows:
Beginning at the Southwest corner of said Government Lot 2, thence North $00^{\circ}29'47''$ West, assumed bearing, along the West line of said Government Lot 2, 381.13 feet; thence North $89^{\circ}30'13''$ East 218.39 feet; thence South $00^{\circ}29'47''$ East parallel with said West line 70.04 feet; thence North $67^{\circ}10'29''$ East 302.70 feet; thence North $89^{\circ}30'13''$ East 200.00 feet; thence South $60^{\circ}34'12''$ East 265.63 feet; thence South $00^{\circ}29'47''$ East parallel with said West line 170.00 feet; thence South $87^{\circ}42'42''$ West 106.60 feet; thence North $52^{\circ}21'08''$ West 55.00 feet; thence Southwesterly along a curve to the right having a central angle of $43^{\circ}41'54''$, a radius of 45.00 feet and an arc length of 34.32 feet; thence South $63^{\circ}17'12''$ West on a tangential line 48.38 feet; thence South $82^{\circ}22'43''$ West 202.10 feet; thence Southwesterly along a tangential curve to the left having a central angle of $14^{\circ}00'00''$, a radius of 170.00 feet, and an arc length of 41.54 feet; thence South $68^{\circ}22'43''$ West on a tangential line 113.46 feet; thence Southwesterly along a tangential curve to the right having a central angle of $14^{\circ}56'53''$, a radius of 230.00 feet, and an arc length of 60.00 feet; thence South $83^{\circ}19'36''$ West on a tangential line 250.19 feet to a point on the South line of Government Lot 2; thence North $89^{\circ}58'13''$ West along said South line 22.95 feet; thence South $00^{\circ}29'47''$ East along a line 30.00 feet East and parallel with the West line of said Southeast Quarter 122.78 feet to a point on the Northwesterly right of way of U.S. T.H. No. 14; thence South $82^{\circ}54'24''$ West along said right of way 30.21 feet to a point on the West line of said Southeast Quarter; thence North $00^{\circ}29'47''$ West along said West line 126.54 feet to the Point of Beginning.

II. IT IS FURTHER ORDERED: That the population of the City of Lake Benton
921
has increased by 10 persons to ~~769~~ persons for all purposes until the next Federal Census.

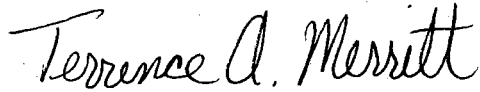
III. IT IS FURTHER ORDERED: That the population of the Town of Lake Benton has decreased by 10 persons to 262 persons for all purposes until the next Federal Census.

IV. IT IS FURTHER ORDERED: That the mill levy of the City of Lake Benton on the property herein ordered annexed shall be increased in substantially equal proportions over a period of five years to equality with the mill levy of the property already within the City.

V. IT IS FURTHER ORDERED: That the effective date of this order is April 11, 1980.

Dated this 11th day of April, 1980

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



Terrence A. Merritt
Executive Director

Amended order

Dated this 28th day of April, 1980

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



Terrence A. Merritt
Executive Director