

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Stanley Jacobson	Ex-Officio Member
Marvin Teichert	Ex-Officio Member

IN THE MATTER OF THE NOTICE OF INTENT)	<u>FINDINGS OF FACT,</u> <u>CONCLUSIONS OF LAW,</u> <u>AND ORDER</u>
FOR THE ANNEXATION OF CERTAIN LAND TO)	
THE CITY OF MONTEVIDEO PURSUANT TO)	
MINNESOTA STATUTES 414)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on January 19, 1983 at Montevideo, Minnesota. The hearing was conducted by Robert W. Johnson, Vice Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Board Member and County Commissioners Marvin Teichert and Stanley Jacobson, Ex-Officio Members of the Board. The City of Montevideo appeared by and through John Nelson and Janice Nelson and the Town of Sparta appeared by and through Kaye S. Reishus. 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 August 4, 1982, a copy of a Notice of Intent to Annex was filed with the Minnesota Municipal Board by the City of Montevideo. The Notice of Intent contained all the information required including a statement that the area proposed for annexation is 60% or more bordered by the city and 40 acres or less in size and a description of the territory subject to annexation which is as follows:

A tract of land in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$), Section Five (5), Township One Hundred Seventeen (117) North, Range Forty (40) West, described as follows: Beginning at the northwest corner of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of said Section Five (5); thence south along the west line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) a distance of One Thousand Three Hundred Twenty-seven Feet (1,327.0'), more or less, to the southwest corner of the said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence east along the south line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) on an assumed bearing of North Eighty-seven Degrees Fifteen Minutes East (N 87° 15' E), a distance of One Thousand Two Hundred Fifty-five Feet (1,255.0'), more or less, to a point Sixty-five and Three Hundredths Feet (65.03') west of the southeast corner of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence on a bearing of North Thirty-nine Degrees Seventeen Minutes Forty-five Seconds West (N 39° 17' 45" W), a distance of One Thousand Six Hundred Fifty-one and Eighty-eight Hundredths Feet (1,651.88') to the north line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence on a bearing of South Eighty-seven Degrees Thirteen Minutes Zero Four Seconds West (S 87° 13' 04" W), along said north line a distance of Two Hundred Five Feet (205.0'), more or less, to the point of beginning.

Containing 22.37 acres, more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Sparta Township on October 27, 1982. The Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subdivisions 3 and 4 as required by M.S. 414.033, Subdivision 3.

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

3. The area subject to annexation is unincorporated, approximately 22.37 acres in size, and abuts the City of Montevideo on its western, eastern, and northern boundary in excess of 60% of its total boundary. The City of Montevideo is approximately 2,322.08 acres in size.

4. The area proposed for annexation presently has 2 residential dwellings and a farrow-to-finish hog operation. The remainder of the land is used for

agricultural purposes.

5. In 1960, the City of Montevideo had a population of 5,693, in 1970 its population was 5,661 and its current population is 5,845.

6. Sparta Township's population in 1970 was 1,039, its population in 1980 was 1,055 and its current population is approximately 1,080.

7. In 1970, it is estimated that there were 8 people living in the area proposed for annexation. The present population in the area proposed for annexation is 5.

8. The City of Montevideo has approximately 934.4 acres in residential use, approximately 764.02 acres in institutional use, approximately 158.21 acres in commercial use, approximately 258.72 acres in industrial use, approximately 187.56 acres in agricultural use, and approximately 19.17 acres in vacant land.

9. The Town of Sparta has land in agricultural use, residential use, commercial use and industrial use.

10. The area proposed for annexation has approximately .83 acre in residential use, and the remainder of the land is in agricultural or agricultural-related use.

11. The City of Montevideo has a comprehensive plan, subdivision regulations, a building code, and a fire code.

12. The township zoning for the area proposed for annexation complies with Chippewa County zoning. The township building code is the same as the city's building code.

13. The area proposed for annexation is presently zoned for agricultural use.

14. The area located west of the area proposed for annexation is the City Industrial Park and zoned for industrial use. North and east of the area proposed for annexation is the Chippewa County and Montevideo Airport.

15. Presently there are no plans for industrial development in the area proposed for annexation.

16. The Industrial Park located immediately west of the area proposed for

annexation has approximately 26 to 27 acres available for development.

17. The City of Montevideo presently provides its residents with water, sewer, police protection, fire protection, street improvements and maintenance.

18. Fire protection to the area proposed for annexation is provided by Sparta Township through a contract with the City of Montevideo.

19. The residents in the area proposed for annexation are serviced by private wells and septic systems.

20. The City of Montevideo anticipates that the area proposed for annexation will be an eventual part of the city's industrial use area. The water and sewer lines servicing the Industrial Park west of the annexation area are sized to service the annexation area. They anticipate development in the area potentially in 5 to 10 years.

21. The assessed valuation of the area proposed for annexation is approximately \$15,327.

22. The assessed valuation of the Town of Sparta is approximately \$9,268,960.

23. The assessed valuation of the City of Montevideo is approximately \$8,444,018.

24. Access to the area proposed for annexation is presently on County Highway 41.

25. The 1982 mill rates are as follows: County of Chippewa, 24.213; City of Montevideo, 35.797; Sparta Township, 4.910; the school district, 39.119; and the special taxing district, .16.

26. There is no evidence of pollution problems in the area proposed for annexation.

27. The area proposed for annexation is served presently by the same school district as the City of Montevideo.

28. The City of Montevideo is the only municipality adjacent to the area proposed for annexation.

CONCLUSIONS OF LAW

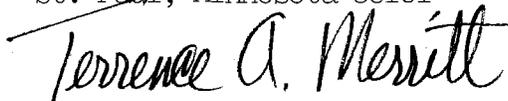
1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to annexation is not now nor is it about to become urban or suburban in nature.
3. Municipal government is not now required to protect the public health, safety, and welfare of the area subject to annexation.
4. Presently the best interests of the area subject to annexation will not be furthered by annexation.
5. An order should be issued by the Minnesota Municipal Board denying the petitioned annexation described herein.

O R D E R

1. IT IS HEREBY ORDERED: That the request for annexation of the property described in Findings of Fact 1, herein, be and the same is hereby denied.
2. IT IS FURTHER ORDERED: That the effective date of this order is October 3, 1983.

Dated this 3rd day of October, 1983.

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



Terrence A. Merritt
Executive Director

M E M O R A N D U M

In denying the requested annexation, the board notes that the primary reason of the City of Montevideo in support of the annexation request is the prevention of uses on that land, which would adversely impact on future industrial development in the area or the adjacent airport. Based on the evidence presently before it, the board found that the area was not urban or suburban nor about to become so.

The board suggests to the City of Montevideo that it may wish to consider the possibility of developing a Joint Planning Board, consistent with M.S. 462.3585, with the Town of Sparta and the County of Chippewa to deal with the area which has been the subject of consideration before the board in this matter. The board notes that the city's primary concern of incompatible uses may be addressed through a cooperative effort among the affected jurisdictions. The board urges the parties to work together to address mutual long-range goals and problems for the benefit of all of the citizens of the area.

VM 10-3-83