

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)
 FOR THE ANNEXATION OF CERTAIN LAND TO)
 THE CITY OF MONTEVIDEO PURSUANT TO)
 MINNESOTA STATUTES 414)

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 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 Janet 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 (SE $\frac{1}{4}$) of Section Twelve (12), Township One Hundred Seventeen (117) North, Range Forty-one (41) West described as follows: Beginning at a point that is Two Hundred Fifty-nine Feet (259.0') west

of the southeast corner of said Section Twelve (12) and North at right angles thereto a distance of Four Hundred Forty Feet (440.0'); thence continue north One Hundred Feet (100.0'); thence west on a line that is parallel to the said south line of Section Twelve (12) a distance of Two Hundred Ninety-seven and Six-tenths Feet (297.6') to the easterly right of way line of the "Milwaukee" Railroad spur track; thence southeasterly along said right of way line One Hundred Twenty-two and Six-tenths Feet (122.6') to the point that is Four Hundred Forty Feet (440.0') north of the south line of said Section Twelve (12); thence East on a line that is parallel to the south line of said Section Twelve (12), a distance of Two Hundred Twenty-six and Six-tenths Feet (226.6') to point of beginning, together with a tract described as beginning at a point that is Two Hundred Fifty-nine Feet (259.0') West of the southeast corner of said Section Twelve (12), at right angles thereto a distance of Four Hundred Feet (400.0'); thence continue north Forty Feet (40.0'); thence west on a line that is parallel to the said south line of Section Twelve (12) a distance of Two Hundred Twenty-six and Six-tenths Feet (226.6') to the easterly right of way line of the "Milwaukee" Railroad spur tract; thence southeasterly along said right of way line Forty-eight Feet (48.0') to a point that is Four Hundred Feet (400.0') north from the south line of Section Twelve (12); thence east on a line that is parallel to the said south line of Section Twelve (12), a distance of One Hundred Ninety-nine Feet (199.0') to the point of beginning.

Containing 0.79 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 .79 acre in size, abuts the City of Montevideo on its northern, eastern and southern border for approximately 81% of its total boundary. The City of Montevideo is approximately 2,322.08 acres in size.

4. The area proposed for annexation is presently used for oil storage bulk tanks with an adjacent 10 feet by 20 feet small warehouse.

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. The population in the area proposed for annexation is presently 0.

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. In the area proposed for annexation, the land is presently used for industrial purposes.

11. The City of Montevideo has a comprehensive plan and a fire code.

12. Land use controls over the area proposed for annexation are through the Chippewa County Land Management Ordinance.

The land is zoned for urban use by the county.

13. The areas south, east and north of the area proposed for annexation are zoned industrial.

14. The topography of the area proposed for annexation is generally flat.

15. The city presently provides its residents with water, sewer, police protection, fire protection and streets.

16. Access to the area proposed for annexation is by a private road on property presently within the City of Montevideo.

17. The Brandon Tire Building is approximately 80 to 100 feet away from the storage tanks located in the area proposed for annexation.

18. Each of the bulk tanks is approximately 30 to 40 years old and each can hold approximately 12,000 gallons. All of the tanks are located above ground.

19. The City of Montevideo presently provides the area proposed for annexation with fire protection through a contract with the Town of Sparta. Presently the city does not charge the Town of Sparta for the total cost of providing fire protection to the area proposed for annexation. The city also provides the annexation area with police protection.

20. In the past approximately 3 years, the State Fire Marshall has not inspected the area proposed for annexation.

21. The City of Montevideo has a City Fire Inspector which enforces the fire code. This fire code is the same fire code as the Town of Sparta has, but the township enforcement is through the State Fire Marshall.

22. The assessed valuation of the area proposed for annexation is approximately \$2,856.

23. The 1982 mill rates are as follows: The City of Montevideo's is 35.797, the County of Chippewa's is 24.213, the school district's is 39.119, the Town of Sparta's is 4.910 and the special taxing district is .16.

24. The area proposed for annexation is presently located within the same school district which serves the entire City of Montevideo.

25. The City of Montevideo is the only municipality adjacent to the area proposed for annexation. The annexation of the area proposed for annexation to Montevideo would not have any impact on any other municipalities.

26. The annexation of the area proposed for annexation to the City of Montevideo is consistent with the City of Montevideo's Comprehensive Plan.

27. Sparta Township can continue to function without 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 now or is about to become urban or

suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

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

4. The best interests of the area subject to annexation will be furthered by annexation.

5. The remainder of the Town of Sparta can carry on the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in values to the City of Montevideo and the value of benefits conferred upon the area subject to annexation.

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

O R D E R

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 be and the same is hereby annexed to the City of Montevideo, Minnesota the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is June 30, 1983.

Dated this 30th day of June, 1983.

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director