

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Walter Betcher	Ex-Officio Member
Frederick Dahling	Ex-Officio Member

IN THE MATTER OF THE NOTICE OF INTENT)
FOR THE ANNEXATION OF CERTAIN LAND)
TO THE CITY OF ZUMBROTA 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 June 1, 1984 at Zumbrota, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Vice Chairman, Richard A. Sand, Commissioner, and County Commissioners Walter Betcher and Frederick Dahling, Ex-Officio Members of the Board. The City of Zumbrota appeared by and through David Rockne, City Attorney, and the Town of Minneola appeared by and through Duane McWaters, Town Board Chairman. 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 April 17, 1984, a copy of a Notice of Intent to Annex was filed with the Minnesota Municipal Board by the City of Zumbrota. 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:

That part of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section 25, Township 110 North, Range 16 West, and that part of the East Half (E 1/2) of the Northwest Quarter (NW 1/4) of Section 36, Township 110 North, Range 16 West lying within the following described boundaries:

Bounded on the east by the present corporate limits of the City of Zumbrota, being the east line of the Southwest Quarter (SW 1/4) of Section 25 and the Northwest Quarter (NW 1/4) Section 36 extending from the northerly line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad right of way south to the southwest corner of State Subd. Lot 7 in the Northeast Quarter (NE 1/4) of said Section 36;

Bounded on the south by a line along the present corporate limits of the City of Zumbrota commencing at the northeast corner of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of said Section 36, thence west to the west line of Park Addition to the City of Zumbrota as extended, thence south along the west line of said Park Addition to the easterly right of way line of Trunk Highway #52;

Bounded on the west by the easterly right of way of said T.H. #52 from the point last mentioned above, northerly along said right of way to the present corporate limits of the City of Zumbrota located in the former C., M., St. P., & P. right of way.

Bounded on the north by the present corporate limits of the City of Zumbrota in the former C., M., St. P., & P. right of way.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Minneola Township on April 17, 1984. 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 38.46 acres in size, and abuts the City of Zumbrota by approximately 70% of its total boundary.

4. The general topography of the property is flat with the northeastern portion of the annexation area containing a ravine with the remaining property lower than the southwestern portion of the annexation area, which is in a floodplain. There is a creek that does not run year-round that travels through the annexation area.

5. The City of Zumbrota had a 1980 census population of 2,129.

6. The Town of Minneola had a 1980 census population of 684.

7. The area proposed for annexation has a present population of approximately 6.

8. The City of Zumbrota has land in residential use, commercial use, industrial use, institutional use, and agricultural use.

9. The Town of Minneola has land in agricultural use and residential use.

10. The area proposed for annexation has three residential dwellings, farm buildings, crop and pasture land.

All of the residents about Fourth Street, which is adjacent to the southern portion of the area proposed for annexation.

11. The City of Zumbrota has a zoning ordinance and a subdivision ordinance.

The city's subdivision ordinance is applied to township property within one mile of the city.

12. There is no evidence that the present use of the area proposed for annexation is inconsistent with the city zoning.

The northern and northeastern portion of the area proposed for annexation is immediately adjacent to the city industrial park and could be used for industrial park expansion. Over the years, there have been several attempts to purchase the land for industrial park expansion. The land

immediately south of the area proposed for annexation is used for single-family residential dwellings.

13. The City of Zumbrota provides its residents with water, sanitary sewer, police protection, fire protection, and in some areas storm sewer. Pursuant to contract, city residents can purchase refuse hauling.

14. The City of Zumbrota presently provides the area proposed for annexation with water to all three residences and the farm operation, and sanitary sewer to all three residences. The City of Zumbrota further provides street improvements and maintenance for Fourth Street and police protection.

15. The Town of Minneola provides the area proposed for annexation with fire protection through a joint powers agreement with the City of Zumbrota.

16. A portion of Fourth Street immediately adjacent to the area proposed for annexation is a township road. To date, the township has not paid the city any money for its maintenance or snow removal.

17. The surface water from the southern portion of the area proposed for annexation flows into the city. The city has plans for the draining of this water into the ditch in right-of-way of T.H. 52.

18. The proposed storm sewer drainage project is part of the general Fourth Street road improvement project which the city plans to perform.

19. The assessed valuation of the City of Zumbrota is \$12,344,489. The city's 1984 mill levy is 50.70.

20. The assessed valuation of the Town of Minneola is \$7,758,992. The mill levy for 1984 for the town is 10.39.

21. The water and sewer rates charged to the residents in the area proposed for annexation area the same as those rates charged to other residents within the City of Zumbrota.

22. Water and sewer service can be provided to the northern portion of the area proposed for annexation. There is a water tank immediately adjacent to that part of the area proposed for annexation.

23. The area proposed for annexation is presently serviced by the same school district as the City of Zumbrota.

24. The City of Zumbrota is the only municipality adjacent to the area proposed for annexation.

25. Minneola Township can continue to function without the area proposed for annexation.

26. The City of Zumbrota has a Rural Service Taxing District ordinance in place that the agricultural portion of the area proposed for annexation would qualify for.

CONCLUSIONS OF LAW

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

2. The area proposed for annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of presently providing the services required by the area.

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

4. The best interests of the area proposed for annexation will be furthered by annexation.

5. The remainder of the Town of Minneola 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 Zumbrota and the value of benefits conferred upon the area

proposed for annexation.

7. Pursuant to M.S. 414.035, the Municipal Board determines that the mill levy of the annexing municipality shall be increased over a period of six years.

8. 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, herein, be and the same is hereby annexed to the City of Zumbrota, Minnesota, the same as if it had been originally a part thereof.

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

3. IT IS FURTHER ORDERED: That the population of the City of Zumbrota is increased by 6 persons.

4. IT IS FURTHER ORDERED: That the population of the Town of Minneola is decreased by 6 persons.

5. IT IS FURTHER ORDERED: That the effective date of this order is May 2, 1985.

Dated this 2nd day of May, 1985.

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

The board in approving the proposed annexation notes that the configuration of the area makes it essentially an island serviced by the city and accessible only through the city. By adopting a Rural Service Taxing District ordinance, the city has reduced the impact upon the agricultural operation. Further, the properties within the area presently receive water, sewer, and street improvements from the City of Zumbrota. The police patrol the area proposed for annexation, which is immediately adjacent to residences within the city.

The city anticipates improving Fourth Street according to its testimony at the hearing. Further, the city has indicated that it has a case by case style of senior citizen deferment for assessments. The board urges the city to look carefully at any assessments which it would levy against any of the senior citizens located within the area proposed for annexation. The board is confident that the city will thoroughly review such assessments and deal equitably with each of the residents.

The board notes with some dismay that although the city and the town have a on-going working relationship as evidenced by the joint powers agreement for fire protection, they were unable to resolve their differences on this annexation issue. The board urges the parties to expand on the spirit of cooperation which has kept the fire joint powers agreement going for many years to other areas of mutual concern. The board hopes that the spirit of cooperation will continue to grow for the benefit of the residents of both the town and the city. *JAM 5-2-85*