

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Marvin Teichert	Ex-Officio Member
Lloyd O. Peterson	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 25, 1985 at Montevideo, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Richard A. Sand, Commissioner of the Municipal Board and County Commissioners Marvin Teichert and Lloyd O. Peterson, Ex-Officio Members of the Board. The City of Montevideo appeared by and through 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 July 16, 1984, 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 parcel of land in the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section Six (6), Township One Hundred Seventeen (117) North, Range Forty (40) West and in the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section Seven (7), Township One Hundred Seventeen (117) North, Range Forty (40) West described as follows:

Beginning at the northeast corner of said Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4), thence south along the east line of said Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) a distance of One Thousand Three Hundred Fifty-three and nine-tenths Feet (1,353.9'), more or less, to the southeast corner of said Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4); thence continue south along the east line of said Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4), a distance of Seven Hundred Seventy-four Feet (774.0'), more or less, to the southeast corner of Lot Two (2) in the "Plat of Lots in the West Half of the Northeast Quarter (W 1/2 of NE 1/4) and East Half of the Northwest Quarter (E 1/2 of NW 1/4) East of the Chippewa River"; thence west along the south line of said Lot Two (2) a distance of Three Hundred Thirty Feet (330.0') to the southeast corner of Lot Three (3), Block Two (2), Blabaum Addition; thence north along the east line of said Block Two (2) a distance of Three Hundred Sixty-three Feet (363.0') to the northeast corner of Lot One (1) of said Block Two (2); thence west along the north line of said Lot One (1), Block Two (2) and said north line extended a distance of Three Hundred Thirty Feet (330.0') to the west line of Ridgeview Drive as now platted and laid out; thence south along the west line of said Ridgeview Drive a distance of Ninety-four and eleven-hundredths Feet (94.11') to the north line of Lot One (1), Block One (1), Blabaum Addition; thence on a bearing of North Eighty-five Degrees Twenty-two Minutes Fifty-one Seconds West (N 85° 22' 51" W) a distance of One Hundred Twenty-eight and forty-hundredths Feet (128.40') along the north line of said Lot One (1), Block One (1); thence on a bearing of North Eighty-nine Degrees (89°) West, a distance of One Hundred Sixty-five and eighty-two hundredths Feet (165.82') along the north line of said Lot One (1), Block One (1), to the northwest corner of said Lot One (1), Block One (1); thence northeasterly in a straight line, a distance of Two Thousand One Hundred Eighteen Feet (2,118.0'), more or less to the point of beginning, containing 21.64 acres, more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Sparta Township on October 10, 1984. The Municipal 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. At the January 25, 1985 hearing, counsel for both the town and the city requested that the board reduce the area under consideration to that portion of the area described in Findings of Fact 1 located south of the following described line:

Beginning at the point where the North line of Wolfe Avenue as laid out and platted in the City of Montevideo intersects with the Southwest corner of Lot Eleven (11), Block Four (4), Wolfe's Second Addition to the City of Montevideo, all in Chippewa County, Minnesota, thence running due West along the North line of said Wolfe Avenue and Wolfe Avenue extended Westerly to the Southwest corner of Lot Nine (9), Block Two (2), Pleasant View Subdivision, thence North along the West boundary of said Lot Nine (9) to the Northwest corner of said Lot Nine (9), thence West on a line bearing North Eighty-two Degrees Thirty-two Minutes West (N 82° 32' W) to the West line of the premises described in the Notice of Intention to Annex herein, and there ending.

The remaining Findings of Fact and Conclusions of Law deal with this reduced area.

4. The area proposed for annexation is unincorporated, approximately 11.83 acres in size, and abuts the City of Montevideo on its eastern and irregular southern boundary in excess of 60% of its total boundary. The City of Montevideo is approximately 2,347.8 acres in size.

5. The area proposed for annexation has in it seven single-family residential dwellings, none of which was constructed in the past couple of years. The area also has, in a portion of the southern boundary, a ravine that is over eight feet deep. The area slopes from east to west towards the Chippewa River, which isn't in the annexation area. The area does not contain any rivers, streams, shorelands, protected waters or protected wetlands.

6. The City of Montevideo has a current population of approximately 5,845 people.

7. The Town of Sparta has a current population of approximately 1,050.

8. The area proposed for annexation has a current population of approximately 22.

9. The City of Montevideo has land zoned for residential use, commercial use, industrial use, and recreational use.

10. The area proposed for annexation is adjacent to land within the city zoned for residential development.

11. The Town of Sparta has land in agricultural use, residential use, and business use.

12. The Town of Sparta has a zoning ordinance.

13. The City of Montevideo has a zoning ordinance.

14. The County of Chippewa has in its zoning ordinance an Urban Development District around the City of Montevideo, and the annexation area is designated as an urban area.

15. The owner of the vacant land in the area proposed for annexation had investigated the cost of sewer and water extension to the area should he desire to develop it for residential use. The costs would be significantly higher than normal construction costs. Prior to receipt of the cost estimates he had decided against such development.

16. The City of Montevideo presently provides its residents with water, sanitary sewer, police protection, fire protection, street improvements and maintenance, administrative services, rescue service, transit service, senior citizen programs, garbage collection, and cable television service.

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

Each residence receives its water from a private well and sewer service is an onsite septic system.

18. The City of Montevideo and the Town of Sparta have a road agreement whereby the City of Montevideo provides snow plowing service and patching of potholes on the road in the area proposed for annexation and other town roads and the Town of Sparta provides that service to city roads elsewhere as part of an overall road maintenance agreement.

19. There are no present pollution problems in the area proposed for annexation.

20. The road in the area proposed for annexation is approximately 16 feet in width.

21. There are no present plans to further develop any of the area proposed for annexation.

22. The assessed valuation of the area proposed for annexation is approximately \$68,720.

23. The assessed valuation of the Town of Sparta is approximately \$8,945,492.

24. The assessed valuation of the City of Montevideo is approximately \$18,326,052.

25. Access to the area proposed for annexation is presently through Wolfe Avenue or Ridgeview Drive, which lead to the town road in the area proposed for annexation.

26. The 1984 mill rates are as follows: County of Chippewa, 25.345; City of Montevideo, 36.012; Town of Sparta, 5.427; School District, 41.330; and the Special Taxing District, .167.

27. The area proposed for annexation is presently served 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 proposed for 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 proposed for annexation.

4. Presently the best interests of the area proposed for annexation will not be furthered by annexation.

5. There is not a reasonable relationship between the increase in revenue for the City of Montevideo and the value of benefits conferred upon the area subject to annexation.

6. An order should be issued by the Minnesota Municipal Board denying the petitioned annexation described herein.

ORDER

1. IT IS HEREBY ORDERED: That the request for annexation of the property described in Findings of Fact 1, herein, be and the same hereby is denied without prejudice.

2. IT IF FURTHER ORDERED: That the effective date of this order is June 28, 1985.

Dated this 28th day of June, 1985.

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


Terrence A. Merritt
Executive Director

A-4130 Montevideo

M E M O R A N D U M

In denying without prejudice the proposed annexation, the board notes that the evidence did not establish that the area is appropriate for annexation at this time. Given the area under consideration's location and possible future events, it is quite possible that this area would be appropriate for annexation and will ultimately be a part of the city.

In light of this future potential, the board urges the city and town to work together on an orderly annexation agreement which would include the area proposed for annexation among other areas. Hopefully such cooperation and planning will benefit the entire community. *YAM 6-28-85*