

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Andy Lindquist	Ex-Officio Member
Mel O. Olson	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF VERGAS 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 October 2, 1985 at Vergas, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chairman, Richard A. Sand, Vice Chairman, Shirley J. Mihelich, Commissioner, and County Commissioners Mel O. Olson and Andy Lindquist, Ex-Officio Members of the Board. The City of Vergas appeared by and through Mayor Gordon Dahlgren, the Town of Candor appeared by and through Rodney Richter, Town Clerk, and the petitioners appeared by and through Scott Dirks.

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 May 15, 1985, 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 including a description of the area subject to annexation, which is as follows:

Sublot A of Government Lot 1, Section 24, Township 137, Range 41, except a tract previously conveyed by warranty deed dated July 14, 1956 and recorded in the office of the County Recorder in and for Otter Tail County, Minnesota, in Book 330 of Deeds, Page 235, described as follows: Beginning at a point at the northeast corner of Sublot "A" of Government Lot 1, in Section 24, Township 137, Range 41 West of the Fifth Principal Meridian, according to the plat thereof recorded in the above named county and state; thence west a distance of 80 feet; thence south a distance of 90 feet; more or less, to County Road (SAR #4); thence in a northeasterly direction following SAR #4 to east line of Sublot "A"; thence north following the east line of the Sublot "A" to the place of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Candor Township on July 24, 1985. The board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031 as required by M.S. 414.033, Subdivision 5.

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

3. The area subject to annexation is unincorporated, approximately 11 acres in size, abuts the City of Vergas by approximately 23% of its total boundary.

4. The natural terrain of the area is generally level with the soil being heavy clay. The land abuts Long Lake.

5. The City of Vergas has a present population of approximately 300.

6. The Town of Candor has a present population of approximately 380.

7. The area proposed for annexation has a population of 3.

8. The City of Vergas has land in residential use and institutional use.

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

10. The City of Vergas does not have a zoning ordinance or a formal

comprehensive plan, but requires building permits for any construction within the city.

11. The Town of Candor has no existing zoning ordinance.

12. The County of Otter Tail's subdivision ordinance controls the Town of Candor.

13. The present zoning for the area proposed for annexation is agricultural.

14. The City of Vergas presently provides its residents with sanitary sewer, snow plowing, street maintenance, fire protection, and parks.

15. The City of Vergas does not extend sanitary sewer outside of its boundaries.

16. The City of Vergas is willing to provide the area proposed for annexation with all of the services it presently provides the residents of the City of Vergas.

17. The Town of Candor presently provides the annexation with fire protection and road maintenance.

18. The County Sheriff provides police protection to both the City of Vergas and the Town of Candor.

19. Assessed value of the City of Vergas in 1985 is approximately \$852,285. The city has a Class B fire rating.

20. The Town of Candor had an assessed value for 1985 of \$1,982,246. The town's mill levy is approximately 18.4.

21. The assessed value of the area proposed for annexation for 1985 is \$8,232.

22. The county's mill levy is approximately 24. The school district's 1985 mill levy for the area proposed for annexation and the City of Vergas is

approximately 49.

23. The City of Vergas has sufficient capacity in its waste water treatment facility to service the area proposed for annexation.

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

25. The City of Vergas is the only municipality adjacent to the area proposed for annexation.

26. Candor 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 proposed for 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 Candor 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 Vergas and the value of benefits conferred upon the area proposed for 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 herein, be and the same is hereby annexed to the City of Vergas, Minnesota the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the population of the City of Vergas is increased by three persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Candor is decreased by three persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is January 7, 1986.

Dated this 7th day of January, 1986.

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 notes with concern that a number of residences immediately adjacent to the area proposed for annexation within the City of Vergas have not received sanitary sewer service from the city. The board further notes that the petitioner seeks annexation so as to receive municipal sanitary sewer, which the City of Vergas has capacity to provide.

The board takes this opportunity to urge the city to address as rapidly as possible the servicing of these areas given their proximity to Long Lake. Further, the annexation area has heavy clay soil. One of the property owners within the city had his drainfield disrupted by the pressure line to the waste water treatment facility. The property owners within the city adjacent to the annexation area, as well as the owners of the annexation area, have indicated a desire to receive city sanitary sewer. Since there is no central water system, the protection of the wells which provide drinking water for these homes is best done by extension of municipal sewer service.

The board urges the parties, the property owners, and the city to work together to expedite the extension of municipal sanitary sewer service.

The board also takes this opportunity to urge the Town of Candor and the City of Vergas to build on the working relationship they have, so as to be able to address any future problems that may arise should lakeshore development continue in the area.

A handwritten signature in black ink, appearing to be 'RAM' with a flourish at the end.