

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Arvid Gollnick	Ex-Officio Member
Albert Hoffman	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF DAWSON 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 April 16, 1987 at Dawson, 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, Chair, Shirley J. Mihelich, Vice Chair, John W. Carey, Commissioner, and County Commissioners Albert Hoffman and Arvid Gollnick, Ex-Officio Members of the Board. The City of Dawson and the petitioners appeared by and through John M. Tollefson, Attorney at Law, and the Town of Riverside appeared by and through Harold S. Nelson, Attorney at Law. 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 January 20, 1987, a copy of a petition for annexation by all of the property owners was filed with the Minnesota Municipal Board. The

petition contained all of the information required by statute, including a description of the territory subject to annexation, which is as follows:

Lac Qui Parle Regional Railroad Authority property & right-of-way.

A strip of land one hundred feet (100') in width extending over and across the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) and the Southwest Quarter (SW1/4) of Section Twenty-two (22); and the North Half of the Northeast Quarter (N1/2 NE1/4) of Section Twenty-seven (27) and two hundred fifty feet (250') from the west line of Section Twenty-six (26) in the Northwest Quarter (NW1/4) of Section Twenty-six (26), all in Township One Hundred Seventeen North (117N), Range Forty-three West (43W).

Parcel D: That part of the Southwest Quarter of Section 23, Township 117 North, Range 43 West of the 5th Principal Meridian, lying westerly of a line parallel with and 250.00 feet southwesterly of the following described line:

Beginning at a point on the south line of said Southwest Quarter, distant 692.22 feet west of the southeast corner of said Southwest Quarter; thence northwesterly to a point on the north line of the Southwest Quarter of the Northwest Quarter of said Section 23 distant 356.60 feet west of the northeast corner of said Southwest Quarter of the Northwest Quarter, and said line there terminating excepting the northerly 20 acres thereof.

Subject to a substation easement to Minnesota Valley Cooperative Light and Power Association recorded in Book 131 of Deeds, pages 681-682. Said easement is described as follows:

Commencing at a point 2500 feet North of the southwest corner of Section 23, Township 117 North, Range 43 West and 237 feet East of the east right-of-way line of the public road on the west boundary of said Section 23; thence East 115 feet; thence North 90 feet; thence West 115 feet; thence South 90 feet to the point of beginning.

Also subject to an easement across the south 100 feet of said Southwest Quarter granted to Minnesota Valley Cooperative Light and Power Association as recorded in Book 137 of Deeds, Page 98, in the office of the Lac Qui Parle County Recorder.

Parcel E: That part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 117 North, Range 43 West of the 5th Principal Meridian, described as follows:

Beginning at the northwest corner of said Section 26; thence on an assumed bearing of North 89 degrees 42 minutes East along the north line of said Section 26 a distance of 100.00 feet; thence South 0 degrees 09 minutes West, parallel with the west line of said Northwest Quarter, 670.78 feet; thence South 21 degrees 42 minutes 46 seconds East 301.36 feet to the northeasterly right-of-way line of

the Chicago and Northwestern Railroad; thence North 57 degrees 56 minutes 40 seconds West, along said right-of-way line, 250.00 feet to said west line; thence North 0 degrees 09 minutes East, along said west line, 817.56 feet to the point of beginning.

Parcel E: (Description from Quit Claim Deed recorded in Book 237 of Deeds, pages 634-635.) That part of the Northwest Quarter of the Northwest Quarter of Section 26, Township 117 North, Range 43 West of the 5th Principal Meridian, described as follows:

Commencing at the northwest corner of said Section 26; thence on an assumed bearing of North 89 degrees 42 minutes East, along the north line of said Section 26, a distance of 100.00 feet; thence South 0 degrees 09 minutes West 670.78 feet; thence South 21 degrees 42 minutes 46 seconds East 301.36 feet to the northeasterly right-of-way line of the Chicago and Northwestern Railroad and the point of beginning of the land to be described; thence continuing along the last described course to the intersection with a line drawn southeasterly from a point on the west line of said Section 26, said line beginning 819.00 feet southerly of the northwest corner of said Section 26 and said line deflecting left (southeasterly) 57 degrees 58 minutes from said west line; thence northwesterly, along said line, to said west line; thence northerly, along said west line, to a point 817.56 feet southerly of the northwest corner of said Section 26; thence southeasterly to the point of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Riverside Township on February 23, 1987. The Municipal 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 83 acres in size, and abuts the City of Dawson by approximately a 100 foot strip of its perimeter. The City of Dawson is approximately 800 acres in size.

4. The Town of Riverside is approximately 21,796.5 acres in size.

5. The area proposed for annexation presently has approximately 65 acres in agricultural use and approximately 18 acres in use as railroad right-of-way.

The agricultural land is located immediately south of the American Milk Producers, Inc. (AMPI) plant, which processes various dairy products.

6. The City of Dawson had a population of 1,901 in 1980 and a present population of 1,952.

7. The Town of Riverside had a population of 359 in 1980 and a present population of 380.

8. The area proposed for annexation has a present population of zero.

9. The City of Dawson has a planning and zoning board.

10. It is anticipated that if annexed the 65-acre parcel of the area proposed for annexation will be used for an industrial park.

11. The City of Dawson has areas zoned for residential use, commercial use, industrial use, and public institutional use.

12. The City of Dawson provides its residents with water, sanitary sewer, street improvements and maintenance, and administrative services.

13. The Town of Riverside provides the area proposed for annexation with street improvements and maintenance.

14. The annexation area is served by two roads. One of these roads presently provides direct access to U.S. Highway 212 with the northern half of the road having been upgraded to a 10-ton, all season, hard surface road. The upgrading was a result of a joint participation between the County of Lac Qui Parle, the Town of Riverside, and the City of Dawson. The City of Dawson is willing to upgrade the southern half of this road, the majority of which will be adjacent to the area proposed for annexation to a 10-ton, all season, hard surface road. The city has indicated a willingness to take over all maintenance on the south one-half mile of the road provided the Town of Riverside continues snow removal on the road.

The township road traveling east from the City of Dawson partially along the railroad right-of-way and thence easterly to the 65-acre parcel of the annexation area is a gravel township road. The city has indicated a

willingness to enter into an agreement with Riverside Township to cover one-half of all costs relating to maintenance on that portion of that road.

15. The City of Dawson will require, as a condition of development in the industrial park proposed for the annexation area, that all incoming and outgoing of industrial products to the proposed industrial park area must be trucked in by utilization of the 10-ton, hard surface road running south from Highway 212.

16. Viessman's Trucking and AMPI are located adjacent to the 65-acre parcel of the annexation area.

17. The township road described herein in Article 14 of the Findings of Fact presently has approximately 25% to 50% more traffic than other township roads.

18. In 1987, the assessed valuation of the City of Dawson is \$7,894,675.

19. In 1987, the assessed valuation of the Town of Riverside is \$5,110,238.

20. In 1987, the assessed valuation of the area proposed for annexation is approximately \$46,000. The area is owned by the city and is presently not paying taxes to the Town of Riverside.

21. The total mill levy for the City of Dawson in 1987 is 126.13.

22. The total mill levy for the Town of Riverside in 1987 is 81.65.

23. The city is committed to the enforcement of all applicable environmental standards in the annexation area, should it become part of the city.

24. The city will provide the 65-acre parcel of the annexation area with sanitary sewer and water at the site.

25. The City of Dawson 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 now or is about to become urban or suburban in character.
3. Municipal government is presently required to protect the public health, safety, and welfare in the area subject to annexation.
4. The best interests of the area proposed for annexation will be furthered by annexation.
5. Riverside Township can carry on the functions of government without undue hardship.
6. An order should be issued by the Minnesota Municipal Board approving the petition for annexation described herein in Findings of Fact 1.

ORDER

1. IT IS HEREBY ORDERED: That the petition for annexation of property described in Findings of Fact 1 herein, be and the same is hereby annexed to the City of Dawson, 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 26, 1987.

Dated this 26th day of June, 1987.

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


Terrence A. Merritt
Executive Director