

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Shirley J. Mihelich	Chair
John W. Carey	Vice Chair
Kenneth F. Sette	Commissioner
Frank Chesley	Ex-Officio Member
Walter Betcher	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF RED WING 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 December 9, 1987 at Red Wing, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Shirley J. Mihelich, Chair, John W. Carey, Vice Chair, Kenneth F. Sette, Commissioner, and County Commissioner Frank Chesley, Ex-Officio Member of the Board. The City of Red Wing and the petitioners appeared by and through George Hoff, Attorney at Law, and the Town of Hay Creek appeared by and through Charles Richardson, 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 July 29, 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:

All of Southern Half of the Southeast Quarter of Section 6, Township 112 North, Range 14 West of Goodhue County, State of Minnesota consisting of approximately 80 acres.

and

That part of Southern half of the Southwest Quarter of Section 5, Township 112 North, Range 14 West of Goodhue County, State of Minnesota, which lies West of Minnesota Trunk Highway #58 consisting of approximately 67.50 acres.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Hay Creek Township on October 15, 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 147.5 acres in size, and abuts the City of Red Wing by approximately 40% of its perimeter.

4. The area proposed for annexation is rough and rolling terrain with knolls or plateaus that are developable. There are no public waters in the annexation area.

5. The area proposed for annexation is primarily woods and agricultural land.

6. The City of Red Wing is approximately 26,284 acres in size.

7. The Town of Hay Creek is approximately 23,000 acres in size.

8. The City of Red Wing had a population of 10,441 in 1970, 13,736 in 1980, and a present population of approximately 14,198.

9. The Town of Hay Creek had a population of 650 in 1970, 700 in 1980, and a present population of approximately 734.

10. The area proposed for annexation has a present population of two.

11. It is anticipated that if annexed the area proposed for annexation will be used for residential development.

The proposed use is consistent with the City of Red Wing's Land Use Plan.

12. The City of Red Wing has approximately 2,026 acres in residential use, approximately 6,599 acres in institutional use, approximately 185 acres in commercial use, approximately 577 acres in industrial use, approximately 4,195 acres in agricultural use, and approximately 12,702 acres in vacant lands.

13. The area proposed for annexation is currently zoned as agricultural land.

14. The City of Red Wing has a planning and zoning board.

15. The City of Red Wing has a comprehensive plan, zoning ordinance, subdivision regulations, official map, capital improvements program & budgets, fire code, shoreland ordinance, floodplain ordinance, and a sewer use ordinance.

16. The Town of Hay Creek has a zoning ordinance.

17. The County of Goodhue has a Comprehensive Plan, zoning ordinance, subdivision regulations, fire code, shoreland ordinance, floodplain ordinance, Wild & Scenic River Ordinance, and sanitation ordinance.

18. The City of Red Wing provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection,

police protection, street improvements and maintenance, and administrative services, recreational facilities, and library.

19. The Town of Hay Creek provides the area proposed for annexation with fire protection and administrative services. Additionally, the town provides the remainder of its residents with street improvements and maintenance.

20. The City of Red Wing is willing to provide the area proposed for annexation with all of the services that it presently provides to its residents. The City of Red Wing presently has sanitary sewer lines located along proposed Street A within the Gadiant property, the westernmost part of the area proposed for annexation. The remaining area proposed for annexation can be served from water and sewer lines that are immediately north of the property and within the City of Red Wing.

21. The City of Red Wing has 144.35 miles of highways, streets and roads.

22. The Town of Hay Creek has 35 miles of highways, streets, and roads.

23. There are no roads within the annexation area. Highway 58 runs along the eastern edge of the area proposed for annexation. The placement of the interior roads planned for the annexation area are in conjunction with the roads planned and/or existing in the development on the land north of the annexation area within the City of Red Wing. Access to the area proposed for annexation is through the City of Red Wing.

24. In 1987, the assessed valuation of the City of Red Wing is \$213,352,483.

25. In 1987, the assessed valuation of the Town of Hay Creek is \$4,699,564.

26. In 1987, the assessed valuation of the area proposed for annexation is \$17,218.

27. The present mill levy for the City of Red Wing is 34.152. The

present county mill levy for land in the City of Red Wing is 19.84. The city's total bonded indebtedness is approximately \$15,185,000 as of 12/31/87.

28. The present mill levy for the Town of Hay Creek is 12.662. The present county mill levy for land in the Town of Hay Creek is 20.618. The town has no bonded indebtedness.

29. The present mill levy for the school district is 39.055.

30. The fire insurance rating for the City of Red Wing is 4.

31. If the area proposed for annexation is annexed, there will be no affect on the school district.

32. The City of Red Wing 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. Hay Creek 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.

O R D E R

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 Red Wing, Minnesota, the same as if it had been originally a part thereof.

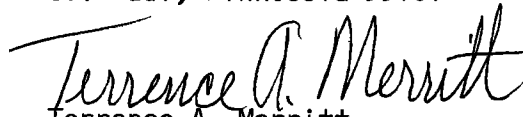
2. IT IS FURTHER ORDERED: That the population of the City of Red Wing is increased by 2 people.

3. IT IS FURTHER ORDERED: That the population of the Town of Hay Creek is decreased by 2 people.

4. IT IS FURTHER ORDERED: That the effective date of this order is February 22, 1988.

Dated this 22nd day of February, 1988.

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

In approving the annexation of the petitioned 147.5 acres of land, the board notes that this land, like most of the land in and around Red Wing, is hilly rolling terrain with plateaus and knolls that can be built on. This terrain lends itself to surface water runoff problems if not properly dealt with. The board takes this opportunity to remind the city and the developers that it is confident they will properly address the surface water runoff, so that the downstream areas are not adversely impacted. The city testified at some length that it hopes to better manage surface water runoff through this annexation. The board is confident that such testimony was not idle rhetoric. *JM 2-22-88*