

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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|--------------------|-------------------|
| Robert J. Ferderer | Chair |
| John W. Carey | Vice Chair |
| Paul B. Double | Commissioner |
| Orris Rasmussen | Ex-Officio Member |
| John Spina | Ex-Officio Member |

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|-------------------------------------|-------------------------------|
| IN THE MATTER OF THE PETITION FOR) | <u>FINDINGS OF FACT</u> |
| THE ANNEXATION OF CERTAIN LAND TO) | <u>CONCLUSIONS OF LAW</u> |
| THE CITY OF WARROAD PURSUANT) | <u>AND ORDER</u> |
| TO MINNESOTA STATUTES 414) | <u>AND MEMORANDUM OPINION</u> |

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on April 13, 1994 at Warroad, Minnesota and was continued from time to time. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Robert J. Ferderer, Chair, Dorothy E. Kobs, then Commissioner, and County Commissioners Orris Rasmussen and John Spina, Ex-Officio Members of the Board. The City of Warroad appeared by and through Steven Anderson, Attorney at Law, and the Town of Lake appeared by and through Adlai Brink, 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 3, 1994, a petition for annexation by the City

of Warroad, hereinafter referred to as "City," 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, hereinafter referred to as "subject area," which is as follows:

All of Government Lot Four (4), Section Twenty-nine (29), Township One Hundred Sixty-three (163) North, Range Thirty-six (36) West, lying North of the South right-of-way line of an extension of Hallberg Avenue in Hallberg's Addition to the City of Warroad, Minnesota, excluding all platted portions of said Government Lot Four (4);

AND

All of Government Lot Three (3), Section Twenty-nine (29), Township One Hundred Sixty-three (163) North, Range Thirty-six (36) West, lying North of the South right-of-way line of an extension of Hallberg Avenue in Hallberg's Addition to the City of Warroad, Minnesota;

AND

Beginning at a point Two Hundred Twenty and Seven-tenths (220.7) feet North of the Southwest corner of Section Twenty-nine (29), Township One Hundred Sixty-three (163) North, Range Thirty-six (36) West, said point of beginning being on the South side of an extension of Hallberg Avenue in Hallberg's Addition to the City of Warroad, Minnesota; thence running East on and along the South side of said Hallberg Avenue extended a distance of One Hundred Twenty-seven (127) feet; thence South, at right angles to said Hallberg Avenue extended, a distance of Three Hundred Nineteen (319) feet; thence West, parallel with said Hallberg Avenue extended, a distance of Five Hundred Nine (509) feet to the low water mark of the East side of the Warroad River; thence Northerly on and along said low water mark to the South line of Section Thirty (30), Township One Hundred Sixty-three (163) North, Range Thirty-six (36) West; thence East on and along the South line of said Section Thirty (30) to the Southeast corner of said Section Thirty (30); thence North a distance of Two Hundred Twenty and seven-tenths (220.7) feet to the point of beginning;

AND

Government Lot Eight (8), Section Thirty (30), Township One Hundred Sixty-three (163) North, Range Thirty-six (36) West;

AND

Government Lot Two (2), Section Thirty-one (31), Township One Hundred Sixty-three (163) North, Range Thirty-six (36) West.

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

published, served and filed.

3. The subject area is unincorporated, approximately 48.75 acres in size, and abuts the City by approximately 60% of its perimeter. The City is approximately 1,837.9 acres in size, and the Town of Lake, hereinafter referred to as "Town," is approximately 25,451 acres in size.

4. The City had a population of approximately 1,086 in 1970, a population of approximately 1,216 in 1980, and has a current population of approximately 1,690.

The Town had a population of approximately 415 in 1970, a population of approximately 730 in 1980, and has a current population of approximately 1,917.

The subject area has a present population of approximately 26.

5. The subject area abuts Warroad River on the subject area's northern, western and south eastern sides. Directly across the Warroad River from the eastern portion of the subject area is the City.

6. The subject area has soils that are clay and sandy in nature.

7. The City has land in residential use, institutional use, commercial use, and industrial use.

The Town has land in residential use, commercial use, and agricultural use.

The subject area has land in agricultural use, residential use, and formerly commercial use.

8. There is presently no proposed development of the subject area.

9. The City has state highways, county highways and city

streets.

The Town has approximately 54 miles of highways, streets, and roads.

The subject area has within or adjacent to it approximately half a mile of road.

10. The Town adopted a comprehensive plan in 1965.

Roseau County, hereinafter referred to as "County," has no comprehensive plan.

11. The City has a zoning ordinance amended in 1993.

The Town has a zoning ordinance, that was first developed in 1965, and an official map.

12. The subject area is currently zoned residential, R-1.

13. If the subject area is annexed to the City, it is anticipated that the subject area will be zoned residential.

14. The city provides its residents with water, sanitary sewer, electrical service, police, fire, street maintenance and improvements, and administrative services.

The Town presently provides its residents and the subject area with street maintenance, fire protection through a contract with the City, and administrative services. Electrical service to the subject area is provided by Roseau Electric.

The City is willing to provide all of the services it presently provides to its residents to the subject area.

The City provides water and sewer service to some of the subject area homes, because of problems created when the City drilled a well nearby. In the subject area, the City presently provides two residents with water, one with sanitary sewer, and five of the electrical customers with electrical services.

The remaining residents presently receive water and sewer

through private septic systems and private wells.

None of the property owners have requested any services from the City.

15. There are no known environmental problems in the subject area.

16. The City has a 1994 tax capacity of \$1,398,486.00. The City's tax rate is 29.5810; its tax rate for the County is 31.5730; its tax rate for the School District is 55.0670; and its tax rate for the Special Taxing District is .1690. The City has a total bonded indebtedness of approximately \$6,546,700.00

The Town has a 1994 tax capacity of \$932,621.00. The Town's tax rate is 7.2660; its tax rate for the County is 31.5730; its tax rate for the School District is 55.0670; and its tax rate for the Special Taxing District is .1690. The Town has no bonded indebtedness.

The subject area has a 1994 tax capacity of \$6,760.00.

17. The City and Town are in the same school district.

CONCLUSIONS OF LAW

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

2. The subject area is not now or is not about to become urban or suburban in character.

3. Municipal government is not presently required to protect the public health, safety, and welfare of the subject area.

4. The existing township form of government is adequate to protect the public health, safety, and welfare of the subject area.

5. An order should be issued by the Minnesota Municipal Board denying the petition for annexation of the area described herein.

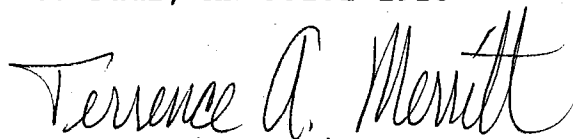
O R D E R

1. IT IS HEREBY ORDERED: That the petition for annexation of the property described in Findings of Fact 1 is denied.

2. IT IS FURTHER ORDERED: That the effective date of this Order is June 14, 1995.

Dated this 14th day of June, 1995.

MINNESOTA MUNICIPAL BOARD
Suite 475 McColl Building
366 Jackson Street
St. Paul, MN 55101-1925



Terrence A. Merritt
Executive Director

M E M O R A N D U M

While the Municipal Board has denied the annexation petition of the City of Warroad, the parties should not view this Order as the conclusion of this matter. The issues raised at the hearing may be somewhat premature, but they have highlighted the need for productive communication among the city, town, and property owners

Now is the time for the community as a whole to look to its future and develop an Orderly Annexation Agreement. The City and Town need to work together and with the residents so that the very desirability that draws people to this area is protected not only for this generation, but for generations to come. The need for services must be addressed prior to a critical need for service delivery so that the community can properly plan for the enhancement and preservation of the environment.

Elegant communication among the residents, the Town and the City will go far to assist in preparing for the future. This decision of the Municipal Board should not be seen as an ending, but rather as the opportunity for a new and joint beginning.

JAM 6-14-95