

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer Chair
John W. Carey Vice Chair
Dorothy E. Kobs Commissioner

IN THE MATTER OF THE PETITION FOR)	<u>FINDINGS OF FACT</u>
THE DETACHMENT OF CERTAIN LAND)	<u>CONCLUSIONS OF LAW</u>
FROM THE CITY OF DAWSON PURSUANT)	<u>AND ORDER</u>
TO MINNESOTA STATUTES 414)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on September 28, 1994 at Dawson, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance was John W. Carey, Vice Chair of the Minnesota Municipal Board, and Patricia D. Lundy, Assistant Director of the Minnesota Municipal Board. The petitioners appeared by and through Roger Swenson, Attorney at Law, the City of Dawson appeared by and through John Tollefson, Attorney at Law, and the Town of Riverside made no formal appearance. 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 June 27, 1994, a copy of a petition for detachment 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 detachment, hereinafter referred to as "subject area," which is as follows:

Hobert and Lois Abels:	Outlots 9 & 10, Nelson's First Addition to Dawson
Kevin and Shannon Monson:	West 200 feet of Outlot 8, Nelson's First Addition to Dawson
Sandra E. Nelson:	Outlots 7 & 8, less West 200 feet of Outlot 8, Nelson's First Addition to Dawson

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

3. The subject area is situated in the City of Dawson, hereinafter referred to as "city," and abuts the municipal boundary by approximately 50% of its perimeter. The subject area is located in the southwest corner of the city.

4. The subject area is approximately 25 acres in size.

5. The city is approximately 720 acres in size.

6. The subject area is basically flat with the Lac qui Parle River traveling through the northern portion of the subject area and the northern approximately one-half of the subject area is within the Zone A of the floodplain map which means it is within the 100 year flood area.

Lac qui Parle River is located in the northern portion of the subject area.

7. Access to the subject area is by County Road 10. There are no city streets that service the subject area.

The total right-of-way of County Road 10 is located outside

of the city. The detachment of the subject area will not impact jurisdiction over the road right-of-way.

8. The subject area has a population of approximately 8.
9. Immediately south of the subject area is generally farmland.
10. The city has state, county, and city roads. The Town of Riverside, hereinafter referred to as "town," has state, county, and town roads.
11. The city has a zoning ordinance.
12. The subject area is zoned residential.
13. The city presently provides the subject area with fire protection, police protection, the Heartland Bus System, and street lights.

The city does not provide the area with sanitary sewer, water, cable, street improvements and maintenance as it does the remainder of the city.

The town presently provides its residents with fire protection through a contract with the city. The Sheriff's Department patrols County Road 10 and provides police protection to the town.

Sanitary sewer and water service to the subject area is provided by individual on-site septic systems and wells for each residence.

14. The city's sanitary sewer and water is a significant distance away from the subject area. The subject area is not anticipated for development of the city in the foreseeable future. The city has been experiencing approximately one new residential building permit per year, in the past five years. It is not anticipated that this trend will

change. There are presently sufficient platted lots to accommodate that trend well into the next century.

15. The city had a 1994 assessed valuation of approximately \$594,723.00 and mill rate of .50992. The city had a 1995 assessed valuation of approximately \$602,093.00 with 1995 mill rate of .50535. The city's 1995 total bonded indebtedness is approximately \$900,000.00.

16. The total town mill rate is 100.816, as compared to the total city mill rate of 125.518 for taxes payable in 1994.

17. The residents in the subject area may save between \$40 and \$150.00 in taxes if the subject area were in the town rather the city, based on the present tax rate projections.

CONCLUSIONS OF LAW

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

2. The subject area is not adjacent to residential development and is not intended to be used for additional development in the foreseeable future.

3. The detachment of the subject area would not unreasonably affect the symmetry of the City.

4. An order should be issued by the Minnesota Municipal Board approving the petition for detachment of 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 hereby is, detached from the City of Dawson and made a part of the Town of Riverside, the same as if it had been originally a part thereof.


2. IT IS FURTHER ORDERED: That the population of the City of Dawson is hereby decreased by 8.

3. IT IS FURTHER ORDERED: That the population of the Town of Riverside is hereby increased by 8.

4. IT IS FURTHER ORDERED: That the effective date of this order is January 19, 1995.

Dated this 19th day of January, 1995.

MINNESOTA MUNICIPAL BOARD
Suite 475, McColl Building
St. Paul, Minnesota 55101


Terrence A. Merritt
Executive Director