

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)
THE DETACHMENT OF CERTAIN LAND)
FROM THE CITY OF REDWOOD FALLS)
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 November 1, 1994 at Redwood Falls, 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. The petitioners appeared by and through Kevin Passe, Attorney at Law, the City of Redwood Falls appeared by and through John Schnobrich, Attorney at Law, and the Town of Honner appeared by and through Steve Hanson, Town Board Chair. 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 September 15, 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:

All that tract or parcel of land lying and being in the County of Redwood and State of Minnesota, described as follows, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-one (31), Township One Hundred Thirteen (113) North, Range Thirty-five (35) West, except the Southerly 165 feet thereof, containing 35.77 acres, more or less AND ALSO the Southerly Five Hundred One and Eighty-six One-hundredths (501.86) feet of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Number Thirty-one (31) in Township Number One Hundred Thirteen (113) North, of Range Number Thirty-five (35) West of the Fifth Principal Meridian, containing 15.36 more or less, and being a part of Lot Number Eleven (11) of Auditor's Subdivision Number One (1) of Section Thirty-one (31), Township One Hundred Thirteen (113), Range Thirty-five (35) West;

EXCEPTING THEREFROM, All that part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township One Hundred Thirteen (113) North, Range Thirty-five (35) West, described as follows: Beginning at a point on the Easterly line of Northwood Terrace Addition to the City of Redwood Falls, Minnesota, according to the recorded plat thereof 165 feet North of the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-one (31); thence along the East line of said plat on an assumed bearing of North 00°27' East a distance of 311.45 feet to the Northeasterly corner of the park as platted in said Northwood Terrace Addition; thence South 70°26'11" East a distance of 222.26 feet; thence South 00°27' West a distance of 236.84 feet; thence South 89°57' West a distance of 210 feet to the point of beginning; AND EXCEPTING All that part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township One Hundred Thirteen (113) North, Range Thirty-five (35) West described as follows: Commencing at a point on the east line of said Section Thirty-one (31), 571.65 feet southerly of the northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Thirty-one (31), running thence along the east line of said Section Thirty-one (31), on an assumed bearing of South 00°27' West for a distance of 595 feet; thence South 89°57' West for a distance of 624.81 feet, thence North 00°03' West for a distance of 474.98 feet; thence North 44°47' East for a distance of 169.70 feet and thence North 89°57' East for a distance of 510 feet to the point of beginning, containing 8.404 acres more or less, subject, however, to a utility easement to the City of Redwood Falls, its successors and assigns, over and across the westerly, northwesterly, northerly and easterly 10 feet of said premises; AND ALSO EXCEPTING THEREFROM, Northwood Terrace Fourth Addition, AND EXCEPTING THEREFROM, Northwood Terrace Fifth Addition. ALSO EXCEPTING

All that part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-one (31), Township One Hundred Thirteen (113), Range Thirty-five (35) West, described as: Commencing at the Southeast corner of Lot Three (3), Block One (1), Northwood Terrace Fifth Addition to the City of Redwood Falls; thence Northerly to the Northeast corner of said Lot 3, Block 1; thence Southeasterly to the Northwest Corner of Lot One (1), Block Two (2), Northwood Terrace Fifth Addition, thence Southerly to the Southwest Corner of said Lot 1, Block 2; thence Northerly along the North line of Northwood Drive to the point of beginning.

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 Redwood Falls, hereinafter referred to as "City," and abuts the municipal boundary by approximately 90% of its perimeter.

4. The subject area is approximately 16.06 acres in size.

5. The City is approximately 2,350 acres in size.

6. The subject area is basically flat with two separate designated protected wetlands.

7. Access to the subject area is by the extension of Sherwood Drive, which is a city street traversing north from Northwood Drive, which services the general area south of the subject area, or by an easement along the western boundary of the subject area located within the City.

8. The City had a population of approximately 4,770 in 1970, approximately 5,210 in 1980, and approximately 4,950 in 1990.

The Town of Honner, hereinafter referred to as "Town," had a population of approximately 99 in 1970, approximately 133 in 1980, and approximately 145 in 1990.

The subject area has not had a recorded population since 1970.

9. Immediately south of the subject area is Northwood Terrace Fifth Addition, which the owners of the subject area developed. They had purchased the area now platted as Northwood Terrace Fifth Addition and the subject area at the same time.

Presently the subject area, for tax purposes, is included with the petitioners' homestead property which is located south and adjacent to the subject area. The petitioners use the subject area for recreational purposes.

10. The City has state, county and city roads.

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

11. The City has a zoning ordinance, subdivision regulations, an official map, a fire code, and a shoreland ordinance. The City has adopted Urban/Rural Taxing Districts in the past, but there are none presently in existence. The City is presently in the process of adopting a comprehensive plan.

The Town has subdivision regulations.

The County of Redwood, hereinafter referred to as "County," has subdivision regulations, a floodplain ordinance, a wild and scenic rivers ordinance, a sanitation ordinance, and a comprehensive plan adopted on July 15, 1981.

12. The subject area is presently zoned residential.

Prior to the detachment hearing, the petitioners had requested the City to rezone the subject area to rural residential, and

that request had been turned down.

13. The City presently provides the subject area with fire protection and police protection. The only street access to the subject area is within the City, and the City services and maintains that street. Additionally, the remaining municipal services are available to the subject area should development occur.

The Town presently provides its residents with fire protection through a contract with the City.

14. The City had a 1994 net tax capacity of \$1,936,466.00. The City's tax rate is 42.641; its tax rate for the County is 35.321; its tax rate for the School District is 69.968; and its tax rate for the Special Taxing District is .224.

The Town had a 1994 net tax capacity of \$143,599.00. The Town's tax rate is 12.90; its tax rate for the County is 35.980; its tax rate for the School District is 69.968; and its tax rate for the Special Taxing District is .224.

The subject area, in 1994, had a projected net tax capacity of \$54.00. The subject area, for tax purposes, is part of the petitioners' homestead land which has remained in the City, so the net tax capacity for the subject area is an estimate.

15. The petitioners pay approximately \$50.00 to \$60.00 per year in taxes to the City for the subject area. A reduction of the tax rate was not particularly significant to the petitioners.

16. The Town opposes the detachment.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has

jurisdiction of the within proceeding.

2. The subject area is adjacent to residential development and may be used for additional development.

3. The detachment of the subject area would unreasonably affect the symmetry of the City.

4. The subject area is not experiencing any significant detriment by being within the City.

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

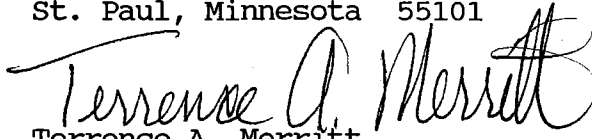
O R D E R

1. IT IS HEREBY ORDERED: That the petition for the detachment of the property described in Findings of Fact 1 herein, be and the same is hereby denied.

2. IT IS FURTHER ORDERED: That the effective date of this order is January 13, 1995.

Dated this 13th day of January, 1995.

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


Terrence A. Merritt
Executive Director