

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Virgil J. Johnson	Ex-Officio Member
Harold J. Leary	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION )	
BETWEEN THE CITY OF LACRESCENT AND THE )	
TOWN OF LACRESCENT FOR THE ORDERLY )	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE )	<u>CONCLUSIONS OF LAW,</u>
CITY OF LACRESCENT )	<u>AND ORDER</u>

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on October 16th, 1981 at LaCrescent, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Ken Sette, Board Member, and County Commissioners, Virgil J. Johnson and Harold J. Leary, Ex-Officio members of the board. The City of LaCrescent appeared by and through William Von Arx. 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

I. The joint resolution for orderly annexation was adopted by the City of LaCrescent and the Town of LaCrescent and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of LaCrescent, on July 27th, 1981 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

Lot 2, EXCEPT the North 85 feet thereof, and Lot 1, all in Block "A" John Cameron's Addition to Riverside of the Village of LaCrescent, Minnesota.

ALSO

A piece of land described as commencing at the Southwest corner of Lot #1, of Block "A" of John Cameron's Addition to Riverside in the Village of LaCrescent, running thence West 500 feet to the East boundary of the right of way of Trunk Highway No. 16, thence along said right of way South 25 degrees East 265 feet, thence along said right of way South 49 degrees 45' East 820 feet, thence East 285 feet to the West bank of the Mississippi River, thence

North 14.5 degrees West along said river bank 790 feet, to the Southeast corner of said Lot 1, thence West along the South line of said Lot 1 to the place of beginning, being a part of Government Lot 6 of Section II in Township 104, North of Range 4 West of the Fifty Principal Meridian, County of Houston, State of Minnesota.

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

IV. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 16 acres in size, and abuts the City of LaCrescent by approximately 25% of its border. The City of LaCrescent is approximately 1,330 acres in size.

IV. The natural terrain of the area proposed for annexation is approximately 20% flat buildable land with sandy-silty soils with the remainder low wet-land type of terrain.

V. In 1970 the City of LaCrescent had a population of 3,296. Its present estimated population is 3,697. In 1990 the projected population will be 4,200.

VI. There were no residents in the area proposed for annexation in 1970 and it is presently uninhabited.

VII. The Town of LaCrescent in 1970 had a population of 1,332, its present estimated population is 1,700 and it is projected that by 1990 it will have a population of 1,900.

VIII. The City of LaCrescent has approximately 335 acres in residential use, and approximately 60 acres in institutional use, approximately 16 acres in commercial use, approximately 28 acres in industrial use, and approximately 931 acres in vacant land.

IX. In the area subject to annexation all of the land is presently vacant. It is anticipated that development in the area will be primarily residential in nature. There are presently several structures on the area proposed for annexation remaining from the old Monte Carlo Hotel.

X. In the Town of LaCrescent there is residential use property, commercial use property, industrial use property, agricultural use property, institutional use property, and vacant land.

XI. The City of LaCrescent has a zoning ordinance, a subdivision regulation, a comprehensive plan, an official map, a capital improvements program, a fire code, a building inspector and a planning commission.

XII. The Town of LaCrescent has a zoning ordinance.

XIII. The County of Houston has a zoning ordinance and an official map.

XIV. The land adjacent to the area proposed for annexation presently is residential in nature to the north and west, road right-of-way to the south, water to the east, and Federal wild-life preserve to the west.

XV. The City of LaCrescent provides its residents with water, sewer, fire protection, police protection, street improvements, street maintenance, recreational opportunities, and administrative services.

XVI. The Town of LaCrescent provides the area subject to annexation with administrative services.

XVII. The City of LaCrescent presently provides fire protection to the area proposed for annexation.

XVIII. Access to the area proposed for annexation is gained by a private road which connects at Highway 16, a city road, or by use of Shore Acres Road, a city throughway.

XIX. In the City of LaCrescent the tax base includes the following: Residential property in 1980 was valued at \$9,307,571, generating \$175,848, in taxes or 82.38% of the total. Commercial property in 1980 was valued at \$1,533,102, generating \$28,965 in taxes or 13.57% of the total. Industrial property in 1980 was valued at \$36,126, generating \$683 in taxes or .32% of the total. Agricultural property in 1980 was valued at \$62,365, generating \$1178 in taxes or .55% of the total. Vacant land in 1980 was valued at \$47,239, generating \$892 in taxes or .42% of the total.

XX. In the Town of LaCrescent, the tax base includes the following: Residential property in 1980 was valued at \$2,762,603, generating \$31,485 in taxes or 63.22% of the total. Commercial property in 1980 was valued at \$26,811, generating \$1,445 in taxes or 2.9% of the total. Industrial property in 1980 was valued at \$62,028, generating \$707 in taxes or 1.42% of the total. Agricultural property in 1980 was valued at \$1,304,858, generating \$14,871 in taxes or 29.86% of the total. Vacant land in 1980 was valued at \$17,018, generating \$193.95 in taxes or .39% of the total.

XXI. In the area subject to annexation the tax base includes vacant land valued in 1980 at \$6,000 generating \$68.38 in taxes.

XXII. The City of LaCrescent's mill rate in 1981 is 18.893, and its bonded indebtedness is \$1,112,000.

XXIII. The Town of LaCrescent's mill rate in 1981 is 11.397 and the Township has no bonded indebtedness.

XXIV. The Houston County mill rate in 1981 is 24.863.

XXV. The present assessed valuation of the Town of LaCrescent is \$4,360,170.

If the area proposed for annexation were annexed to the City of LaCrescent

the new value of the Town of LaCrescent would be \$4,354,170.

XXVI. The area proposed for annexation is located within the same school district as the City of LaCrescent.

XXVII. Since the area proposed for annexation is only adjacent to the City of LaCrescent, it cannot be annexed to any other city.

XXVIII. The annexation is consistent with the joint resolution for orderly annexation between the Town of LaCrescent and the City of LaCrescent.

#### CONCLUSIONS OF LAW

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

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect the public health, safety, and welfare of the area proposed for annexation.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation is consistent with the terms of the joint resolution for orderly annexation.

VI. Two years will be required to effectively provide full municipal services to the annexed area, and to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

#### ORDER

I. IT IS HEREBY ORDERED: That the property described herein in Finding of Fact Number II be and the same is hereby annexed to the City of La Crescent, Minnesota the same as if it had been originally a part thereof.

II. IT IS FURTHER ORDERED: That the mill levy of the City of LaCrescent on the property herein ordered annexed shall be increased in substantially equal proportions over a period of two years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is December 14, 1981.

Dated this 14th day of December, 1981

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

*Terrence A. Merritt*  
Terrence A. Merritt  
Executive Director