

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Harold J. Leary	Ex-Officio Member
Albert F. Deters	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION OF)
THE CITY OF LA CRESCENT AND THE TOWN OF)
LA CRESCENT FOR THE ORDERLY ANNEXATION OF)
CERTAIN LAND TO THE CITY OF LA CRESCENT)
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 June 11, 1984, at La Crescent, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Harold J. Leary and Albert F. Deters, Ex-Officio Members of the Board. The City of La Crescent appeared by and through Stephan Jilk, City Clerk-Manager, and the Town of La Crescent appeared by and through Robert McCurdy, Town Board Chairman. 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. A joint resolution for orderly annexation was adopted by the City of La Crescent and the Town of La Crescent and duly accepted by the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, the City of La Crescent, on April 19, 1984, requesting the

annexation of certain property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to annexation, which is as follows:

That part of La Crescent Township lying north of the present city limits bounded on the west by Apple Blossom Drive and on the east by County Trunk Highway #29 North and on the north by the intersection of Apple Blossom West and County Trunk Highway #29 North.

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

4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 7 acres in size and abuts the City of La Crescent by approximately 20% of its border.

5. The area proposed for annexation has sloping terrain, which is suitable for orchards or residential development. The land is not prime agricultural land.

6. In 1970 the City of La Crescent had a population of 3,296, its population in 1980 was 3,764, and its current population is 3,891.

7. In 1970 the Town of La Crescent had a population of 1,332, its population in 1980 was 1,441, and its current population is 1,500.

8. The area proposed for annexation had no population in 1970, 1980, nor presently, and it is projected that within five years, if annexed, it will have a population of 100.

9. The City of La Crescent has approximately 55% of its land in residential use, approximately 30% of its land in institutional use, approximately 10% of its land in commercial use, and approximately 5% of its land in industrial use.

The City of La Crescent has no remaining undeveloped lands zoned or planned for residential, institutional, commercial or industrial use.

10. The Town of La Crescent has approximately 10% of its land in

residential acres, approximately .5% of its land in institutional acres, approximately .5% of its land in commercial acres, approximately 2% of its land in industrial acres, approximately 67% of its land in agricultural acres, and approximately 20% of its land in vacant acres.

11. In the area proposed for annexation presently 100% of the land is in agricultural acres.

12. The area proposed for annexation is planned for residential development.

13. In the last five years in the City of La Crescent there have been 57 one- and two-family residential building permits, 7 multi-family residential building permits, 8 commercial building permits, and 1 industrial building permit.

14. In the Town of La Crescent in the last five years there have been 41 one- and two-family residential building permits, 1 multi-family residential building permit, 12 commercial building permits, and no industrial building permits.

15. The City of La Crescent has a zoning ordinance, subdivision regulations, official map, fire code, Minnesota Building Code, Minnesota Plumbing Code, shoreland ordinance, floodplain ordinance, and a comprehensive plan.

It is anticipated that the comprehensive plan and zoning ordinance will designate the area proposed for annexation for residential use, as that is the present use of the land adjacent to it within the city.

16. The Town of La Crescent has a zoning ordinance, subdivision regulations, and an official map.

17. Presently the zoning currently in effect for the area proposed for annexation is agricultural.

18. The City presently provides its citizens with water, sanitary sewer, waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and health inspection.

The city presently provides the area proposed for annexation with recreational opportunities on a fee basis with the city and fire protection through a contract entered into between the town and city.

19. The city is willing to provide the area proposed for annexation with all the services it presently provides the residents of the City of La Crescent.

20. The Town of La Crescent presently provides the area proposed for annexation with fire protection through a contract with the City of La Crescent, street improvements and maintenance, and administrative services.

21. The City of La Crescent has 5 miles of highway roads and 16.5 miles of streets.

22. The Town of La Crescent has 15 miles of highway roads, 5 miles of streets, and 15 miles of roads.

23. It is anticipated that new streets will be constructed in the area proposed for annexation.

24. The area proposed for annexation does not have sanitary sewer or water service available to it by the township.

The property owners wish to develop the area proposed for annexation, and to do that, need city sanitary water and sewer along with curb and gutter and streets.

25. In 1983 the assessed valuation of the City of La Crescent was \$11,329,184. The mill levy for the city in 1983 was 24.525. The total bonded indebtedness for the city through 1983 is \$1,065,000.

26. In 1983 the Town of La Crescent had an assessed valuation of \$4,897,832. The mill levy for the Town of La Crescent in 1983 was 10.589. The town has no bonded indebtedness in 1983.

27. In 1983 the County of Houston had a mill levy of 31.067. In 1983 the school district servicing the annexation area and the City of La Crescent had a mill levy of 57.961.

28. The City of La Crescent has a fire insurance rating of 7. The Town of La Crescent has land with a fire insurance rating of 8 and some land with a fire insurance rating of 7.

29. The township does not have the ability to provide public water and sewer to the area proposed for annexation.

30. The city anticipates the property owner paying 100% for the new sewer lines, new water lines, and new street curb and gutter.

31. The City of La Crescent is the only municipality adjacent to the area proposed for annexation.

32. The area proposed for annexation and the City of La Crescent are within the same school district and it is not anticipated that the annexation will have an adverse impact on the school district.

33. The annexation is consistent with the joint resolution for orderly annexation between the Town of La Crescent and the City of La Crescent.

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 nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. The existing township form of government is not adequate to protect

the public health, safety, and welfare of the area proposed for annexation.

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

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

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

O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be and the same hereby is annexed to the City of La Crescent, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is June 21, 1984.

Dated this 21st day of June, 1984.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101


Terrence A. Merritt
Executive Director