

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Harold J. Leary	Ex-Officio Member
Paul W. Plager	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 October 16, 1985, 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 Kenneth F. Sette, Chairman, Richard A. Sand, Vice Chairman, Shirley J. Mihelich, Commissioner, and County Commissioners Paul W. Plager and Harold J. Leary, Ex-Officio Members of the Board. The City of La Crescent appeared by and through Stephan Jilk, City Clerk-Administrator, and the Town of La Crescent appeared by and through Teresa Walter, Town Clerk. 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 July 30, 1985, 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:

The tract which is that part of the north half of the south half of Section 3, Township 104N R4W, Houston County, lying west of State Trunk Highway 14 and 61 and east of Houston County #29 north, and the NW 1/4 of the NE 1/4 and the SW 1/4 of the NE 1/4 and that part of the SE 1/4 of the NE 1/4 and that part of the NE 1/4 of the NE 1/4 of Section 3, Township 104N R4W, Houston County, Minnesota, lying west of the right of way of State Trunk Highway 14 and 61.

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 100 acres in size and abuts the City of La Crescent by approximately 35% of its border.

5. The area proposed for annexation has sloping terrain, which is suitable for residential development. There is some extreme sloping terrain not suitable for development.

6. In 1970 the City of La Crescent had a population of 3,296, its population in 1980 was 3,674, and its current population is 3,928.

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 1,526.

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 200.

9. The City of La Crescent has approximately 50% of its land in

residential use, approximately 15% of its land in institutional use, approximately 15% of its land in commercial use, approximately 5% of its land in industrial use, and approximately 15% in vacant acres.

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, land is presently 20% in agricultural use and 80% of the land is vacant.

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 77 one- and two-family residential building permits, 8 multi-family residential building permits, and 3 commercial building permits.

14. In the Town of La Crescent in the last six years there have been 48 one- and two-family residential building permits, 1 multi-family residential building permit, and 14 commercial 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, sanitation ordinance, and a comprehensive plan.

It is anticipated that 90% of the area will be zoned R-1, Residential, and 10% of the area will be zoned agricultural for use as an apple orchard.

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

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

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

The city presently provides the area proposed for annexation with recreational opportunities on a fee basis with the town and fire protection through a contract entered into between the town and the 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 17 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. There are presently no roads in the annexation area. 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.

25. In 1984 the assessed valuation of the City of La Crescent was \$11,329,184. The mill levy for the city in 1984 was 24.961. The total bonded indebtedness for the city through 1984 is \$1,385,000.

26. In 1984 the Town of La Crescent had an assessed valuation of \$5,260,321. The mill levy for the town in 1984 was 10.110. The town has no bonded indebtedness in 1984.

27. In 1984 the County of Houston had a mill levy of 30.501. In 1984 the school district servicing the annexation area and the City of La Crescent had a mill levy of 53.936.

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 area proposed for annexation had an assessed valuation in 1984 of approximately \$38,000.

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

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

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

33. 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.

34. 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 is hereby 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 January 10, 1986.

Dated this 10th day of January, 1986.

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

A handwritten signature in cursive script, reading "Terrence A. Merritt".

Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving the requested resolution for the annexation of land within the orderly annexation area, the board notes that testimony at the hearing on this area by both the developer and the city indicated a desire to address the issue of traffic flow generated by the proposed development. The board takes this opportunity to remind the parties that it anticipates that they will look seriously at the impact of any proposed traffic flow pattern developed to serve the area approved for annexation as it develops. Also, this development affords the city an excellent opportunity to complete work on its Hillside Development Ordinance. The board anticipates that the efforts in this area will further the cooperation between new development and existing development.

The board takes this opportunity to further suggest to the city that any future plans for expanding the city northward into Winona County and Dresbach Township present the city with the opportunity to open discussions with those parties concerning future development and the needs created by such development among the parties.

The board is confident that the spirit of cooperation that exists between the city and the town will assist the parties in addressing the issues and potential problems that the development of the area proposed for annexation could generate if left unattended. *VAM 1-10-86*