

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Jerome J. Aretz	Ex-Officio Member
Harold Trende	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION )  
BETWEEN THE CITY OF NORWOOD AND THE OF )  
TOWN OF YOUNG AMERICA FOR THE ORDERLY )  
ANNEXATION OF CERTAIN LAND TO THE CITY )  
OF NORWOOD )

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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 July 20, 1984, at Norwood, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance was County Commissioner Harold Trende, Ex-Officio Member of the Board. The City of Norwood appeared by and through Brant Ball, City Clerk, and the Town of Young America made no appearance at the hearing. Sworn testimony at a proceeding scheduled on June 4, 1984 for which publication was not affected was made a part of the record and at that time the entire board was present, both ex-officio members, and the Town of Young America through its Township Clerk, Lothar Wolter, Jr. 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 Norwood and the Town of Young America 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 Norwood, on April 23, 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 the northwest quarter of the northeast quarter of Section 14, Township 115 North, Range 26 West, which lies westerly of the westerly right-of-way of the Chicago and Northwestern Railway, south of the north 584.62 feet of said northwest quarter of the northeast quarter (NW 1/4 of NE 1/4) and north of a line described as follows: Commencing at the northwest corner of said northwest quarter of the northeast quarter (NW 1/4 of NE 1/4); thence south, along the west line of said northwest quarter of the northeast quarter a distance of 1067.85 feet to the actual point of beginning of the line to be described; thence east, deflecting left 89° 48' to the westerly right-of-way of the Chicago and Northwestern Railway and said line there terminating, and subject to the right-of-way of Faxon Road over the west 33 feet thereof, and excepting therefrom all of the above described parcel lying north of the easterly extension of the southerly boundary line of the Young America Corporation (f/k/a the Dile Corporation) property, which runs generally east and west. Containing approximately 6-1/2 acres.

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 7.12 acres in size, and abuts the City of Norwood by approximately 42% of its perimeter. The City of Norwood is approximately 440 acres in size.

5. The area proposed for annexation has a flat terrain with some wet mineral soils requiring drainage and some site and construction engineering.

6. In 1970 the City of Norwood had a population of 1,053, its population in 1980 was 1,219, and its current population is 1,270.

7. The Town of Young America had a population of 841 in 1970, a population of 952 in 1980, and its current population is 990.

8. The area proposed for annexation had no population in 1970 and 1980, and it currently has no population.

9. The City of Norwood has approximately 115 acres in residential use, approximately 30+ acres in institutional use, and approximately 153 acres in vacant land.

10. The area proposed for annexation is presently the site of a grocery store, a liquor store, a bakery, a flower gift shop and a hardware store with one undeveloped commercial site.

11. The City of Norwood has a zoning ordinance and a comprehensive plan.

12. This annexation is consistent with the local comprehensive plans.

13. The City of Norwood provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

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

The city presently provides the area proposed for annexation with sanitary sewer and waste water treatment, drinking water, street improvements and maintenance, snow removal, police protection, and administrative services.

15. Young America Township provides the area proposed for annexation with fire protection and snow removal, both by contracts with the City of Norwood.

16. Access to the area proposed for annexation is from a city street designated as a local arterial street. The property also abuts Trunk Highway 212, a four-lane highway.

17. In 1983 the assessed valuation of the City of Norwood is \$4,478,938.

18. In 1983 the assessed valuation of the Town of Young America is \$9,091,670.

19. The assessed valuation of the area proposed for annexation in 1983

is \$193,875.

20. The mill rate for Carver County in 1983 was 29.287, 9.915 for the City of Norwood and 8.907 for the Town of Young America.

21. The school district has a 1983 mill levy of 48.048.

22. The bonded indebtedness for the City of Norwood, as of 1983, is \$455,044. The bonded indebtedness for the Town of Young America is \$12,000.

23. The fire insurance rating for the City of Norwood is 7. The fire insurance rating for the Town of Young America is A.

24. The proposed annexation, if completed, will not impact on the school district, as all of the City of Norwood and the annexation area are within the same school district.

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

26. The City of Norwood is adjacent also to the City of Young America. The terms of the orderly annexation agreement, signed by the City of Young America, the City of Norwood and the Town of Young America, designate the area proposed for annexation within the orderly annexation area of the City of Norwood. Further, the delivery of service to the area is adequately provided for by the City of Norwood and there was no evidence to indicate that the City of Young America could provide superior service to the area proposed for annexation.

27. The annexation is consistent with the joint resolution for orderly annexation between the Town of Young America and the City of Norwood.

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

7. 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 Norwood, Minnesota, the same as if it had been originally a part thereof.

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

3. IT IS FURTHER ORDERED: That the effective date of this order is December 13, 1984.

Dated this 13th day of December, 1984.

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

*Terrence A. Merritt*

Terrence A. Merritt  
Executive Director

M E M O R A N D U M

The Municipal Board notes that this annexation was initiated under an orderly annexation agreement worked out between the City of Norwood, the City of Young America, and the Town of Young America. At the time of its acceptance of the orderly annexation agreement, the board commended the parties for their willingness to work together for the benefit of the total community.

The board takes this opportunity to urge the parties to continue to seek ways of cooperating to reduce the cost of service delivery to the residents of the communities. In their orderly annexation agreement, the communities pledged to continue to explore areas suitable for cooperation. The board suggests that the cities make a more organized effort in such an endeavor by reactivating the commission that developed the orderly annexation agreement and charging the commission to investigate areas suitable for cooperation which would result in tax savings to the communities.

The board notes that the sheriff's department presently provides police protection to each community. Perhaps a joint contract would reduce the overall cost to each community for such a service. Both communities use the same waste water treatment facility. The communities have combined on several significant equipment purchases at a cost savings for each community. The various other services the communities presently provide their residents may be more cheaply handled through cooperation between the communities.

The board again commends the parties for working together and urges them to continue this spirit of cooperation for the benefit of the residents of the area. 12-13-84 TMM