

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
Paul Knoblauch	Ex-Officio Member
John Wreath	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
OF THE CITY OF MARSHALL AND THE TOWN)
OF FAIRVIEW FOR THE ORDERLY ANNEXATION)
OF CERTAIN LAND TO THE CITY OF MARSHALL)
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 on February 24, 1986, at Marshall, 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, Chair, Shirley J. Mihelich, Commissioner, and County Commissioners Paul Knoblauch and John Wreath, Ex-Officio Members of the Board. The City of Marshall appeared by and through Duane Aden, City Engineer. The Town of Fairview appeared by and through Charles Louwagle, 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. That a joint resolution for orderly annexation was adopted by the

City of Marshall and the Town of Fairview 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 Marshall, on January 24, 1986, requesting the 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:

All that part of the Northeast Quarter of the Northeast Quarter of Section 33, Township 112 North, Range 41 West, Lyon County, Minnesota, described as follows:

Beginning at the Northeast corner of said Northeast Quarter, thence South 00 degrees 00 minutes 00 seconds East, assumed bearing, along the East line of said Northeast Quarter 358.15 feet to a point on the center line of County State Aid Highway Number 33; thence South 59 degrees 40 minutes 00 seconds West along said center line 240.92 feet; thence North 00 degrees 00 minutes 00 seconds East, parallel with said East line of the Northeast Quarter 479.78 feet to a point on the North line of said Northeast; thence North 89 degrees 59 minutes 20 seconds East along said North line 207.94 feet to the point of beginning.

Said tract of land contains 2.00 acres more or less and is subject to any existing highways, roadways, or easements.

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 area, approximately 2 acres in size, and abuts the City of Marshall by approximately 20% of its total border. The City of Marshall is approximately 4,581.51 acres in size.

5. The area proposed for annexation has rolling terrain with clay silt type soils.

6. In 1970, the City of Marshall had a population of 9,886 people, in

1980 its population was 11,161, and its current population is approximately 11,200.

7. The Town of Fairview had a population of 680 in 1970, 560 in 1980, and a current population of approximately 561.

8. The area subject to annexation has no population.

9. The City of Marshall has land in residential use, institutional use, commercial use, agricultural use, and vacant land.

10. The Town of Fairview has land in residential use, commercial use, agricultural use, and vacant land.

11. The property proposed for annexation is presently industrial type development.

12. The City of Marshall has a zoning ordinance, subdivision regulations, and a comprehensive plan. The annexation of the area under consideration is consistent with these ordinances and plans.

13. The City of Marshall 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 of Marshall presently provides the area under consideration with street improvements and maintenance and administrative services. A private waterline from the city's water main has been extended to the annexation area.

15. In addition to the services the city presently provides the annexation area, the city is willing to provide the area proposed for annexation with all of the services it presently provides residents of the City of Marshall, which it is not presently providing the area under

consideration, if the area is annexed.

The City of Marshall does not anticipate extending sanitary sewer to the annexation area if it is annexed unless there is additional development west of the area under consideration that would need sanitary sewer. The sanitary sewer line in the city is approximately 900 feet west of the annexation area.

16. The Town of Fairview presently provides the area under consideration with fire protection, pursuant to a contract with the City of Marshall, as well as street improvements and maintenance and administrative services.

17. The area proposed for annexation is located north of County State Aid Highway No. 33.

18. There are no existing environmental problems in the area proposed for annexation. The Redwood River is located approximately 1,500 feet east of the area proposed for annexation.

The sewage treatment for waste generated in the area proposed for annexation will presently be handled as follows: The domestic waste from the employees will be treated through a septic system; wash down waste from the hog holding area will be held in a concrete storage tank and pumped out onto fields as necessary.

19. The assessed valuation in 1985/86 of the City of Marshall is \$52,775,191.

20. The assessed valuation of the Town of Fairview in 1985/86 is \$5,875,399.

21. The assessed valuation of the area proposed for annexation in 1985 was \$24,000.

22. The county mill rate for 1985/86 is 22.178 for the city and 23.196 for the town. The City of Marshall mill rate for 1985/86 is 28.765. The Town of Fairview mill rate for 1985/86 is 5.819. The mill rate for the school district for 1985/86 is 47.479. The mill rate for the Special Taxing District in 1985/86 is .091.

23. The total bonded indebtedness of the City of Marshall is \$16,832,000. The Town of Fairview has no bonded indebtedness.

24. The fire rating for the Town of Fairview is 10 and for the City of Marshall is 5.

25. The annexation of the area proposed for annexation will not adversely impact the Town of Fairview.

26. The school district which services the City of Marshall and the area proposed for annexation will not be adversely impacted if the proposed annexation area is annexed.

27. The City of Marshall is the only municipality adjacent to the area proposed for annexation.

28. The annexation is consistent with the joint resolution for orderly annexation between the Town of Fairview and the City of Marshall.

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

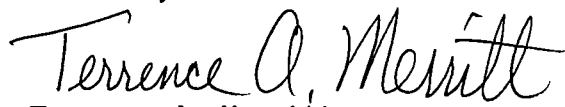
1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2, be and the same hereby is annexed to the City of Marshall, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the mill levy of the City of Marshall 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 April 15, 1986.

Dated this 15th day of April, 1986.

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



Terrence A. Merritt
Executive Director

M E M O R A N D U M

The Municipal Board, in approving the petition for annexation, notes with concern that the Redwood River is located approximately 1,500 feet east of the annexation area. Further, the waste water treatment planned for use on the annexation area is a septic system and a concrete holding tank which will occasionally be emptied and its contents spread on adjacent farm land as fertilizer.

Presently, city sanitary sewer lines are located approximately 900 feet west of the annexation area. The city has indicated a reluctance to extend sanitary sewer eastward to the annexation area until the land west of the annexation area and north of the county road develops. The board is concerned that such a stance may result in the annexation area sewage reaching the Redwood River without proper treatment.

The board takes this opportunity to strongly urge the city to plan to extend sanitary sewer to the area under consideration within a three to five-year period from the date of this order. Further, the board anticipates, based on the testimony at this hearing, that should any development occur west of the annexation area, sanitary sewer would be extended at an earlier date. Since the planning process for the construction of the hog buying station included a noted concern for the waste water treatment of both the domestic and wash down waste, the board anticipates that the city's monitoring process of the treatment and disposal of this waste will be sufficiently high to insure its proper treatment and the protection of the Redwood River.

The City of Marshall and the surrounding townships have worked well together and the board anticipates that its concerns will be noted and addressed, given the history of cooperation and problem solving demonstrated by the towns and city of this southwestern Minnesota community. 4-15-86 VM