

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Raphael Honermann	Ex-Officio Member
Orville Wee	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION )	
OF THE CITY OF WORTHINGTON AND THE )	
TOWNSHIPS OF LORAIN AND WORTHINGTON )	<u>FINDINGS OF FACT,</u>
FOR THE ORDERLY ANNEXATION OF CERTAIN )	<u>CONCLUSIONS OF LAW,</u>
LAND TO THE CITY OF WORTHINGTON PURSUANT )	<u>AND ORDER</u>
TO MINNESOTA STATUTES 414 )	

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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 February 20, 1980 at Worthington, Minnesota. The hearing was conducted by Terrence A. Merritt pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Raphael Honermann and Orville Wee, ex-officio members of the Board. The City of Worthington appeared by and through David Von Holtum, and the Town of Lorain appeared by and through Laurence B. Hughes. 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. That a joint resolution for orderly annexation was adopted by the City of Worthington and the Townships of Lorain and Worthington on August 3rd, 1972 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 Worthington, on November 19th, 1979 requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

All that part of the N.E.¼ of Section 13-T102-R40, lying northerly of the center line of County Ditch No. 12, except that portion thereof included within present City limits.

AND

That part of the East Half of Section 12, Township 102, Range 40, the West Half and the Southeast Quarter of Section 7, the South-

west Quarter of Seciton 8, and the Northeast Quarter of Section 18, Township 102, Range 39, Nobles County, Minnesota described as follows:

Commencing at the North Quarter Corner of said Seciton 12; thence South  $89^{\circ} 12' 05''$  East, assumed bearing, along the North Line of the Northeast Quarter of said Section 12, a distance of 300.01 feet to the actual point of beginning; thence South  $89^{\circ} 12' 05''$  East a distance of 200.01 feet; thence South  $0^{\circ} 15' 00''$  West, parallel with the West Line of said Northeast Quarter, a distance of 477.85 feet; thence South  $65^{\circ} 00' 00''$  East a distance of 8035.17 feet; thence South  $73^{\circ} 31' 51''$  East a distance of 1011.20 feet; thence South  $25^{\circ} 00' 00''$  West a distance of 572.62 feet; thence South  $68^{\circ} 47' 53''$  East a distance of 41.65 feet to the northwesterly right-of-way line of Minnesota Trunk Highway No. 60; thence South  $48^{\circ} 24' 43''$  West, along said northwesterly right-of-way line a distance of 1265.14 feet; thence North  $56^{\circ} 28' 09''$  West a distance of 544.91 feet; thence North  $65^{\circ} 00' 00''$  West a distance of 6031.50 feet; thence North  $89^{\circ} 45' 00''$  West a distance of 384.11 feet to a point on the West Line of the East Half of the Southeast Quarter of said Section 12 distant 20.33 feet southerly of the Northwest Corner of said East Half of the Southeast Quarter; thence North  $0^{\circ} 09' 44''$  West, along said West Line, a distance of 20.33 feet to said Northwest Corner; thence North  $89^{\circ} 11' 08''$  West, along the South Line of the Northeast Quarter of said Section 12, a distance of 1007.38 feet to a point distance 300.01 feet easterly of the Southwest Corner of said Northeast Quarter; thence North  $0^{\circ} 15' 00''$  East a distance of 2650.58 feet to the actual point of beginning.

AND

That part of Section 1, Township 102, Range 40, Nobles County Minnesota described as follows:

Commencing at the South Quarter Corner of said Section 1; thence North  $89^{\circ} 16' 45''$  West, assumed bearing, along the South Line of the Southwest Quarter of said Section 1, a distance of 500.01 feet to the actual point of beginning; thence North  $89^{\circ} 16' 45''$  West a distance of 0.01 feet; thence North  $0^{\circ} 15' 00''$  East a distance of 3297.89 feet; thence North  $8^{\circ} 16' 51''$  West a distance of 303.36 feet; thence South  $89^{\circ} 45' 00''$  East a distance of 1090.00 feet; thence South  $8^{\circ} 46' 51''$  West a distance of 303.36 feet; thence South  $0^{\circ} 15' 00''$  West a distance of 2406.74 feet; thence North  $89^{\circ} 12' 05''$  West, parallel with the South Line of the Southeast Quarter of said Section 1, a distance of 498.19 feet to the West Line of said Southeast Quarter; thence North  $89^{\circ} 16' 45''$  West a distance of 500.01 feet; thence South  $0^{\circ} 21' 53''$  West, parallel with the East Line of said Southwest Quarter, a distance of 900.03 feet to the actual point of beginning.

AND

That part of the Southwest Quarter of Section 1 and the Northwest Quarter of Section 12, Township 102, Range 40, Nobles County, Minnesota described as follows:

Commencing at the Northwest Corner of said Section 12; thence South  $89^{\circ} 16' 45''$  East, assumed bearing, along the North Line of said Northwest Quarter of Section 12, a distance of 83.14 feet; thence North  $25^{\circ} 00' 00''$  East a distance of 862.41 feet; thence South  $65^{\circ} 00' 00''$  East a distance of 1840.67 feet to the northerly extension of the West Line of the East 500 feet of said Northwest Quarter of Section 12; thence South  $0^{\circ} 15' 00''$  West, parallel with the East Line of said Northwest Quarter, a distance of 1761.81 feet; thence North  $65^{\circ} 00' 00''$  West a distance of 1757.50 feet; thence North  $89^{\circ} 14' 18''$  West a distance of 26.41 feet; thence North  $0^{\circ} 37' 47''$  East, parallel with the West Line of said Northwest Quarter, a distance of 11.90 feet; thence North  $65^{\circ} 00' 00''$  West a distance of 548.91 feet to said West Line; thence North  $0^{\circ} 37' 47''$  East a distance of 772.21 feet to the point of commencement.

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 495.7 acres in size and abuts the City of Worthington. The City of Worthington is approximately 7.5 square miles in size.

V. The area proposed for annexation is relatively level terrain, and located within the Okabena Creek judicial ditch No. 12 area.

VI. In 1972 the City of Worthington had a population of 10,362 people, and its present estimated population is 11,250.

VII. The area proposed for annexation had no population in 1970 and has none at the present. The area proposed for annexation has an intended use of airport facilities and sanitary waste-water treatment facilities and is not projected to have any future population.

VIII. In 1970 the Town of Lorain had 422 residents.

IX. The City of Worthington has approximately 1200 acres in residential use, approximately 60 acres in institutional use, approximately 510 acres in commercial use, approximately 260 acres in industrial use, and approximately 400 acres in agricultural use. The City of Worthington has the following lands being developed, approximately 100 acres in residential use, approximately 20 acres in commercial use, and approximately 40 acres in industrial use. The City of Worthington has the following land remaining for residential use, approximately 150 acres, for commercial use, approximately 160 acres, for industrial use, approximately 60 acres.

X. The area proposed for annexation has approximately 20.7 acres in use for the waste-water treatment plant facility for the City of Worthington, and approximately 475 acres in airport related use.

XI. The City of Worthington presently has zoning, subdivision regulations, a comprehensive plan, an official map, a capital improvements program, a fire code, a building inspector, a planning commission, and uniform housing code.

XII. The County of Nobles presently has a zoning, subdivision regulations, a comprehensive plan, official map, capital improvements program, a fire code, building inspector, and a planning commission.

XIII. The City of Worthington provides its residents with water, sewer, fire protection, which has a Class 6 rating, police protection, street improvements,

street maintenance, recreational opportunities, administrative services, and electricity from city owned utility.

XIV. The Town of Lorain provides the area subject to annexation with fire protection through a contact with the City of Brewster, police protection is provided from the Sheriff's office similar to the general protection provided by that office to the entire county, street maintenance, and street improvements.

XV. The property proposed for annexation is wholly owned by the City of Worthington, and presently used for municipal purposes. The city therefore patrols its area. Transportation is provided through Highway 60, I-90, Highway 59, the various city streets and township road.

XVI. The tax base in the City of Worthington includes the following: residential property in Worthington assessed at \$20,143,064.00 generated \$2,120,863.00 in taxes; commercial property in Worthington assessed at \$8,983,470.00 generated \$945,870.00 in taxes, industrial property in Worthington assessed at \$223,222.00 generated \$235,036.00; agricultural property assessed at \$149,342.00 generated \$15,724.00 in taxes; and vacant land in Worthington assessed at \$232,888.00 generated \$24,521.00.

XVII. In the Town of Lorain the tax base includes the following: residential property in Lorain assessed at \$1,533,076.00 generated \$11,731.00; commercial property in Lorain assessed at \$879,006.00 generated \$67,262.00; industrial property in Lorain assessed at \$9,451.00 generated \$723.00; agricultural property in Lorain assessed at \$5,051,208.00 generated \$386,518.00.

XVIII. All of the property proposed for annexation is city owned, used for city related purposes and not taxable.

XIX. The mill rate in 1980 for the City of Worthington was 105.29. The City's bonded indebtedness in 1980 was \$9,240,000.

XX. The Town of Lorain's mill rate in 1980 was 76.52. The township's bonded indebtedness in 1980 was 0.

XXI. The County's mill rate in 1980 was 22.51. The school districts mill rate in 1980 was 51.31.

XXII. The City of Worthington is the only municipality adjacent to the area proposed for annexation.

XXIII. The township does not intend to deliver water or sewer service to the area.

XXIV. The Townships can continue to function without the area proposed for annexation.

XXV. The annexation is consistent with the joint resolution for orderly annexation between the Town of Lorain and Worthington and the City of Worthington.

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.

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 agreement.

VI. Five years will be required to effectively provide full municipal services to the annexed area or to comply with the terms of the orderly annexation agreement concerning the mill levy step up rate.

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

O R D E R

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

II. IT IS FURTHER ORDERED: That the mill levy of the City of Worthington on the property herein ordered annexed shall be increased in substantially equal proportions over a period of five 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 February 19, 1982.

Dated this 19th day of February, 1982.

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



Terrence A. Merritt  
Executive Director