

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Raphael Honermann	Ex-Officio Member
Orville Wee	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION )	<u>FINDINGS OF FACT,</u> <u>CONCLUSIONS OF LAW,</u> <u>AND ORDER</u>
BETWEEN THE CITY OF WORTHINGTON AND )	
THE TOWN OF LORAIN FOR THE ORDERLY )	
ANNEXATION OF CERTAIN LAND TO THE )	
CITY OF WORTHINGTON )	

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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 R. Von Holtum, the Township of Lorain appeared by and through Laurence B. Hughes, and the Armour Company appeared by and through Barbara McConnell. 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 3, 1972 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, 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:

That part of the Southwest Quarter of Section 18, Township 102, Range 39, Nobles County, Minnesota described as follows:

Commencing at the West Quarter Corner of said Section 18; thence southerly along the West Line of said Section 18 a distance of 304.09 feet, to the southerly right-of-way line of Interstate Highway No. 90 according to Minnesota Department of Transportation Project S.P. 5380 (90=391); thence southeasterly at an angle of 93° 50' 35", measured from North to East, along said right-of-way line, a distance of 251.22 feet; thence continue along said right-of-way line on a tangential curve concave to the southwest having a radius of 854.93 feet, central angle of 43° 56' 01" and D=6.7018° an arc length of 655.55 feet; thence southeasterly

along said right-of-way line on tangent to the last curve a distance of 640.31 feet, more or less, to the northwesterly right-of-way line of the Chicago & Northwestern Transportation Company; thence southwesterly at right angles, along said northwesterly right-of-way line, a distance of 120 feet, more or less, to the North Line of the South 1110 feet of said Southwest Quarter of Section 18, as measured along the East Line of said Southwest Quarter; thence easterly, parallel with the South Line of said Southwest Quarter, a distance of 546.44 feet, more or less, to the West Line of the East 1567.51 feet of said Southwest Quarter, as measured along said South Line; thence southerly, parallel with the East Line of said Southwest Quarter a distance of 100 feet; thence easterly, parallel with the South Line of said Southwest Quarter, a distance of 1567.51 feet to the East Line of said Southwest Quarter; thence northerly, along said East Line, to the Northeast Corner of said Southwest Quarter; thence westerly along the North Line of said Southwest Quarter to the point of commencement.

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

#### IV. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Worthington.
- B. The total area of the City of Worthington is approximately 7.5 square miles. The total area of the territory subject to annexation is approximately 91 acres.
- C. The perimeter of the area to be annexed is approximately 34% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: The Armour tract is in the same watershed as one-half of Worthington; the Middle Des Moines, which is collected by Okabena Creek. Okabena Creek is also known as County Ditch #12 in the area proposed for annexation.

#### V. Population Data

- A. In the City of Worthington:
  - 1. In 1972, there were 10,362 residents.
  - 2. The present estimated population is 11,250.
  - 3. By 1990, the projected population is 12,400.
- B. The area subject to annexation:
  - 1. In 1970 there were 0 residents.
  - 2. The present estimated population is 0.
  - 3. By 1980, the projected population is 0.
- C. The Township of Lorain:
  - 1. In 1970 there were 422 residents.
  - 2. The present estimated population is 385.

#### VI. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

a. In the City of Worthington:

- |                             |                            |
|-----------------------------|----------------------------|
| 1. Residential: 1,200 acres | 4. Industrial: 260 acres   |
| 2. Institutional: 60 acres  | 5. Agricultural: 400 acres |
| 3. Commercial: 510 acres    | 6. Vacant land: 70 acres   |

b. In the area subject to annexation:

- |                         |                           |
|-------------------------|---------------------------|
| 1. Industrial: 60 acres | 2. Agricultural: 31 acres |
|-------------------------|---------------------------|

c. In the Township of Lorain:

- |                         |                               |
|-------------------------|-------------------------------|
| 1. Industrial: 60 acres | 2. Agricultural: 23,000 acres |
|-------------------------|-------------------------------|

2. Area Being Developed

a. In the City of Worthington:

- |                           |                         |
|---------------------------|-------------------------|
| 1. Residential: 100 acres | 4. Industrial: 40 acres |
| 2. Commercial: 20 acres   |                         |

3. Area Remaining for Various Uses

a. In the City of Worthington:

- |                           |                         |
|---------------------------|-------------------------|
| 1. Residential: 150 acres | 3. Industrial: 60 acres |
| 2. Commercial: 160 acres  |                         |

B. Transportation:

1. The present transportation network is:

- a. In the City of Worthington: C. & N.W. Railroad, Joosten Road and Armour Road, City, State & Federal Roads
- b. In the area subject to annexation: T.H. 60 & I-90. It also has rail service.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Worthington:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes
- i. Uniform Housing Code: yes

2. In the Township of Lorain:

- a. Zoning: no
- b. Subdivision Regulations: no
- c. Comprehensive Plan: no
- d. Official Map: no
- e. Capital Improvements Program: no
- f. Fire Code: no
- g. Building Inspector: no
- h. Planning Commission: no

3. In the County of Nobles:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VII. Government Services

A. The Town of Lorain provides the area subject to annexation with the following services:

- 1. Water: none
- 2. Sewer: none
- 3. Fire protection: Through Brewster - Class 8
- 4. Police Protection: From Sheriff of Nobles County, five officers and Sheriff
- 5. Recreational: none
- 6. Administrative services: none

B. The City of Worthington provides its residents with the following services:

- 1. Water: Nearly all commercial, industrial and residential buildings within corporate limits are served with sewer and water.
- 2. Sewer: Nearly all commercial, industrial and residential buildings within corporate limits are served with sewer and water.
- 3. Fire protection and rating: Volunteer Fire Department with "Class 6" rating
- 4. Police protection: 15 officers and police chief
- 5. Street improvements: 93.8% hard surfaced streets
- 6. Street maintenance: 7 full-time street employees maintain 66.76 miles of improved streets and highways
- 7. Recreational: 785-acre lake, seven improved ball diamonds, indoor and outdoor swimming, 18-hole golf course, bowling alley, two theaters, abundance of well-maintained parks and playgrounds
- 8. Electricity from city-owned utility

C. The City of Worthington provides the area subject to annexation with the following services:

- 1. Water: 12" water main for domestic use, industrial land use and fire protection
- 2. Sewer: 12" sewer to municipal plant (backup)
- 3. Fire protection: Backup (Mutual Aid) with Brewster
- 4. Police protection: Backup to County Sheriff's Department, Sheriff covers 720 square miles with five officers; City covers 7.5 square miles with 15 officers.
- 5. Street improvements: Gravel streets
- 6. Street maintenance: Regrading, blading, ditch maintenance, snow plowing
- 7. Recreational: Employees of Armour have opportunity to use City-owned and maintained facilities
- 8. Administrative service: Many administrative services are provided by the City through the necessary permits and operation of the lagoons. Also work is required for electrical service. Electricity is provided to Armour from the City of Worthington by their own utility.



- D. Existing or potential environmental problems and the need for additional services to resolve these problems: The City has constructed and operated the lagoons into which Armour discharges its wastewater. Violations of the discharge permit have occurred frequently. The City and Armour have engaged an engineer to design improvements to enable the lagoons to meet air and water standards.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: Police and fire coverage, placing streets in area leading to Armour in capital improvement program for hard surfacing.
- F. The mill levy increase will occur over five years pursuant to the Orderly Annexation Agreement.

#### VIII. Tax Base

- A. In the City of Worthington, the tax base with a total assessed value of \$31,741,045 includes the following:

- 1. Residential property in Worthington was valued at \$20,143,064 generating \$2,120,863 in taxes or 63.46% of the total.
- 2. Commercial property in Worthington was valued at \$8,983,470 generating \$945,870 in taxes or 28.30% of the total.
- 3. Industrial property in Worthington was valued at \$223,222 generating \$235,036 in taxes or 7.03% of the total.
- 4. Agricultural property in Worthington was valued at \$149,342, generating \$15,724 in taxes or .47% of the total.
- 5. Vacant land in Worthington was valued at \$232,888, generating \$24,521 in taxes or .74% of the total.
- 6. Non-taxable property:
  - a. Estimated non-taxable property in the amount of \$36,886,230.00.

- B. In the Township of Lorain, the tax base with a total assessed value of \$6,092,972 includes the following:

- 1. Residential property in Lorain was valued at \$1,533,076 generating \$11,731 in taxes or 2.52% of the total.
- 2. Commercial property in Lorain was valued at \$879,006, generating \$67,262 in taxes or 14.43% of the total.
- 3. Industrial property in Lorain was valued at \$9,451, generating \$723 in taxes or .15% of the total.
- 4. Agricultural property in Lorain was valued at \$5,051,208, generating \$386,518 in taxes or 82.90% of the total.
- 5. Non-taxable property:
  - a. Estimated non-taxable property included 391.94 acres at \$243,949.00.

- C. In the area subject to annexation, the tax base includes the following:

Industrial property in Lorain was valued at \$538,532, generating \$41,208 in taxes or 100.00% of the total.

#### IX. Tax Data:

- A. In the City of Worthington:

- 1. Mill rate in 1980 is 105.29.
- 2. Bonded indebtedness in 1980 is \$9,240,000.

B. In the Township of Lorain:

1. Mill rate in 1980 is 76.52.
2. Bonded indebtedness in 1980 is none.

C. In the area subject to annexation:

1. Mill rate in 1980 is 76.52.
2. Bonded indebtedness in 1980 is none.

D. Mill rate in the respective governmental units:

1. County in 1980 is 22.51.
2. School district in 1980 is 51.31.
3. Township in 1980 is 2.7.

X. Annexation to the City of Worthington is the best alternative.

- A. There is no effect on area school districts and on adjacent communities if the proposed annexation is approved.
- B. The town government is not adequate to deliver services to the area proposed for annexation.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality other than the City of Worthington.

D. Present assessed valuation of the Town of Lorain: \$6,155,107.00.

Present assessed valuation of proposed annexation area: \$538,532.00

New valuation of the Town of Lorain if entire area is annexed: \$5,616,575.00.

E. Lorain Township can continue to function without the area subject to annexation.

XI. The annexation is consistent with the joint agreement.

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 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 herein situated in the County of Nobles, State of Minnesota, 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:

That part of the Southwest Quarter of Section 18, Township 102, Range 39, Nobles County, Minnesota described as follows:

Commencing at the West Quarter Corner of said Section 18; thence southerly along the West Line of said Section 18 a distance of 304.09 feet, to the southerly right-of-way line of Interstate Highway No. 90 according to Minnesota Department of Transportation Project S.P. 5380 (90=391); thence southeasterly at an angle of  $93^{\circ} 50' 35''$ , measured from North to East, along said right-of-way line, a distance of 251.22 feet; thence continue along said right-of-way line on a tangential curve concave to the southwest having a radius of 854.93 feet, central angle of  $43^{\circ} 56' 01''$  and  $D=6.7018^{\circ}$  an arc length of 655.55 feet; thence southeasterly along said right-of-way line on tangent to the last curve a distance of 640.31 feet, more or less, to the northwesterly right-of-way line of the Chicago & Northwestern Transportation Company; thence southwesterly at right angles, along said northwesterly right-of-way line, a distance of 120 feet, more or less, to the North Line of the South 1110 feet of said Southwest Quarter of Section 18, as measured along the East Line of said Southwest Quarter; thence easterly, parallel with the South Line of said Southwest Quarter, a distance of 546.44 feet, more or less, to the West Line of the East 1567.51 feet of said Southwest Quarter, as measured along said South Line; thence southerly, parallel with the East Line of said Southwest Quarter a distance of 100 feet; thence easterly, parallel with the South Line of said Southwest Quarter, a distance of 1567.51 feet to the East Line of said Southwest Quarter; thence northerly, along said East Line, to the Northeast Corner of said Southwest Quarter; thence westerly along the North Line of said Southwest Quarter to the point of commencement.

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 January 1, 1981.

Dated this 11th day of December, 1980

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



Terrence A. Merritt  
Executive Director