

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs
Robert W. Johnson
Thomas J. Simmons
Norris Hirsch
LeRoy Engstrom

Chairman
Vice Chairman
Member
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION
TO ANNEX CERTAIN LAND IN THE
TOWN OF MONTICELLO HERETOFORE
DESIGNATED AS BEING IN NEED OF
ORDERLY ANNEXATION TO THE CITY
OF MONTICELLO PURSUANT TO
MINNESOTA STATUTES 414
(A-2467 (OA)-1 MONTICELLO)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came duly on for hearing before the Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 29, 1976, at the City of Monticello, Minnesota. Gary L. Pringle, Esquire, appeared for the City of Monticello; William S. Radzwill, Esquire, appeared for the Town of Monticello; James G. Metcalf, Esquire, appeared for the Petitioner. Testimony was heard and records and exhibits were then and there received, and this matter was continued until February 14, 1977, and then at Monticello, Minnesota, counsel of record appeared and testimony was again heard and records and exhibits were received. Upon the completion thereof, said hearing was adjourned.

Thereafter, upon the petition for rehearing by the attorney of record for said Town, as more particularly appears from the records and files of this Board, a public hearing was held, pursuant to the statute in such case made and provided, on August 31, 1977, at the City of Monticello, Minnesota. Counsel of record then and there appeared, testimony was heard and records and exhibits were received.

After due and careful consideration of the testimony of the witnesses, the exhibits received in evidence and all other evidence, the arguments of counsel, including final arguments heard on October 6, 1977, at 11:00 a.m. in the Municipal Board's office at St. Paul, Minnesota, and all the files and records herein, the Municipal Board, being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That an Order designating an area as in need of orderly annexation to the City of Monticello was issued by the Minnesota Municipal Board on December 8, 1972.

2. A resolution, in response to a petition by all the property owners, was filed by the City of Monticello, on August 17, 1976 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:

Beginning at a point where the West line of Section 13, Township 121 North, Range 25 West, intersects with the Southerly right-of-way line of Interstate 94; thence Easterly and Southeasterly along the Southerly right-of-way line of Interstate 94 across said Section 13, and Section 18, Township 121, Range 24 West, to the intersection with the Southerly right-of-way line of the Burlington Northern Railroad; thence Southeasterly along said Southerly right-of-way line of said railroad to the intersection with the East line of the Southwest Quarter of said Section 18; thence South along the East line of said Southwest Quarter to the South line of said Section 18; thence East 5 rods; thence South to the centerline of Wright County Road #118; thence Northwesterly along said centerline of said County Road to the intersection with the East line of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, Township 121 North, Range 24 West; thence North to the North line of said Section 19; thence West to the centerline of Wright County Road #118; thence Northwesterly along said centerline to its intersection with the East line of Section 13, Township 121 North, Range 25 West; thence North along said East line of said Section 13 to its intersection with the North line of the South One-half of the Northeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 13, Township 121 North, Range 25 West; thence West along the last described line to the center of Wright County Road #118; thence South to a point that is 208 feet North of the South line of said Section 13; thence West 208 feet; thence South 208 feet to the South line of said Section 13; thence West along said South line of said Section 13 to the West line of said Section; thence North along the West line of said Section 13 to the point of beginning and there terminating, containing 600 acres, more or less.

3. The matter came on for hearing on November 29, 1976, February 14, 1977, and August 31, 1977, before the Municipal Board.

4. Due, timely and adequate notice of hearing before the Municipal Board was published, served and filed in the manner provided by law.

5. Factors are present which will generate urban development upon the following described property:

Beginning at a point where the West line of Section 13, Township 121 North, Range 25 West, intersects with the Southerly right-of-way line of Interstate 94; thence Easterly and Southeasterly along the Southerly right-of-way line of Interstate 94 across said Section 13, and Section 18, Township 121, Range 24 West, to the intersection with the Southerly right-of-way line of the Burlington Northern Railroad; thence Southeasterly along said Southerly right-of-way line of said railroad to the intersection with the East line of the Southwest Quarter of said Section 18; thence South along the East line of said Southwest Quarter to the South line of said Section 18; thence East 5 rods; thence South to the centerline of Wright County Road #118; thence Northwesterly along said centerline of said County Road to the intersection with the East line of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, Township 121 North, Range 24 West; thence North to the North line of said Section 19; thence West to the centerline of Wright County Road #118; thence Northwesterly along said centerline to its intersection with the East line of Section 13, Township 121 North, Range 25 West; thence North along said East line of said Section 13 to its intersection with the North line of the South One-half of the Northeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 13, Township 121 North, Range 25 West; thence West along the last described line to the Easterly right-of-way line of Wright County Road #118; thence Northerly along said Easterly right-of-way line to the intersection thereof with the South line of the North half of said Section 13; thence West along the North-South Quarter line to the West line of Section 13; thence North along the West line of said Section 13 to the point of beginning and there terminating, containing 380 acres, more or less.

6. The area described in Finding Number 5, is adjacent to the existing boundaries of the existing corporate limit of the City of Monticello, and abuts the Southerly and Easterly boundaries thereof, and has been previously designated as being in need of orderly annexation.

7. The area described in Finding Number 5, is proposed by its owner, to be immediately developed upon the annexation thereof, industrially, residentially, and commercially, which said proposal is consistent with the plan already adopted by the City of Monticello for the development of said area, and such development would be urban in character.

8. The area described in Finding Number 5, to be developed in a reasonable manner, should be subject to the ordinances of the City of Monticello, particularly its zoning and sub-division ordinances

9. The City of Monticello has available and is capable of providing municipal services to the area described in the area described in Finding Number 5, including, but not necessarily limited to, City streets, City water, City sanitary sewer, police protection, fire protection and garbage collection, as the development of said area will require. The City intends to extend all such services within a reasonable time and already has plans for the extension of water lines, sanitary sewer lines and streets. The City, in the last several years, has demonstrated its ability to expand its utility service area and has demonstrated a present ability to continue such expansion.

10. Alteration of Boundaries

The area subject to annexation should be decreased in order to only include that property within the designated area which is in need of municipal services within a reasonable time; that property excluded is that property which is neither part of the planned, contiguous residential development nor a part of the planned industrial area which lies directly adjacent to Monticello's presently existing industrial park. The new description of the area to be annexed is as follows:

Beginning at a point where the West line of Section 13, Township 121 North, Range 25 West, intersects with the Southerly right-of-way line of Interstate 94; thence Easterly and Southeasterly along the Southerly right-of-way line of Interstate 94 across said Section 13, and Section 18, Township 121, Range 24 West, to the intersection with the Southerly right-of-way line of the Burlington Northern Railroad; thence Southeasterly along said Southerly right-of-way line of said railroad to the intersection with the East line of the Southwest Quarter of said Section 18; thence South along the East line of said Southwest Quarter to the South line of said Section 18; thence East 5 rods; thence South to the centerline of Wright County Road #118; thence Northwesterly along said centerline of said County Road to the intersection with the East line of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, Township 121 North, Range 24 West; thence North to the North line of said Section 19; thence West to the centerline of Wright County Road #118; thence Northwesterly along said centerline to its intersection with the East line of Section 13, Township 121 North, Range 25 West; thence North along said East line of said Section 13 to its intersection with the North line of the South One-half of the Northeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 13, Township 121 North, Range 25 West; thence West along the last described line to the westerly right-of-way line of Wright County Road #118; thence North to the North line of the South Half of Section 13; thence West on the North line of the South of said Section to the West line of said Section; thence North along the West line of said Section 13 to the point of beginning and there terminating, Wright County, Minnesota.

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.
3. The City of Monticello is capable of providing the services required by the area described herein within a reasonable time.
4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a three (3) year period.
5. The area should be decreased to include only that area which is in need of municipal services within a reasonable time.
6. An order should be issued by the Minnesota Municipal Board annexing the decreased area described herein.

O R D E R

IT IS HEREBY ORDERED: That the following described property, which is the decreased area, lying in the Township of Monticello, County of Wright, State of Minnesota, be and the same hereby is annexed to the City of Monticello the same as if it had originally been made a part thereof:

Beginning at a point where the West line of Section 13, Township 121 North, Range 25 West, intersects with the Southerly right-of-way line of Interstate 94; thence Easterly and Southeasterly along the Southerly right-of-way line of Interstate 94 across said Section 13, and Section 18, Township 121, Range 24 West, to the intersection with the Southerly right-of-way line of the Burlington Northern Railroad; thence Southeasterly along said Southerly right-of-way line of said railroad to the intersection with the East line of the Southwest Quarter of said Section 18; thence South along the East line of said Southwest Quarter to the South line of said Section 18; thence East 5 rods; thence South to the centerline of Wright County Road #118; thence Northwesterly along said centerline of said County Road to the intersection with the East line of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 19, Township 121 North, Range 24 West; thence North to the North line of said Section 19; thence West to the centerline of Wright County Road #118; thence Northwesterly along said centerline to its intersection with the East line of Section 13, Township 121 North, Range 25 West; thence North along said East line of said Section 13 to its intersection with the North line of the South One-half of the Northeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), Section 13, Township 121 North, Range 25 West; thence West along the last described line to the westerly right-of-way line of Wright County Road #118; thence North to the North line of the South Half of Section 13; thence West on the North line of the South of said Section to the West line of said Section; thence North along the West line of said Section 13 to the point of beginning and there terminating, Wright County, Minnesota.

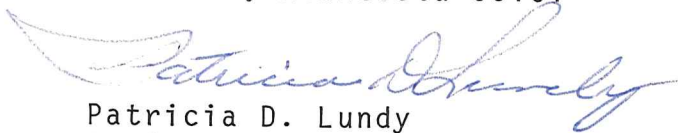
IT IS FURTHER ORDERED: That the mill levy of the City of Monticello on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three (3) years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days during which time any party of record may demand an oral review by the full Municipal Board.

IT IS FURTHER ORDERED: That the effective date of this order is January 12, 1978.

Dated this 13th day of December, 1977.

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



Patricia D. Lundy
Assistant Executive Secretary