

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas J. Simmons	Vice Chairman
Gerald J. Isaacs	Member
David Lloyd	Ex-Officio Member
Clarence Miller	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION	)	
FOR THE ORDERLY ANNEXATION OF CERTAIN	)	FINDINGS OF FACT,
LAND TO THE CITY OF MONTGOMERY PURSUANT	)	CONCLUSIONS OF LAW,
TO MINNESOTA STATUTES 414, AS AMENDED	)	AND ORDER

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The above-entitled matter came on for hearing before the Minnesota Municipal Commission pursuant to Minnesota Statutes 414, as amended, on October 16, 1973, at the City Hall, Montgomery, Minnesota.

The City of Montgomery was represented by Theodore Mellby, Attorney at Law, 400 1st St. South, Montgomery, Minnesota and William C. Norris, Attorney at Law, Montgomery, Minnesota. No one entered an appearance in opposition. The hearing was conducted by Thomas J. Simmons, Vice-Chairman of the Commission. Also in attendance were County Commissioners David Lloyd and Clarence Miller, Ex-Officio Members of the Commission.

Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files, and proceedings, and being fully advised in the premises, the Minnesota Municipal Commission hereby makes and enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1.) A joint resolution between the City of Montgomery and the Township of Montgomery, LeSueur County, Minnesota for orderly annexation of certain property was received by the Minnesota Municipal Commission on September 12, 1973.

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

3.) The City of Montgomery, Minnesota is providing or is capable of providing the municipal services required by the area described herein within a period of three (3) years, to include the following:

Fire Protection  
Police Protection  
Water and Sanitary Sewerage Services  
Ambulance Services  
Storm Sewers  
Telephone & Electricity  
Post Office, Park, Library  
Street Repair & Maintenance

4.) The property proposed for annexation is used for industrial fuel storage and farm purposes.

#### CONCLUSIONS OF LAW

1.) The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceeding.

2.) That the area proposed for annexation and described herein is now or is about to become urban or suburban in nature.

3.) That the City of Montgomery is capable of providing the services required by the area described herein within a reasonable time.

#### O R D E R

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

Parcel Number 1

Commencing at that point at which the center line of the Chicago, Milwaukee, St. Paul & Pacific R.R. Right of Way intersects the east line of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 10 in Township 111 North, Range 23 West, LeSueur County, Minnesota; thence northeast along the aforesaid R.R. Right of Way to the center line of LeSueur County State Aid Road Number 26; thence west along said road center line to the Northeast corner of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 10; thence south along the east line of the West Half (W $\frac{1}{2}$ ) of the NE $\frac{1}{4}$  of Section 10 in Township 111 North, Range 23 West to the point of beginning.

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

Dated this 7<sup>TH</sup> day of January, 1974

MINNESOTA MUNICIPAL COMMISSION  
304 Capitol Square Building  
Saint Paul, Minnesota 55101

  
Howard L. Kaibel, Jr.  
Executive Secretary

# MEMORANDUM

The only contested issue argued at the hearing on this annexation was whether to annex the entire area designated as in need of orderly annexation in addition to the parcel owned by the Interstate Power Company. The city requested that the commission annex only the Interstate Power property leaving the intervening farmland in the township. The Power Company and the County Planner opposed the city's request pointing out that the annexation would create an island of city territory totally surrounded by unincorporated township with attendant road maintenance, planning and other problems. The commission has today unanimously decided to avoid those problems by annexing the entire tract.

Although the possibility was not raised or discussed at the hearing, the annexation of the entire tract may yield some financial disadvantages for the owner of the intervening farmland until such time as the property is sold or otherwise developed for nonagricultural purposes. We urge the property owner to utilize the provisions of the so called "green acres" legislation (Minnesota Statutes 273.111) which provides for tax assessment without regard to nonagricultural factors and exempts eligible property from special assessments for public improvements. This is the simplest procedure for avoiding any temporary disadvantage as a result of today's annexation.

If for some reason the property owner does not qualify for green acres treatment under the above cited legislation, we urge the city to take steps to ensure that no financial disadvantages result from today's annexation. Specifically if green acres treatment is unavailable, we urge the city to utilize the rural-urban taxing district law (Minnesota Statutes 272.67) to minimize municipal property taxes and to defer any special assessments for public improvements for as long as the property is used for agricultural purposes.