

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Roland Boegeman	Ex-Officio Member
William Koniarski	Ex-Officio Member

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

The above entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on August 22, 1980, at New Prague, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Roland Boegeman and William Koniarski, ex-officio members of the Board. The City of New Prague appeared by and through Robert Goggins, the Township of Helena appeared by and through Dallas Bohnsack, Clerk. 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 New Prague and the Township of Helena and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, City of New Prague, on July 14, 1980 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:

Commencing at the southwest corner of Bohnsack's Second Addition to the City of New Prague, Helena Township; thence westerly along the south line of Section 33, Township 113 North, Range 23 West, Scott County, a distance of 1,250.00 feet; thence northerly at right angles to said south line a distance of 500.00 feet; to the point of beginning of the parcel to be described: Thence north perpendicular to the south line of said section a distance of 1000.00 feet; thence easterly at right angles a distance of 1000.00 feet; thence southerly at right angles a distance of 1000.00 feet; thence westerly at right angles a distance of 1000.00 feet to the point of beginning.

Containing 22.96 acres.

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 New Prague.
- B. The total area of the City of New Prague is approximately 1451 acres. The total area of the territory subject to annexation is approximately 22 acres.
- C. The perimeter of the area to be annexed is 50% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is generally flat and rolling.

V. Population Data

- A. The City of New Prague
 - 1. In 1970, there were 2680 residents.
 - 2. The present estimated population is 3,282.
 - 3. By 1985, the projected population is 3400.
- B. The area subject to annexation:
 - 1. In 1970, there were 0 residents.
 - 2. The present population is 0.
 - 3. By 1982, the projected population is 96.
- C. The Township of Helena:
 - 1. In 1970, there were 1,156 residents.
 - 2. The present estimated population is 1,290.
 - 3. By 1985, the projected population is 1320.

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 New Prague:

1. Residential: 993 acres	3. Industrial: 207 acres
2. Commercial: 77 acres	4. Agricultural: 174 acres
 - b. In the area subject to annexation: Agricultural: 22 acres

- c. In the Township of Helena are the following types of land uses: residential, institutional, commercial, agricultural and vacant land.

2. Area Being Developed

- a. In the area subject to annexation:

- 1. Residential: 18 acres
- 2. Park: four acres

- 3. There was no testimony presented on area remaining for various land uses.

B. Transportation:

- 1. The present transportation network is:

- a. In the City of New Prague: state aid highways, county roads and city streets
- b. In the area subject to annexation: subdivision and city streets

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

- 1. In the City of New Prague:

- 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

- 2. In the Township of Helena:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Building Inspector: yes

- 3. In the County of Scott

- 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. The Metropolitan Council provides the following planning and land use services: none

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

VII. Governmental Services

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

- 1. Water: no
- 2. Sewer: no
- 3. Fire protection and rating: yes
- 4. Police protection: no
- 5. Street improvements: no
- 6. Street maintenance: no
- 7. Recreational: no
- 8. Administrative services: yes

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

1. Water: yes
2. Sewer: yes
3. Fire protection and rating: yes
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes

C. The City of New Prague provides or has stubbed in for the area subject to annexation the following services.

1. Water: yes
2. Sewer: yes
3. Fire protection and rating: yes
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes

D. There are no existing or potential environmental problems and the need for additional services to resolve these problems.

E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: HUD Comprehensive Grant Program to provide utilities to the area. Tax increment financing program to provide utilities to the housing project.

F. The following services will be available to the annexed area within three years: sewer, water, streets.

VIII. Tax Base--all values, assessed valued and dollars are for city and township only.

A. In the City of New Prague within Scott County, the tax base includes the following:

1. Residential property in 1980 was valued at \$3,853,545, generating \$96,366.49 in taxes or 75.4% of the total.
2. Commercial property in 1980 was valued at \$602,016, generating \$14,939.55 in taxes or 11.6% of the total.
3. Industrial property in 1980 was valued at \$503,470, generating \$12,648.68 in taxes or 9.8% of the total.
4. Agricultural property in 1980 was valued at \$57,873, generating \$1,338.91 in taxes or 1.4% of the total.
5. Vacant land in 1980 was valued at \$101,171, generating \$2,510.00 in taxes or 2% of the total.
6. Non-taxable property
 - a. Other non-taxable uses (such as roadways, parks) included 28 miles.

B. In the Township of Helena, the tax base includes the following:

1. Residential property in 1980 was valued at \$1,187,340, generating \$3,854.10 in taxes or 22% of the total.
2. Commercial property in 1980 was valued at \$185,115, generating \$600.88 in taxes or 3.5% of the total.
3. Personal property in 1980 was valued at \$7,423, generating \$24.10 in taxes or .001% of the total.

4. Agricultural land in 1980 was valued at \$3,686,431, generating \$11,966.16 in taxes.
 5. Vacant land in 1980 was valued at \$158,670, generating \$515.04 in taxes or 3% of the total.
- C. In the area subject to annexation, the tax base includes the following:
1. Residential property in 1980 was valued at \$0.
 2. Commercial property in 1980 was valued at \$0.
 3. Industrial property in 1980 was valued at \$0.
 4. Agricultural property in 1980 was valued at \$3275.
 5. Vacant land in 1980 was valued at \$0.
 6. Non-taxable property
 - a. Institutional use in 1980 included 0 acres worth, as developed.

IX. Tax Data

- A. In the City of New Prague:
1. Mill rate in 1980 is 22.05.
 2. Bonded indebtedness in 1980 is 3.07.
- B. In the Township of Helena:
1. Mill rate in 1980 is 4.078.
 2. Bonded indebtedness in 1980 is 0.
- C. In the area subject to annexation:
1. Mill rate in 1980 is 4.078.
 2. Bonded indebtedness in 1980 is 0.
- D. Mill rates in the respective governmental units are:
1. Scott County in 1980 is 42.961.
 2. School district in 1980 is 65.337.
 3. Township in 1980 is 4.078.
- X. Annexation to the City of New Prague is the best alternative.
- A. There is no effect on area school districts or on adjacent communities if the proposed annexation is approved.
- B. The town government is not adequate to deliver the needed services to the area proposed for annexation.
- C. Necessary governmental services could not best be provided by incorporation or annexation to a municipality other than New Prague.
- D. Present assessed valuation of the Town of Helena: \$5,224,979.
- Present assessed valuation of proposed annexation area: \$3,275.
- New valuation of the Town of Helena if entire area is annexed: \$5,221,704.
- E. Helena Township can continue to function without the area subject to annexation.
- XI. The annexation is consistent with the joint agreement.
- XII. That Minnesota Laws 1978, Chapter 543, excludes the City of New Prague from the Metropolitan area and the jurisdiction of the Metropolitan Council. That the exclusion of New Prague from the Metropolitan area includes any annexations of land within Scott County, subsequent to the enactment of Minnesota Laws 1978, Chapter 543.

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. Three years will be required to effectively provide full municipal services to the annexed area.

VII. Upon annexation, the area proposed for annexation will not be under the jurisdiction of the Metropolitan Council.

VIII. 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 Scott, State of Minnesota, be and the same is hereby annexed to the City of New Prague, Minnesota, the same as if it had been originally made a part thereof:

Commencing at the southwest corner of Bohnsack's Second Addition to the City of New Prague, Helena Township; thence westerly along the south line of Section 33, Township 113 North, Range 23 West, Scott County, a distance of 1,250.00 feet; thence northerly at right angles to said south line a distance of 500.00 feet; to the point of beginning of the parcel to be described: Thence north perpendicular to the south line of said section a distance of 1000.00 feet; thence easterly at right angles a distance of 1000.00 feet; thence southerly at right angles a distance of 1000.00 feet; thence westerly at right angles a distance of 1000.00 feet to the point of beginning.

Containing 22.96 acres.

II. IT IS FURTHER ORDERED: That the mill levy of the City of New Prague 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.

III. IF IS FURTHER ORDERED: that this order shall not relieve the property annexed hereby from the obligation imposed on it by Section 9 of Laws 1978, Chapter 543, to remain liable on Metropolitan Council General Obligation Bonds outstanding on the date of this order if necessary to provide any deficiency in accordance with the conditions of such bonds.

IV. IT IS FURTHER ORDERED: That the effective date of this order is September 16, 1980.

Dated this 16th day of September, 1980

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt
Executive Director

M E M O R A N D U M

In entering its order approving the annexation in New Prague, A-2491(OA)-4, the board wishes to express its concern that there was not additional testimony concerning the City of New Prague's plans for future expansion and development into the Town of Helena. The Municipal Board feels that New Prague should outline its proposed expansion into the orderly annexation area. It is concerned these random annexations within the orderly annexation area have no common goal or plan as their foundation. Should the City of New Prague file another annexation proceeding request, the board anticipates that during the course of the testimony presented these concerns raised in this memorandum will be addressed by the city.