

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth Sette	Member
Roland Boegeman	Ex-Officio Member
William Konarski	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 29th, 1981 at New Prague, Minnesota. The hearing was conducted by Robert J. Ferderer, then member, pursuant to Minnesota Statutes 414.01, subd. 12. Also in attendance were County Commissioners Roland Boegeman and William Konarski, ex-officio members of the board. The City of New Prague appeared by and through Steve Zard, City Attorney and the Town of Helena appeared by and through Dallas Bohnsack, Town 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. The joint resolution for orderly annexation was adopted by the City of New Prague, and the Town of Helena 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 New Prague, on June 10th, 1981 requesting annexation of certain property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to annexation which is as follows:

That part of the Southwest Quarter of Section 35, Township 113, Range 23, Scott County, Minnesota, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence northerly at right angles to said south line a distance of 75.00 feet to the northerly right-of-way line of State Trunk Highway No. 19; thence easterly along the northerly right-of-way line of State Trunk Highway No. 19, a distance of 500 feet to the point of beginning of the tract of land to be des-

cribed; thence northerly a distance of 2640.00 feet; thence easterly at right angles to the west line of said Southwest Quarter, a distance of 362.5 feet; thence south parallel with the west line of said Southwest Quarter, a distance of 1764 feet; thence east, at right angles to the west line of said Southwest Quarter, a distance of 143.00 feet; thence south parallel with the west line of said Southwest Quarter, a distance of 876.00 feet, thence west along the north right-of-way line of State Trunk Highway No. 19, a distance of 505.5 feet to the point of beginning.

AND

That part of the S.E. $\frac{1}{4}$ of Section 33, Township 113N, Range 23 W., Scott County, described as follows: The East 767 feet of that property described as follows: Commencing 95 rods North from the S.E. corner of Section 33, Township 113 North, Range 23 West, thence Westerly 160 rods, thence North 40 rods, thence Easterly 160 rods, thence Southerly 40 rods to the place 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 36.47 acres in size, and abuts the City of New Prague by approximately 50% of its border. The City of New Prague is approximately 1,473 acres in size.

V. The natural terrain of the area proposed for annexation is flat with some rolling land.

VI. The City of New Prague in 1980 had a population of 2,952, presently it is estimated to have a population of 2,960, and by 1983 it is projected to have a population of 3,100.

VII. The area proposed for annexation had a population of five in 1980, its present estimated population is five and by 1983 the projected population is 30.

VIII. The Town of Helena in 1980 had a population of 1,215 and the present estimated population is 1,215.

IX. The City of New Prague is approximately 935 acres in residential use, approximately 80 acres in institutional use, approximately 77 acres in commercial use, approximately 207 acres in industrial use, and approximately 174 acres in agricultural use.

X. In the City of New Prague presently ten acres are being developed for residential use, five acres for institutional use, and four acres for commercial use.

XI. In the area proposed for annexation the proposed use of 16.65 acres is for residential use, eight acres for commercial use, and 11.62 acres for industrial use.

XII. The Town of Helena has property used for residential purposes, commercial purposes, agricultural property and vacant land.

XIII. The City of New Prague has zoning, subdivision regulations, comprehensive plan, official map, capital improvements program, fire code, building inspector, planning commission, and an annexation plan.

XIV. The Town of Helena has zoning, subdivision regulations, and a comprehensive plan in the progress of being developed, and relies on the county for its official map, capital improvements program, fire code, building inspector, and planning commission.

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

XVI. The western parcel of property being annexed is a commercial use which is consistent with the area use, and the area east of the city proposed for annexation is proposed to be sold as residential development consistent with the adjacent property's use.

XVII. Access to the area proposed for annexation in the east will be by County State Aid Highway No. 37 which is nearing completion. It is a nine ton road. Access to the area to the west will be on Sixth Avenue which is also a nine ton road nearing completion.

XVIII. The Town of Helena provides the area subject to annexation with fire protection through a contract for service with the cities east of New Prague and Jordan, street improvements on the township roads, street maintenance of the township roads, and administrative services.

XIX. The City of New Prague provides its residents with water, sewer, fire protection, police protection, street improvements, street maintenance, recreational opportunity and administrative services.

XX. The City of New Prague provides the area proposed for annexation with water, sewer, fire protection, police protection, street improvements, street maintenance, recreational opportunities and administrative services.

XXI. The utilities have already been extended up to the eastern area proposed for annexation and stubbed in for service thereto, and are already in the western parcel proposed for annexation.

XXII. The tax base of the City of New Prague includes residential property valued in 1981 at \$5,645,950 which generated \$114,217 in taxes or 77.7% of the total, commercial property valued in 1981 at \$776,432 generating \$15,707 in taxes or 10.6% of the total, industrial property in 1981 valued at \$572,093 generating \$11,573 in taxes or 7.8% of the total, agricultural property valued in 1981 at \$75,856 generating \$1,534 in taxes or 1% of the total, vacant land in 1981 valued at \$114,589 generating \$2,318 in taxes or 1.5% of the total, and personal property valued in 1981 at \$74,713 generating \$1,511 in taxes or 1% of the total. The values in taxes generated reflect the city mill rate and the city valuation.

XXIII. In the Town of Helena the tax base includes residential property valued in 1981 at \$1,720,161 generating \$6,794 in taxes or 26.7% of the total, commercial property valued in 1981 at \$234,049 generating \$924 in taxes or 3.63% of the total, personal property valued in 1981 at \$7,768 generating \$30 in taxes or .01% of the total, agricultural property valued in 1981 at \$4,196,677 generating \$16,576 in taxes or 65.2% of the total, and vacant land valued in 1981 at \$279,920 generating \$1,105 in taxes or 4.3% of the total. The values and mill rate are for the township only.

XXIV. In the area subject to annexation the tax base includes commercial property valued in 1981 at \$168,904 generating \$667 in taxes or 97% of the total for the area and agricultural property valued in 1981 at \$5,865 generating \$23 in taxes or 3% of the total.

XXV. The City of New Prague's mill rate in 1981 is 17.84 and in addition it has bonded indebtedness mill rate of 2.39 in 1981.

XXVI. The Town of Helena's mill rate in 1981 is 3.95 with no bonded indebtedness. The mill rate in Scott County in 1981 is 36.25. The school district which encompasses the City of New Prague and the areas proposed for annexation has a mill rate in 1981 of 49.19.

XXVII. The area proposed for annexation is too small to incorporate into its own governmental unit.

XXVIII. The assessed valuation of the Town of Helena is \$6,438,575. The assessed valuation of the area proposed for annexation is \$174,769. If the area proposed for annexation is annexed the new valuation of the Town of Helena is \$6,263,806.

XXIX. The Town of Helena does not intend to provide utilities, sewer and water, or police protection to the area proposed for annexation.

XXX. The annexation is consistent with the joint resolution for orderly annexation between the Town of Helena and the City of New Prague.

XXXI. Minnesota Laws 1978, Chapter 543, excludes the City of New Prague from the Metropolitan area and the jurisdiction of the Metropolitan Council and the exclusion of the City 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 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. Three years will be required to effectively provide full municipal services to the annexed area, or to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

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:

That part of the Southwest Quarter of Section 35, Township 113, Range 23, Scott County, Minnesota, described as follows: Commencing at the Southwest corner of said Southwest Quarter; thence northerly at right angles to said south line a distance of 75.00 feet to the northerly right-of-way line of State Trunk Highway No. 19; thence easterly along the northerly right-of-way line of State Trunk Highway No. 19, a distance of 500 feet to the point of beginning of the tract of land to be described; thence northerly a distance of 2640.00 feet; thence easterly at right angles to the west line of said Southwest Quarter, a distance of 362.5 feet; thence south parallel with the west line of said Southwest Quarter, a distance of 1764 feet; thence east, at right angles to the west line of said Southwest Quarter, a distance of 143.00 feet; thence south parallel with the west line of said Southwest Quarter, a distance of 876.00 feet, thence west along the north right-of-way line of State Trunk Highway No. 19, a distance of 505.5 feet to the point of beginning.

AND

That part of the S.E. $\frac{1}{4}$ of Section 33, Township 113N, Range 23 W., Scott County, described as follows: The East 767 feet of that property described as follows: Commencing 95 rods North from the S.E. corner of Section 33, Township 113 North, Range 23 West, thence Westerly 160 rods, thence North 40 rods, thence Easterly 160 rods, thence Southerly 40 rods to the place of commencement.

II. IT IS FURTHER ORDERED: That the population of the City of New Prague has increased by five.

III. IT IS FURTHER ORDERED: That the population of the Town of Helena has decreased by five.

IV. IT IS FURTHER ORDERED: That the mill levy of the City of New Prague and 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 property already within the city.

V. IT 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 in the date of this order necessary to provide any deficiency in accordance with the conditions of such bonds.

VI. IT IS FURTHER ORDERED: That the effective date of this order is October 5th, 1981.

Dated this 5th day of October, 1981

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving the annexation of land in A-2491(OA)-5, the Municipal Board notes that the eastern parcel of land that just has been annexed is a part of a larger tract of 90 acres. In 1974 30 acres of the land that this tract was in, was annexed. Now a second parcel of that tract has been annexed. The Municipal Board through this memorandum goes on record that should the property owner, who has owned the property since before 1974 again request the city council to commence orderly annexation proceedings for some of this parcel, he should be prepared to request the annexation of the remaining approximately 65 acres which he presently owns. This land is anticipated to develop, and is at best marginal farm land. To involve the city, the township, county, and the state for piece-meal requests by an individual owner is not an efficient use of government resources. The property owner is now advised that he must address the appropriateness of the annexation of all of his land, the next time annexation is sought for a portion of his land. This land is all located within the orderly annexation agreement area and the projected development area of the city of New Prague. The recent completion of the nine-ton County State Aid Highway No. 37 land will most likely accelerate the development of this property. Thus, to facilitate orderly growth the land must be dealt with in its entirety.