

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on March 7, 1979, 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 David Lloyd and Clarence Miller, ex-officio members of the Board. The City of New Prague appeared by and through Robert O'Neill, the Township of Lanesburgh appeared by and through Don Eilers. 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

1. That a joint resolution for orderly annexation was adopted by the City of New Prague and the Township of Lanesburgh on June 19, 1978 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, New Prague, on January 19, 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:

The SW $\frac{1}{2}$  of Section 3, Township 112, Range 23W, LeSueur County, Minnesota, excepting therefrom the following described parcel: Beginning at the NE corner of said SE $\frac{1}{2}$  of Section 3, thence running south along the section line a distance of 1758.2 feet; running thence west a distance of 1544.5 feet; running thence north a distance of 1190 feet; running thence west a distance of 351 feet; running thence north a distance of 570.1 feet; and thence east a distance of 1936.5 feet to the point of beginning; and also excepting therefrom that part of the southeast quarter of Section 3, beginning at a point 1758.2 feet south of the NE corner of said SE $\frac{1}{2}$ , thence running west parallel to the south line of said section to the west line of the SE $\frac{1}{2}$  of said Section 3, thence east along the South line of said SE $\frac{1}{2}$  of Section 3, to the SE corner thereof;

thence north along the east line of said SE $\frac{1}{2}$  to the place of beginning, and also excepting the following described parcel. "All that part of the North two-thirds of the Southeast Quarter of Section 3, Township 112 North, Range 23 West, described as: Commencing at the center of Section 3, thence North 89 degrees, 39 minutes, 30 seconds East (assumed bearing) along the North line of the Southeast Quarter of Section 3, a distance of 495.00 feet to the point beginning 1936.50 feet West of the East quarter corner of Section 3; thence South 0 degrees, 06 minutes, 38 seconds West, 570.00 feet; thence South 89 degrees, 39 minutes, 30 seconds West and parallel with North line of the Southeast quarter of Section 3, a distance of 55.00 feet; thence South 0 degrees, 00 minutes, 00 seconds West and parallel with and 704.00 feet East of the West line of the Southeast quarter of Section 3, a distance of 490.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 196.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 180.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 210.31 feet; thence South 0 degrees, 03 minutes, 30 seconds East, 872.21 feet to a point on the South line of the North two-thirds of the Southeast quarter of Section 3, said point being 1544.5 feet West of the East line of Section 3; thence South 89 degrees, 53 minutes, 36 seconds West along the South line of the North two-thirds of the Southeast quarter of Section 3, a distance of 352.18 feet to a point 759.00 feet East of the West line of the Southeast quarter of Section 3; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3; a distance of 373.00 feet; thence South 89 degrees, 53 minutes, 36 seconds West and parallel with the South line of the North two-thirds of the Southeast quarter of Section 3; a distance of 759.00 feet; to a point on the West line of the Southeast quarter of Section 3; thence North 0 degrees, 00 minutes, 00 seconds East along the West line SE $\frac{1}{2}$  of Section 3, a distance of 1138.73 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the southeast quarter of Section 3, a distance of 183.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 60.00 feet; thence North 89 degrees, 39 minutes, 30 seconds East and parallel with the North line of the Southeast quarter of Section 3, a distance of 312.00 feet; thence North 0 degrees, 00 minutes, 00 seconds East and parallel with the West line of the Southeast quarter of Section 3, a distance of 176.00 feet to the point of beginning. Said tract contains 27.57 acres of alnd and is subject to any and all easements of record, and also, the following described land commencing at the City Limits (the center of Section 3, Township 112, Range 23) thence Westerly along the North line of the Southwest quarter of Section 3, 33 feet; thence Southerly parallel to the East line of the Southwest quarter of Section 3, 1374.73 feet, thence Easterly 66 feet, thence Northerly parallel to the West line of the Southeast quarter of Section 3, 1374.73 feet to the City Limits, thence Westerly 33 feet along the North line of the Southeast quarter of Section 3 to the point of beginning. The North 1758.2 feet of the SW $\frac{1}{2}$  of Section 3, Township 112, Range 23 West Le Sueur County, Minnesota.

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 unknown. The total area of the territory subject to annexation is approximately 120 acres.
- C. The perimeter of the area to be annexed is approximately 30-100% bordered by the municipality, depending on the specific piece.

- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: Rolling land, with some low areas near the creek.

V. Population Data

- A. The City of New Prague:
1. In 1970, there were 2,680 residents.
  2. The present estimated population is 3,200.
  3. By 1980, the projected population is 3,300.
- B. The Township of Lanesburgh:
1. In 1976, there were 1,281 residents.
  2. The present estimated population is 1,513.
- C. The area subject to annexation:
1. The present estimated population is 82 residents.

VI. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, for various uses.
1. Area in Use
    - a. In the City of New Prague: unknown
    - b. In the area subject to annexation:
      1. Residential: approximately 40 acres
      2. Agricultural: approximately 180 acres
    - c. In the Township of Lanesburgh: unknown
  2. Area Being Developed
    - a. In the City of New Prague: unknown
    - b. In the Township of Lanesburgh: unknown
- B. Transportation:
1. The present transportation network is:
    - a. In the City of New Prague: streets, State aid roads, and County roads
    - b. In the area subject to annexation: Township and County roads
- 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. Comprehensive Plan - yes
    - c. Planning Commission - yes
  2. In the Township of Lanesburgh: unknown

VII. Governmental Services

- A. The Town of Lanesburgh provides the area subject to annexation with the following services:
1. Fire protection and rating - yes
  2. Street maintenance - 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 the area subject to annexation with the following services:

1. Water - yes
2. Sewer - yes

D. Existing or potential environmental problems and the need for additional services to resolve these problems: the proposed area for annexation is within the Federal flood plain designation and will use its land use plans to facilitate the proper development in a flood plain zone.

E. The following services will be available to the annexed area if the area is developed: water and sewer, as well as fire and police protection.

#### VIII. Tax Data

A. In the City of New Prague:

1. Mill rate in 1978 was 21.68 for the City's assessment.

B. In the Township of Lanesburgh:

1. Mill rate in 1978 was 4.79 for the Town's assessment.

C. In the area subject to annexation:

1. Mill rate in 1978 was 4.79 for the Town's assessment.

D. Mill rate in area under consideration for each assessing unit:

1. County in 1978 was 32.50.
2. School district in 1978 was 71.14.
3. Township in 1978 was 4.79.

IX. Annexation to the City of New Prague is the best alternative.

A. There will be no affect on the area school districts or adjacent communities.

B. The town government is not able to deliver the necessary services to the area proposed for annexation.

C. Annexation to New Prague is the most appropriate method to deliver the necessary governmental services to the area in comparison to incorporation.

D. Present assessed valuation of the Town of Lanesburgh is unknown.

Present assessed valuation of proposed annexation area: unknown

New valuation of the Town of Lanesburgh if entire area is annexed: unknown

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

X. The annexation is consistent with the joint agreement in that it was agreed that this area would be annexed as soon as the joint agreement was ratified.

#### 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 does not conflict with terms of the joint agreement.

VI. Because of increased costs, the City of New Prague does not qualify for a special levy at this time but jurisdiction on this matter is retained by the Board for one year.

VII. For the developed area, municipal services will be provided within three years, while in the remaining portion that is undeveloped and rural in nature, municipal services will be indefinitely postponed until needed or requested.

VIII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

#### ORDER

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact I, or more accurately described as follows situated in the County of Le Sueur, 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:

The North 1758.2 feet of the South one half ( $\frac{1}{2}$ ) of Section 3, Township 112, Range 23 West, Le Sueur County, Minnesota, excepting those portions already within the corporate limits.

II. IT IS FURTHER ORDERED: That the population of the City of New Prague has increased by 82 persons to 3,282 persons for all purposes until the next Federal Census.

III. IT IS FURTHER ORDERED: That the population of the Township of Lanesburgh has decreased by 82 persons to 1,431 persons for all purposes until the next Federal Census.

IV. IT IS FURTHER ORDERED: That the Minnesota Municipal Board hereby retains jurisdiction for the purpose of allowing a special levy pursuant to Minnesota Statutes 414.01, Subd. 15.

V. 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 3 years to equality with the mill levy of the property already within the City.

VI. IT IS FURTHER ORDERED: That property remaining unplatted or undeveloped shall be taxed at the mill rate established by the Township and that agricultural land will continue to be taxed at the Township's mill rate.

VII. IT IS FURTHER ORDERED: That the effective date of this order is May 30th, 1979.

Dated this 30th day of May, 1979.

MINNESOTA MUNICIPAL BOARD  
165 Metro Square Building  
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*Terrence A. Merritt*

Terrence A. Merritt  
Executive Director