

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Ray Schultz	Ex-Officio Member
Stanley Sumey	Ex-Officio Member

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IN THE MATTER OF THE NOTICE OF INTENT )	<u>FINDINGS OF FACT,</u>
FOR THE ANNEXATION OF CERTAIN LAND TO )	<u>CONCLUSIONS OF LAW,</u>
THE CITY OF LONG PRAIRIE )	<u>AND ORDER</u>

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 27, 1977, and continued from time to time at Long Prairie, Minnesota. The hearing was conducted by Board Member Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Ray Schultz and Stanley Sumey, ex-officio members of the Board. The City of Long Prairie appeared by and through Gary Klaphake and Rodger Johnston, and the Township of Long Prairie appeared by and through Douglas Anderson. 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. On March 8, 1977, a copy of a Notice of Intent to annex was filed with the Minnesota Municipal Board by the City of Long Prairie. The Notice of Intent contained all the information required including a statement that the area proposed for annexation is 60 percent or more bordered by the city and a description of the territory subject to annexation which is as follows:

Oliver's Addition, Lots 1-12, and

Beginning at a point which is located 66 feet east of the NE corner of Lot 3 of Oliver's First Addition to the Townsite of Long Prairie, which point is also 66 feet east of Oliver's First Addition to the Townsite of Long Prairie and 165 feet south of the north line of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 20, Township 129, Range 33 west of the 5th PM to the point of beginning, thence due east along the south line of a tract sold to George Strack a distance of 165 feet, thence due south a distance of 132 feet, thence due west a distance of 165 feet, thence due north a distance of 132 feet to the place of beginning, and beginning at a point 66 feet east of the NE corner of Lot 5; Oliver's First Addition to Long Prairie, thence due east and parallel to the north line of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 20, a distance of 165 feet, thence due south and parallel to the east line of Oliver's First Addition a distance of 106 feet, thence due west a distance of 165 feet parallel to the north line of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 20, thence north a distance of 106 feet to the point of beginning, and

Beginning at a point 66 ft. due east of the NE corner of Lot 1; Block 1; Oliver's First Addition to the Townsite of the Village of Long Prairie, Minnesota, thence due south 66 feet, thence east 165 feet, thence north 66 feet, thence west 165 feet to the place of beginning, and

Beginning at a point 99 feet south of the north quarter line of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 20, Twp. 129, Range 33, and 66 feet east of the NE corner of Lot 2; Blk. 1; Oliver's First Addition to the Townsite of Long Prairie, thence south 66 feet, thence east 165 feet, thence north 66 feet, thence west 165 feet to the point of beginning, and

Beginning 231 feet east NE corner of Lot 1; Blk. 1; Oliver's First Addition, thence south 132 feet, east 66 feet, north 132 feet, west 66 feet to beginning and beginning 297 feet due east along south line driveway which is beginning, thence south 132 feet, east 66 feet, north 132 feet, west 66 feet, Sec. 20-129-33, and

A part of the SW $\frac{1}{4}$  of SE Section 20, Twp. 129, Range 33 being more particularly described as follows: Beginning at the SE corner of Lot 12; Block 1; Oliver's First Addition, a distance of 200.00 ft. south, thence westerly and parallel with the south line of said Oliver's First Addition a distance of 370.0 ft. more or less to the intersection with the easterly right of way line of Trunk Highway No. 71; thence northerly and along said right of way line a distance of 200.0 ft. more or less to the intersection with the south line of said Oliver's 1st Addition; thence easterly and along said south line a distance of 365.0 ft. more or less to the point of beginning and containing 1.69 acres more or less, and

6th Avenue South from the intersection of 6th Avenue South and Hwy. 71 on the west to the intersection of 6th Avenue South and 4th Street South on the east, and

Hwy. 71 from the intersection of Hwy. 71 and 6th Avenue South on the north to the intersection of Hwy. 71 and Lake Charlotte Township Road on the south, and

1st Street South from the intersection of 1st Street South and 6th Avenue South on the north to the intersection of 1st Street South and Lake Charlotte Township Road on the south.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Long Prairie Township on March 7, 1977. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subds. 3 & 4 as required by M.S. 414.033, Subd. 3.

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

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Long Prairie.
- b. The total area of the territory subject to annexation is about 3 blocks.
- c. The perimeter of the area to be annexed is 75% bordered by the municipality.
- d. The natural terrain of the area, including general topography,

major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: developed.

4. Population Data

- a. The City of Long Prairie has experienced steady growth and now has approximately 2,510 people.
- b. The area subject to annexation has grown steadily and is likely to experience a small increase and now has approximately 29 persons.

5. Development Issues

- a. What, if any, are the plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the State Planning Agency? The area is generally developed with commercial use, and the city requires a stronger commercial base.
- b. What land use controls are presently being employed.

1) In the City of Long Prairie:

- a. Zoning - Yes
- b. Subdivision regulations - Yes
- c. Housing and building codes - Yes
- d. Other - Comprehensive plan

2) In the area to be annexed:

- a. Zoning - Yes
- b. Subdivision regulations - No
- c. Housing and building codes - No

- c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Long Prairie with necessary growth space? Yes.
- d. Development of the following types is occurring:

1) In the City of Long Prairie:

- a. Residential - Yes
- b. Industrial - Yes
- c. Commercial - Yes
- d. Institutional - No

2) In the area subject to annexation:

- a. Residential - Limited
- b. Industrial - No

c. Commercial - Yes

d. Institutional - No

e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

a. Presently, the Township of Long Prairie provides the area subject to annexation with the following services:

- |                           |                              |
|---------------------------|------------------------------|
| 1) Water - No             | 5) Street Improvements - Yes |
| 2) Sewer - No             | 6) Street Maintenance - Yes  |
| 3) Fire Protection - Yes  | 7) Recreational - No         |
| 4) Police Protection - No |                              |

b. Presently, the City of Long Prairie provides its citizens with the following services:

- |                            |                              |
|----------------------------|------------------------------|
| 1) Water - Yes             | 5) Street Improvements - Yes |
| 2) Sewer - Yes             | 6) Street Maintenance - Yes  |
| 3) Fire Protection - Yes   | 7) Recreational - Yes        |
| 4) Police Protection - Yes |                              |

c. Presently, the City of Long Prairie provides the area subject to annexation with the following services:

- |  |                            |
|--|----------------------------|
| 1) Water - Yes, a portion of the area. |                            |
| 2) Sewer - Yes, a portion of the area. |                            |
| 3) Fire Protection - No                | 6) Street Maintenance - No |
| 4) Police Protection - No              | 7) Recreational - Yes      |
| 5) Street Improvements - No            |                            |

d. Plans to extend municipal services to the area subject to annexation include the following: immediate expansion of facilities already in place and extension of other services.

e. There are existing or potential pollution problems which are: contamination of ground water. The following additional services will help resolve this situation: community sewer.

7. Fiscal Data

a. In the City of Long Prairie, the assessed valuation as of 1977 is \$4,836,977, the mill rate as of 1977 is 31.22 and the bonded indebtedness as of 1977 is \$1,021 per person.

b. In the area subject to annexation, the assessed valuation

trend as of 1977 is rising, the mill rate as of 1977 is 6.76, and the bonded indebtedness as of 1977 is none.

c. The mill rate trends in the following units of government are:

1) County - Rising

3) Township - Rising

2) School Districts - Rising

d. Will the annexation have any effect upon area school districts? No.

8. Is annexation to the City of Long Prairie the best alternative.

a. Could governmental services be better provided for by incorporation of the area subject to annexation? No.

b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Long Prairie? No.

c. Could Long Prairie Township provide the services required? No.

d. Can Long Prairie Township continue to function without the area subject to annexation? Yes.

#### 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 character.

3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interest of the City of Long Prairie and the area subject to annexation will be furthered by annexation.

5. The remainder of the Township of Long Prairie can carry on the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in revenue for the City of Long Prairie and the value of benefits conferred upon the area subject to annexation.

7. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

8. This annexation proceeding has been initiated by a Notice of Intent under 414.033, Subd. 3 and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

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

O R D E R

IT IS HEREBY ORDERED: That the property described herein situated in the County of Todd, State of Minnesota, be and the same is hereby annexed to the City of Long Prairie, Minnesota, the same as if it had been originally made a part thereof:

Oliver's Addition, Lots 1-12, and

Beginning at a point which is located 66 feet east of the NE corner of Lot 3 of Oliver's First Addition to the Townsite of Long Prairie, which point is also 66 feet east of Oliver's First Addition to the Townsite of Long Prairie and 165 feet south of the north line of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 20, Township 129, Range 33 west of the 5th PM to the point of beginning, thence due east along the south line of a tract sold to George Strack a distance of 165 feet, thence due south a distance of 132 feet, thence due west a distance of 165 feet, thence due north a distance of 132 feet to the place of beginning, and beginning at a point 66 feet east of the NE corner of Lot 5; Oliver's First Addition to Long Prairie, thence due east and parallel to the north line of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec. 20, a distance of 165 feet, thence due south and parallel to the east line of Oliver's First Addition a distance of 106 feet, thence due west a distance of 165 feet parallel to the north line of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 20, thence north a distance of 106 feet to the point of beginning, and

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Hwy. 71 from the intersection of Hwy. 71 and 6th Avenue South on the north to the intersection of Hwy. 71 and Lake Charlotte Township Road on the south, and

1st Street South from the intersection of 1st Street South and 6th Avenue South on the north to the intersection of 1st Street South and Lake Charlotte Township Road on the south.

IT IS FURTHER ORDERED: That the population of the City of Long Prairie has increased by 29 persons to 2,539 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Long Prairie has decreased by 29 persons to 908 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is May 23, 1978.

Dated this 23rd day of May, 1978.

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

A handwritten signature in cursive script, reading "William A. Neiman".

William A. Neiman  
Executive Director