

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Fritz Dahling	Ex-Officio Member
Earl Prigge	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	FINDINGS OF FACT,
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF GOODHUE)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 21, 1977 at Goodhue, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Earl Prigge and Fritz Dahling, ex-officio members of the Board. The City of Goodhue appeared by and through Gary Fridell and Donald Thomforde represented the Township of Goodhue. Testimony was heard 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 29, 1977, a copy of a petition for annexation by the sole property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

That part of the east half of the Southeast Quarter of Section 20, Township 111 North, Range 15 West, Goodhue County, Minnesota described as follows:

Beginning at the southeast corner of said Section 20; thence northerly along the east line of said Section 20 a distance of 811.14 feet (49.16 rods); thence westerly perpendicular to said east line, a distance of 863.78 feet (52.35 rods); thence southerly, parallel to said east line, a distance of 805.79 feet to the south line

of said Section 20; thence easterly along said south line a distance of 863.80 feet to the point of beginning.

EXCEPT

All that part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 111 North, Range 15 West, in Goodhue County and State of Minnesota described as follows:

Beginning at the southeast corner of said Section 20; thence North along the east line of said Section 383.5 feet to an iron pipe in the center of Park Avenue; thence West 276 feet to an iron fence post; thence south 383.5 feet to the center of Highway No. 9. Said line passing through the center of large galvanized iron pipe culvert. Thence east along the center of said Highway 276 feet to the place of beginning.

ALSO EXCEPT

That part lying northerly of a line 296.43 feet northerly of, measured at right angles to, and parallel with, the south line of said Section 20.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Goodhue Township on May 4, 1977. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

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 Goodhue.
- b. The total area of the territory subject to annexation is four (4) acres.
- c. The perimeter of the area to be annexed is about 30% 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: rolling topography.

4. Population Data

- a. The City of Goodhue is experiencing substantial growth.
- b. The area subject to annexation now has zero population but the northern 70' of the area is part of a 17 unit, residential construction project, now underway.

5. Development Issues

- a. What, if any, are the comprehensive plans for the develop-

ment of the property proposed for annexation and/or the annexing municipality, including development projected by the State Planning Agency. Plans include single family homes in the northern 70' of the area.

b. What land use controls are presently being employed.

1) In the City of Goodhue

a. Zoning - Yes

b. Subdivision regulations - Yes

c. Housing and building codes - Yes

2) In the area to be annexed: Unknown

c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Goodhue with necessary growth space? Yes, particularly for residential growth.

d. The present pattern of physical development is:

1) In the City of Goodhue

a. Residential - Yes, including construction next to the area proposed for annexation.

b. Industrial - Yes

c. Commercial - Yes

d. Institutional - Yes.

2) In the area subject to annexation: hayfield, except for the northern 70' of the area.

a. Residential - Yes, in the northern 70' of the area.

b. Industrial - No

c. Commercial - No

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 Goodhue provides the area subject to annexation with the following services:

1) Water - No

5) Street Improvements - Unknown

2) Sewer - No

6) Street Maintenance - Unknown

3) Fire Protection - by contract with city.

7) Recreational - Unknown

4) Police Protection - unknown

b. Presently, the City of Goodhue 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 - Unknown |
| 4) Police Protection - Yes | 8) Other - Street lighting |

c. Plans to extend municipal services to the area subject to annexation include the following: all services including utilities, will be extended within a year to the northern 70' of the area.

d. There are existing or potential pollution problems which are: None.

7. Fiscal Data

a. In the City of Goodhue, the mill rate is 24.92 and the present bonded indebtedness is zero.

b. In the area subject to annexation, the assessed valuation is \$499.00, the mill rate is 11.92 and the present bonded indebtedness is zero.

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

- 1) County - 10.94
- 2) School Districts - 52.05
- 3) Township - 11.92

8. Is annexation to the City of Goodhue 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 Goodhue? No.

c. Could Goodhue Township provide the services required? No.

d. Can Goodhue Township continue to function without the area subject to annexation, and, if not, could it be incorporated separately or combined with some other governmental unit? Yes.

9. Alteration of boundaries

a. The area subject to annexation should be decreased in order to only include that property which is now or is

about to become urban or suburban in character; the new description of the area to be annexed is as follows:

That part of the East Half of the Southeast Quarter of Section 20, Township 111 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Beginning at the southeast corner of said Section 20; thence northerly along the east line of said Section 20 a distance of 811.14 feet (49.16 rods); thence westerly perpendicular to said east line, a distance of 863.78 feet (52.35 rods); thence southerly, parallel to said east line, a distance of 805.79 feet to the south line of said Section 20; thence easterly along said south line a distance of 863.00 feet to the point of beginning.

EXCEPT:

All that part of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 20, Township 111 North, Range 15 West in Goodhue County and State of Minnesota, described as follows:

Beginning at the southeast corner of said Section 20; thence North along the east line of said Section 383.5 feet to an iron pipe in the center of Park Avenue; thence West 276 feet to an iron fence post; thence south 383.5 feet to the center of Highway No. 9. Said line passing through the center of large galvanized iron pipe culvert. Thence east along the center of Highway 276 feet to the place of beginning.

ALSO EXCEPT that part lying northerly of a line 296.43 feet northerly of, measured at right angles to, and parallel with, the south line of said Section 20.

ALSO EXCEPT that part lying southerly of a line 226.43 feet northerly of, measured at right angles to, and parallel with, the north line of said Section 20.

10. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The decreased 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 decreased area subject to annexation.
4. The best interest of the City of Goodhue and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Goodhue 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 Goodhue 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 petition of a majority of property owners 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 Goodhue, State of Minnesota, be and the same is hereby annexed to the City of Goodhue, Minnesota, the same as if it had been originally made a part thereof:

That part of the East Half of the Southeast Quarter of Section 20, Township 111 North, Range 15 West, Goodhue County, Minnesota, described as follows:

Beginning at the southeast corner of said Section 20; thence northerly along the east line of said Section 20 a distance of 811.14 feet (49.16 rods); thence westerly perpendicular to said east line, a distance of 863.78 feet (52.35 rods); thence southerly, parallel to said east line, a distance of 805.79 feet to the south line of said Section 20; thence easterly along said south line a distance of 863.00 feet to the point of beginning.

EXCEPT

All that part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 20, Township 111 North, Range 15 West in Goodhue County and State of Minnesota, described as follows:

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ALSO EXCEPT that part lying northerly of a line 296.43 feet northerly of, measured at right angles to, and parallel with, the south line of said Section 20.

ALSO EXCEPT that part lying southerly of a line 226.43 feet northerly of, measured at right angles to, and parallel with, the north line of said Section 20.

IT IS FURTHER ORDERED: That the effective date of this order is August 18, 1977.

Dated this 19th day of August, 1977

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101

William A. Neiman

William A. Neiman
Executive Secretary