

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Harold Trende	Ex-Officio Member
Jerome Aretz	Ex-Officio Member

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF YOUNG AMERICA)

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 July 7, 1977 at Young America, Minnesota. The hearing was conducted by Board Member Thomas Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Harold Trende and Jerome Aretz, ex-officio members of the Board. The City of Young America appeared by and through Robert Nicklaus, the City of Norwood appeared by and through Kerry Olson, and Young America Township was represented by several town board members. 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 April 8, 1977, a copy of a petition for annexation by a majority of 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:

Exhibit "A"

That part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 115, Range 26, Carver County, Minnesota which lies westerly of the westerly right-of-way line of the Chicago and North Western Railway and south of the north 584.62 feet of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$. Containing 9.86 acres and subject to the right-of-way of Faxon Road over the west 33.00 feet thereof.

Exhibit "B"

The North 584.62 feet of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14, Township 115, Range 26, Carver County, Minnesota which lies westerly of the westerly right-of-way line of Chicago and North Western Railway.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Young America Township on May 18, 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 Young America.
- b. The total area of the territory subject to annexation is 22 acres.
- c. The perimeter of the area to be annexed is approximately 10% bordered by the municipality.

4. Population Data

- a. The area subject to annexation has 0 population with no projected growth.

5. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the Metropolitan Council. There are none, other than the desire that some day the area have commercial and/or industrial development.
- b. What land use controls are presently being employed.

1) In the City of Young America.

a. Zoning - Yes

b. Subdivision regulations - Yes

c. Housing and building codes - Yes

d. A contract with Carver County to do comprehensive planning.

2) In the area to be annexed: zoning by county.

c. Does the city require future growth space? Yes, particularly residential. If so, will the area subject to annexation provide the City of Young America with necessary growth space? No, the area, if developed, is expected to be commercial and/or industrial.

d. The present pattern of physical development is,
in the area subject to annexation, no development.

e. What will be the effect, if any, of the annexation on adjacent communities? This annexation proposal negatively impacts upon area communities in two ways. First, there is a substantial basis for concern that this annexation will be injurious to the City of Norwood by eliminating necessary growth space.

Secondly, this proposal dramatically illustrates the need for the cities of Norwood and Young America and Young America Township to work together in resolving boundary disputes, the alternative being contested, piecemeal annexation proposals.

6. Governmental Services

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

1) Water - No

5) Street Improvements - No

2) Sewer - No

6) Street Maintenance - Yes

3) Fire Protection - By contract with Norwood

7) Recreational - No

4) Police Protection - County sheriff

8) Other

- b. Presently, the City of Young America provides its citizens with the following services:

- | | |
|---|------------------------------|
| 1) Water- Yes | 5) Street Improvements - Yes |
| 2) Sewer - Yes, but the treatment plant is reaching capacity. | 6) Street Maintenance - Yes |
| 3) Fire Protection - Yes, and a fire rating of 8. | 7) Recreational - Yes |
| 4) Police Protection | 8) Other |

- c. Plans to extend municipal services to the area subject to annexation include the following: no immediate plans, but services could probably be extended within a reasonable time after development.

- d. There are existing or potential pollution problems which are: a ditch which disposes of the Norwood/Young America treatment plant effluent is creating a potential health hazard in Young America Township. The following additional services will help resolve this situation: an updated sewage treatment facility, but funding is at least several years away.

7. Is annexation to the City of Young America 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 Young America? This question remains unresolved. The evidence demonstrates that both Norwood and Young America could service the area.
- c. Could Young America township provide the services required? Yes, the area is now rural and likely to remain so within the foreseeable future.

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 not now or is about to become urban or suburban in character.

3. Municipal government is not required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interest of the area subject to annexation will not be furthered by annexation.

5. There is not a reasonable relationship between the increase in revenue for the City of Young America and the value of benefits conferred upon the area subject to annexation.

6. Annexation of all or a part of the property to Norwood might better serve the interests of the residents who reside in the area subject to annexation.

7. An order should be issued by the Minnesota Municipal Board denying the annexation petition described herein.

O R D E R

IT IS HEREBY ORDERED: That the petition requesting the annexation of the property described herein situated in the County of Carver, State of Minnesota, be and the same is hereby denied.

IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days during which time any party of record may demand an oral review by the full Municipal Board.

IT IS FURTHER ORDERED: That the effective date of this order is October 21, 1977.

Dated this 21st day of September, 1977.

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


William A. Neiman
Executive Secretary