

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Alvin S. Hall	Ex-Officio Member
Edwin C. Hoff	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION)
FOR ANNEXATION OF CERTAIN)
LAND TO THE CITY OF)
AURORA)

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 September 16, 1977 at Aurora, Minnesota and it was continued from time to time. The hearing was conducted by Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Alvin S. Hall and Edwin H. Hoff, ex-officio members of the Board. The City of Aurora appeared by and through Richard Schieffer and Bruce A. Rasmussen, the Township of White appeared by and through Harold Frederick. 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 June 22, 1977, a resolution of the annexing municipality was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows: the entire Township of White, St. Louis County, Minnesota.
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 Aurora.
 - b. The total area of the City of Aurora is approximately 4 square miles. The total area of the territory subject to annexation is approximately 104 square miles.
 - c. The Township of White surrounds the City of Aurora.
 - d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: mining -- numerous small lakes, hilly to gently sloping.

4. Population Data

a. The City of Aurora

1. Population 1970: 2,531
2. Population 1975: 2,749

b. The Township of White

1. Population 1970: 1,854
2. Population 1975: 2,040

5. Development Issues

a. What land use controls are presently being employed.

1. In the City of Aurora

- a. Zoning - yes
- b. Subdivision regulations - yes
- c. Other - Comprehensive plan

2. In the Township of White

- a. Zoning - St. Louis County
- b. Subdivision regulations - St. Louis County
- c. Other - St. Louis Co. Health Department regulates the installation and maintenance of on-site water and disposal services.

b. At present the city does not require future growth space.

c. Development of the following types is occurring:

1. In the City of Aurora:

- a. Residential - yes
- b. Industrial - yes
- c. Commercial - yes
- d. Institutional - yes

2. In the area subject to annexation:

- a. Residential - yes
- b. Industrial - yes
- c. Commercial - yes

6. Governmental Services

a. Presently, the Township of White provides the following services:

1. Water - no
2. Sewer - no
3. Fire Protection - yes, by contract
4. Street Maintenance - yes
5. Recreational - yes
6. Other - garbage pickup, parks, snow removal

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

1. Water - yes
2. Sewer - yes
3. Fire Protection - yes
4. Police Protection - yes
5. Street Improvements - yes
6. Street Maintenance - yes
7. Recreational - yes
8. Other - administrative services, snow removal

- c. Presently, the City of Aurora provides the area subject to annexation with the following services:
 - 1. Water - yes, to a small portion
 - 2. Sewer - yes, to a small portion
 - 3. Fire Protection - yes, by contract
 - 4. Police protection - yes to a portion
 - 5. Street improvements - no
 - 6. Street maintenance - no
 - 7. Recreational - yes
 - 8. Other - civil defense director
- d. Plans to extend municipal services to the area subject to annexation include the following: sewer and water to those areas close enough to the City to make extensions economically feasible. Administrative personnel, ambulance, some extension of police and fire protection not by contract.
- d. There are existing or potential pollution problems which are: the adequacy of septic systems

The following services will help resolve this situation: continued utilization of county and state agencies.

7. Fiscal Data

- a. In the City of Aurora, the assessed valuation as of 1977 was \$3,000,000, the mill rate as of 1976 was 41.
- b. In the Township of White, the assessed valuation as 1977 was \$18,000,000, the mill rate as of 1976 was 9.74.
- c. The annexation would have no effect upon area school districts.

8. Annexation to the City of Aurora is not the best alternative.

- a. Governmental services could not be better provided for by incorporation of the area subject to annexation.
- b. Governmental services could not be better provided for by consolidation or annexation of the area with an adjacent municipality.
- c. White Township provides the services required presently and those required in 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 not 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 City of Aurora and the Township of White will not be furthered by annexation.
- 5. There is no reasonable relationship between the anticipated increase in revenue for the City of Aurora and the value of benefits conferred upon the Township of White.

6. 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.

7. An order should be issued by the Minnesota Municipal Board denying the Annexation of the Township of White to the City of Aurora.

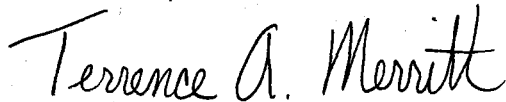
O R D E R

IT IS HEREBY ORDERED: That the resolution of the City of Aurora for the annexation of the entire Township of White situated in the County of St. Louis, State of Minnesota, be and the same is hereby denied.

IT IS FURTHER ORDERED: That the effective date of this order is September 13, 1979.

Dated this 13th day of September, 1979

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



Terrence A. Merritt
Executive Director