

STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square

7th & Robert Streets

St. Paul, Minnesota 55101

October 19, 1979

MEMORANDUM

TO: Parties of Record and interested parties

FROM: Patricia D. Lundy
Assistant Executive Director *pdl*

RE: Minnesota Municipal Board Docket No. A-3234 Lindstrom - Election Results

This is to inform you that pursuant to Municipal Board Order dated August 21, 1979 in the above-described matter an election was duly held on the 9th day of October, 1979, in accordance with Minnesota Statutes 414.031, Subdivision 5.

The election results have been certified as follows and the Lindstrom annexation is therefore, effective as of October 9, 1979:

	<u>For Annexation</u>	<u>Against Annexation</u>
Chisago Lakes		
Town Hall	11	40
No. Precinct		
Chisago Lakes		
Town Hall	62	72
South		
Lindstrom		
Community Center	<u>100</u>	<u>25</u>
TOTAL VOTES	<u>173</u>	<u>137</u>

PDL:mmm

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Donald Hestbeck	Ex-Officio Member
Carl Lyndberg	Ex-Officio Member

IN THE MATTER OF THE PETITION AND RESOLUTION)
FOR ANNEXATION OF CERTAIN LAND TO THE CITY)
OF LINDSTROM)

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 January 4, 1978, at Lindstrom, Minnesota and continued from time to time. The hearing was conducted by William Neiman, Executive Director, Gerald J. Isaacs, Chairman and Robert W. Johnson, Vice Chairman pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Donald Hestbeck and Carl Lyndberg, ex-officio members of the Board. The City of Lindstrom appeared by and through Stan Peskar, the Township of Chisago appeared by and through Barry Blomquist, and the petitioners appeared by and through Timothy Bloomquist.

A continued hearing was held for the purpose of taking testimony on whether or not the area proposed for Annexation should be expanded.

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

I. On October 3, 1977, a copy of a petition for annexation by all the 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:

Lots One (1), Three (3) and Eight (8), Town and Contry Estates, 2nd Plat, according to the plat thereof on file and of record in the office of the County Recorder, formerly Register of Deeds in and for Chisago County, Minnesota.

All that part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Four (4), Township Thirty-three (33) North, Range Twenty (20) West, Chisago County, Minnesota, described as follows:

Commencing at the Northeast corner of said Section 4; thence West $0^{\circ}00'$, along the North line thereof, 674.33 feet to the point of beginning; thence south $8^{\circ}25'45''$ East, 523.84 feet; thence south $88^{\circ}24'27''$ west, 754 feet to the point of intersection thereof with the West line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4; thence north $3^{\circ}15'16''$ east, along said West line, 539.96 feet to the Northwest corner of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence East $0^{\circ}00'$, along the North line thereof and along the North line of said Section 4, 646.27 feet to the point of beginning, containing 8.4 acres, more or less, and subject to the existing County State Aid Highway No. 25 along the Westerly line thereof.

All that part of Government Lots Six (6) and Seven (7), of Section Three (3), and all that part of the Northeast Quarter (NE $\frac{1}{4}$) of Section Four (4), all in Township Thirty-three (33) North, Range Twenty (20) West, Chisago County, Minnesota, described jointly as follows:

Commencing at the west quarter corner of Section 3; thence southerly, along the west line of said Section 3, on an assumed bearing of South $3^{\circ}13'48''$ West, a distance of 58.49 feet; thence South $73^{\circ}28'39''$ East, 305.66 feet; thence South $69^{\circ}08'30''$ East, 161.33 feet to the point of beginning; at the most northwesterly corner of the recorded plat of Town and Country Estates-3rd Plat; thence south $20^{\circ}51'30''$ West along the most westerly line of Town and Country Estates - 3rd Plat, 66 feet; thence north $69^{\circ}08'30''$ West, 158.83 feet; thence North $73^{\circ}28'39''$ West, 137.53 feet; thence South $19^{\circ}08'58''$ West, 300 feet, more or less, to the shoreline of South Center Lake; thence westerly, along said shoreline, 60 feet, more or less, to the west line of Section 3; thence northerly along said west line, 440 feet, more or less, to the west quarter corner of Section 3; thence westerly along the east-west quarter line of Section 4, a distance of 1400 feet, more or less, to the center line of County State Aid Highway No. 25; thence northeasterly, along said center line, 1330 feet, more or less, to the south line of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 4; thence easterly along said south line, 20 feet, more or less, to the east line of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4; thence northerly, along said east line, 410 feet, more or less, to the south line of Donna Lane, as dedicated on the recorded Plat of Town and Country Estates; thence North $88^{\circ}24'27''$ East, plat bearing along said south line of Donna Lane, 786.84 feet; thence South $1^{\circ}35'33''$ East, 175 feet; thence North $88^{\circ}24'27''$ East, 160 feet; thence North $8^{\circ}34'49''$ East, 153 feet, more or less, to the south line of Donna Lane; thence southerly, along the westerly line of Donna Lane and Velma Street, as dedicated on the recorded Plat of Town and Country Estates, 2735 feet, more or less, to the most southwesterly corner of Town and Country Estates; thence southerly and northwesterly, along the westerly and northerly line of Velma Street, as dedicated on the recorded plat of Town and Country Estates, 3rd Plat, 1143 feet, more or less, to the point of beginning.

All that part of Government Lot Two (2), Section Four (4), Township Thirty-three (33) North, Range Twenty (20) West, Chisago County, Minnesota, lying easterly and northeasterly of the following described line:

Commencing at the one-quarter section post in the East line of said Section 4; running thence West along the quarter line 465.96 feet (7 chains and 6 links) to a stake; thence south 581.5 feet along an existing fence line to an angle point in said fence; thence deflecting 73°29' to the left, a distance of 123.4 feet to an angle point in said fence; thence deflecting 25°08' to the right along said fence line, a distance of 85 feet, more or less, to the waters edge of South Center Lake and there terminating.

Excepting from the above described parcel the following two tracts:

All that part of Government Lot Six (6) and Government Lot Seven (7), of Section Three (3), Township Thirty-three (33) North, Range Twenty (20) West, Chisago County, Minnesota, described jointly as follows:

Beginning at the west quarter corner of said Section 3; thence southerly, along the west line of said Section 3; on an assumed bearing of South 3°13'48" West, a distance of 58.49 feet; thence South 73°28'39" East, 305.66 feet; thence South 69°08'30" East, 45.87 feet; thence North 12°41'54" East, 388.84 feet; thence north 69°25'54" West, 424.43 feet to the point of intersection thereof with the west line of said Section 3; thence South 3°13'48" West, along said west line, 367.37 feet to the point of beginning, containing 3.5 acres, more or less.

AND

All that part of the Southeast Quarter of Northeast Quarter (SE¼ of NE¼) and all that part of Government Lot 2, both in Section Four (4), Township Thirty-three (33) North, Range Twenty (20) West, Chisago County, Minnesota, described jointly as follows:

Beginning at the east quarter corner of said Section 4; thence southerly, along the east line of said Section 4, on an assumed bearing of south 3°13' 48" West, a distance of 58.49 feet; thence North 73°28' 39" West, 471.76 feet; North 6°58'42" East, 452.47 feet; thence South 69°25'54" East, 450 feet to the point of intersection thereof with the East line of said Section 4; thence South 3°13'48" West, along said east line, 367.37 feet to the point of beginning, containing 4.5 acres, more or less.

Included with the above-described tracts is a temporary easement over an existing roadway, extending from said tracts, westerly, to County State Aid Highway No. 25. The above-described easement shall become void upon dedication of a public road.

Subject to County State Aid Highway No. 25 along the most westerly line.

Subject to and including any other valid easements, restrictions and reservations.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Chisago Lakes Township on October 20, 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.

A resolution supporting the annexation was received from the annexing municipality,

II. Due, timely and adequate legal notice of the hearing was published, served and filed. Due, timely and adequate legal notice for a continued hearing to take testimony on whether or not the area should be expanded to include the following property was also published, served and filed:

That part of the South Half of the Southeast Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$) of Section Thirty-three (33), Township Thirty-four (34), Range Twenty (20), lying East of the centerline of C.S.A.H. 25, except that part thereof previously annexed to the City of Lindstrom.

All of Government Lot Ten (10), Section Thirty-four (34), Township Thirty-four (34), Range Twenty (20), including all parts thereof previously platted as (a) Sundberg's Beach, 2nd Addition and (b) Wood's Addition, and excepting therefrom all that part thereof previously annexed to the City of Lindstrom.

All that part of the Northeast Quarter ($NE\frac{1}{4}$) of Section Four (4), Township Thirty-three (33), Range Twenty (20), lying East of the centerline of C.S.A.H. 25, including all parts thereof previously platted as (a) Town and Country Estates and (b) Town and Country Estates-2nd Plat.

The North 240 feet of Government Lot Two (2), Section Four (4) Township Thirty-three (33), Range Twenty (20).

All of Government Lots Five (5), Six (6) and Seven (7), Section Three (3), Township Thirty-three (33), Range Twenty (20) including all those parts thereof previously platted as (a) Sundberg's Beach, First Addition, (b) Town and Country Estates and (c) Town and Country Estates-3rd Plat.

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Lindstrom.
- B. The total area of the City of Lindstrom is 704 acres. The total area of the expanded territory subject to annexation is 167 acres.
- C. The perimeter of the area to be annexed is 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: gently rolling.

IV. Population Data

- A. The City of Lindstrom:
 - 1. In 1970, there were 1260 residents.
 - 2. The present estimated population is 2033.
 - 3. By 1980, the projected population is 2200.
- B. The expanded area subject to annexation:
 - 1. In 1970, there were 50 residents.
 - 2. The present estimated population is 114.
 - 3. By 1980, the projected population is not ascertainable.
- C. The Township of Chisago Lakes:
 - 1. In 1970, there were 2319 residents.
 - 2. The present estimated population is 2650.
 - 3. By 1980, the projected population is 2750.

V. Development Issues

A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

a. In the City of Lindstrom:

1. Residential: 515 acres
2. Institutional: 39 acres
3. Commercial: 50 acres
4. Industrial: 40 acres
5. Agricultural: 10 acres
6. Vacant Land: 50 acres

b. In the expanded area subject to annexation:

1. Residential: 91 acres
2. Agricultural: 76 acres

2. Area Being Developed

a. In the area subject to annexation: not ascertainable

b. In the Township of Chisago Lake: not ascertainable

3. Area Remaining for Various Uses

a. In the City of Lindstrom:

1. Residential: 30 acres
2. Industrial: 20 acres

b. In the expanded area subject to annexation:

1. Residential: 76 acres

c. In the Township of Chisago Lakes: not ascertainable

B. Transportation:

1. The present transportation network is:

- a. In the City of Lindstrom: City, County and State Aid 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 Lindstrom: not ascertainable

2. In the Township of Chisago Lakes: not ascertainable

3. In the County of Chisago: not ascertainable

4. There is no known inconsistency between the proposed development and the planning and land use controls for the area.

VI. Governmental Services

A. The Town of Chisago Lakes provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection and rating: yes. Contracted.
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreationsl: yes
8. Administrative services: yes

- B. The City of Lindstrom 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
- C. The City of Lindstrom provides the area subject to annexation with the following services:
1. Water: no
 2. Sewer: no
 3. Fire protection and rating: no
 4. Police protection: no
 5. Street improvements: no
 6. Street maintenance: no
 7. Recreational: yes
 8. Administrative services: no
- D. An existing or potential environmental problem and the need for additional services to resolve this problem is the presence of failing septic systems.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: extension of sewer and water.
- F. The following services will be available to the annexed area with two years: sewer, water, police, and fire protection

VII. Tax Base

- A. In the City of Lindstrom, the tax base includes the following Assessor's Market Value:
1. Residential property in 1977 was valued at \$3,497,308.00.
 2. Commercial property in 1977 was valued at \$750,386.
 3. Industrial property in 1977 was valued at \$201,606.
 4. Agricultural property in 1977 was valued at \$364.
 5. Vacant land in 1977 was valued at \$60,437.
 6. Non-taxable property - Market value
 - a. Institutional use in 1974 was worth, as developed, \$3,463,193.
- B. In the Township of Chisago Lakes, the tax base includes the following types of property, the exact value of each was not ascertainable: residential property, commercial property, public utility property, agricultural land, vacant land, and non-taxable property.
- C. In the expanded area subject to annexation, the tax base includes the following types of property:
1. Residential property in 1978 was valued at \$392,883.
 2. Non-commercial property
 3. Non-industrial property
 4. Agricultural property in 1978 was valued at \$70,590 including seasonal use.
 5. Vacant land in 1978 was valued at \$8870.

VIII. Tax Data

A. In the City of Lindstrom:

1. Mill rate in 1977 was 23.03.

B. In the Township of Chisago Lakes:

1. Mill rate in 1977 was 9.07.

C. In the expanded area subject to annexation:

1. Mill rate in 1977 was 9.07.

IX. The annexation to the City of Lindstrom is the best alternative.

A. There is no relationship and effect on area school districts and on adjacent communities resulting from the proposed annexation.

B. The town government is inadequate to deliver services to the area proposed for annexation.

C. The necessary governmental services cannot best be provided by incorporation or annexation to an adjacent municipality.

D. Present assessed valuation of proposed annexation area is approximately \$472,343.

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

X. Alteration of Boundaries

A. The area subject to annexation should be increased in order to only include that property which is now or is about to become urban or suburban in character; which is the area described in Findings of Fact II.

XI. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Board requesting annexation.

XII. That the annexation of the area described in Findings of Fact II may result in potential capital costs to the City of Lindstrom to fully accomodate the total development of the area, coupled with the tax loss to the township thus necessitating a referendum area including the City and the Township.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The expanded area is now or is about to become urban or suburban in character.

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

IV. The best interest of the area subject to annexation will be furthered by annexation.

V. The remainder of the Township of Chisago Lakes can carry on the functions of government without undue hardship.

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

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

VIII. Because of increased costs, the City of Lindstrom may qualify for a special levy.

IX. Two years will be required to effectively provide full municipal services to the annexed area.

X. This annexation proceeding has not been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is subject to an annexation election to be described herein.

XI. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact II.

XII. The area primarily and substantially interested in or affected by this Board order is the entire Township of Chisago Lakes and the City of Lindstrom.

O R D E R

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact II situated in the County of Chisago Lakes, State of Minnesota, be and the be and the same hereby is annexed to the City of Lindstrom the same as if it had been originally made a part thereof.

II. IT IS FURTHER ORDERED: On October 9, 1979, a public election, to be conducted as provided by law, shall be held in the City of Lindstrom and in the Township of Chisago Lakes which is the area that has been determined by the Minnesota Municipal Board to be primarily and substantially interested in or affected by the Minnesota Municipal Board order. The ballot for said election shall conform substantially to the following: For Annexation ☐ Against Annexation ☐. Further, any person eligible to vote at a township or municipal election, at the time of the election, is eligible to vote at such election.

III. IT IS FURTHER ORDERED: That Curtis J. Anderson is hereby appointed Chief Election Clerk and Earl L. Anderson is hereby appointed Assistant Election Clerk. Further, that the Community Center shall be the polling place in Lindstrom and the Chisago Lakes Town Hall shall be the polling place in the township. Other election judges are as follows:

Election Judges City of Lindstrom

Marjorie Anderson
Louise Mead
Sharon Erickson
William Erickson, Alternate

Election Judges Town of Chisago Lakes

Harris Quist	Ellsworth Dalhquist
Violet Strand	Amelia Palmquist
Nelda Abrahamson	Joanne Schmidt, Alternate
Evelyn Strand	Ralph Holt, Alternate
Herbert Grossman	

The local judges shall conduct the election so far as practicable in accordance with the laws regulating special elections. Further, the referendum shall be conducted as provided for in Minnesota Statutes 414.031, Subd. 5. The polls shall be open from 7:00 a.m. to 8:00 p.m.

V. IT IS FURTHER ORDERED: That the population of the City of Lindstrom has increased by 114 persons to 2147 persons for all purposes until the next Federal Census.

VI. IT IS FURTHER ORDERED: That the population of the Town of Chisago Lakes has decreased by 114 persons to 2536 persons for all purposes until the next Federal Census.

VII. 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.

VIII. IT IS FURTHER ORDERED: That the annexation herein be effective, provided that a majority of the votes cast are "for annexation." The Municipal Board shall, upon receipt of the certificate of the election results, notify all parties of record of the election results.

Dated this 21st day of August, 1979

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director