

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Maynard Larson	Ex-Officio Member
Leon Sierk	Ex-Officio Member

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

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AMENDED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER  
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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 March 29, 1978, at Slayton, Minnesota. The hearing was conducted by Board Member Thomas Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Maynard Larson and Leon Sierk, ex-officio members of the Board. The City of Slayton appeared by and through Jeffrey Flynn, the Township of Slayton appeared by and through Kaye Reishus and Gregory Holmstrom. 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

I. On January 12, 1978, 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:

Section 9 and 10, Range 106, Township 41 of Murray County, Minnesota.

II. On June 15, 1978 the Municipal Board made a preliminary decision to decrease this area so as to include only that property which is urban or suburban or about to become so. The decreased area is described as follows:

That Part of the South Half of the Southwest Quarter (S½ of SW¼), Section Ten (10), Township One Hundred Six (106), Range Forty-one (41) described as follows, to-wit: Beginning at the Southeast corner of the South Half of the Southwest Quarter (S½ of SW¼); thence North 33 feet, thence West along the North right-of-way line of Trunk Highway 30 to the center of Lot Five (5) of the Plat of Lots Two and Three (2 & 3) of the South Half of the Southwest Quarter (S½ of SW¼); thence North 307 feet to the North line of said Lot 5; thence West 146.5 feet to the East line of Lot Three (3) of the Plat of the South Half of the Southwest Quarter (S½ of SW¼); thence North along the said East line to the Northeast corner of Lot Three (3), thence West to the Northwest corner of the South Half of the Southwest Quarter (S½ of SW¼); thence South to the Southwest corner of the South Half of the Southwest Quarter (S½ of SW¼); thence East to the Southeast corner of the South Half of the Southwest Quarter (S½ of SW¼); EXCEPT that part previously annexed by Ordinance No. 140, adopted by the City Council of the City of Slayton on May 3, 1976.

The West 33 feet of the South 227.15 feet of the North Half of the Southwest Quarter (N½ of SW¼), Section Ten (10), Township One Hundred Six (106), Range Forty-one (41).

That part of the South Half/<sup>(S½)</sup> of Section Nine (9), Township One Hundred Six (106), Range Forty-one (41), described as follows, to-wit: Beginning at the Southeast corner of said section, thence North 00° 15', assumed bearing, along the east line of said section, a distance of 1547.15 feet; thence North 89° 45' west a distance of 33.00 feet to the Northeast corner of Finley's Subdivision; thence North 89° 45' West along a line at right angles to the east line of said Section 9, a distance of 1022 feet, thence South 00° 15' West along the West line of Finley's Subdivision a distance of 300 feet to the Southwest corner of Finley's Subdivision, said point being also the Northeast corner of Murray Industries Addition, thence North 89° 45' West, along the North line of Murray Industries Addition a distance of 1948.66 feet to the Northeasterly right-of-way line of the Chicago and Northwestern Railway Company; thence South 63° 56' 39" East, along said right-of-way line to the South line of said Section 9, thence East along the South line of Section 9 to the Southeast corner of Section 9.

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

IV. Geographic Features

- A. The decreased area subject to annexation is unincorporated and abuts the City of Slayton.
- B. The total area of the City of Slayton is 680 acres. The total area of the decreased territory subject to annexation is 126.54 acres.
- C. The perimeter of the decreased area is more than 25 percent bordered by the municipality. All roads, rivers, lakes and major bluffs is more than 25 percent bordered by the municipality.
- D. The natural terrain of the decreased area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: the area slopes north, and there is a creek in the area.

V. Population Data

- A. The City of Slayton:
  1. Since 1970, there has been some growth.
  2. The present estimated population is 2552.
- B. The decreased area subject to annexation: the present estimated population is 150, about half of said persons reside in a trailer court.
- C. The Township of Slayton:
  1. In 1960, there were 567 residents.
  2. The 1970 population was 527 due to the increase in the size of individual farms.

VI. Development Issues

- A. The pattern of physical development:
  1. In the City of Slayton: Development of all types is occurring, particularly residential.

2. In the decreased area subject to annexation: parts of the area have been developed with residential or commercial uses. Areas not developed are largely agricultural but are likely to develop within a reasonable time consistent with present uses. One seven acre parcel may be preserved as a wild life habitat.
- B. Land use controls and planning, including comprehensive plans, in the city and the decreased area subject to annexation.
1. In the City of Slayton:
    - a. Zoning - Yes
    - b. Subdivision Regulations - Yes
    - c. Comprehensive Plan - Comprehensive planning is now under way for Slayton and the surrounding area.
    - d. Building Code - Yes
    - e. Planning Commission - Yes
    - f. Other - Housing Code - Yes
  2. In the Township of Slayton:
    - a. Zoning - Yes, by County
    - b. Subdivision Regulations - Yes, by County
    - c. Building Code - Yes

VII. Governmental Services

- A. The Town of Slayton provides the decreased area subject to annexation with no services.
- B. The City of Slayton provides its residents with the following services:
1. Water - Yes, to most of the city.
  2. Sewer - Yes, to most of the city.
  3. Fire protection - Yes
  4. Police protection - Yes
  5. Street improvements - Yes
  6. Street maintenance - Yes
  7. Recreational - Yes
- C. The City of Slayton provides the decreased area subject to annexation with the following services:
1. Water - Yes, to most of the developed parcels.
  2. Sewer - Yes, to most of the developed parcels.
  3. Fire protection - Yes, by contract with the city.
  4. Police protection - No, except on an emergency basis.
  5. Street improvements - No
  6. Street maintenance - No
  7. Recreational - Yes
- D. Existing or potential environmental problems and the need for additional services to resolve these problems: Various pollution problems have occurred as a result of private, sewage disposal systems including a private lagoon. City sewer will resolve these.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: All services, including utilities, can be extended within a reasonable time.

VIII. Tax Data

- A. In the City of Slayton:
1. Mill rate in 1977 was 40.14
  2. Bonded indebtedness in 1977 was \$431,000.
  3. Assessed valuation in 1977 was \$4,996,271.
- B. In the decreased area subject to annexation:
1. Mill rate in 1978 was 8.08.
  2. Bonded indebtedness in 1977 was 0.
  3. Assessed valuation in 1977 was \$389,581.

C. Mill rate in 1977:

1. County in 1977 was 19.64.
2. School district in 1977 was 50.71.
3. Township in 1978 was 8.08.

XI. Is annexation to the City of Slayton the best alternative?

- A. Relationship and effect of the proposed annexation on area school districts and on adjacent communities: None.
- B. Adequacy of town government to deliver services to the decreased area proposed for annexation: township does not have capacity to deliver necessary services.
- C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? No.
- D. Present assessed valuation of the Town of Slayton is approximately 3.6 million.

Present assessed valuation of proposed annexation area: \$389,000.

New valuation of the Town of Slayton if entire area is annexed: in excess of \$3,000,000.

- E. Slayton Township can continue to function without the decreased area subject to annexation.

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

XI. Area primarily or substantially interested in or affected by the Board order:

A. Economic Impact:

1. The City: Slayton is likely to benefit from the inclusion of a substantial parcel of land, much of it already developed. Further, annexation may stimulate further development due to the availability of services.
2. The Township: Although Slayton Township will be able to function efficiently without the annexation area, there will be significant fiscal implications for the township as a whole as a result of the annexation.

B. Delivery of Services:

1. The City: Slayton has substantial obligation to deliver services to the entire area, and correcting present or potential pollution problems will be of particular concern.
2. The Township: If the annexation fails, there almost certainly will be pressures on Slayton Township to take corrective measures to alleviate pollution problems.

C. Community of Interest:

1. The City: Much of the area is presently urbanized and relates closely to the city. Further, Slayton has a strong interest in planning for the area.
2. The area is now part of the township, and Slayton Township has indicated that it has a continuing, strong interest in the area.

CONCLUSIONS OF LAW

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

II. The decreased area subject to annexation 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 decreased area subject to annexation.

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

V. The remainder of the Township of Slayton 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 Slayton and the value of benefits conferred upon the decreased area subject to annexation.

VII. 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 decreased area subject to annexation.

VIII. 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.

IX. The area primarily and substantially interested in or affected by the annexation is the entire City of Slayton and the Township of Slayton.

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

O R D E R

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

That Part of the South Half of the Southwest Quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ), Section Ten (10), Township One Hundred Six (106), Range Forty-one (41) described as follows, to-wit: Beginning at the Southeast corner of the South Half of the Southwest Quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ); thence North 33 feet, thence West along the North right-of-way line of Trunk Highway 30 to the center of Lot Five (5) of the Plat of Lots Two and Three (2 & 3) of the South Half of the Southwest Quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ); thence North 307 feet to the North line of said Lot 5; thence West 146.5 feet to the East line of Lot Three (3) of the Plat of the South Half of the Southwest Quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ); thence North along the said East line to the Northeast corner of Lot Three (3), thence West to the Northwest corner of the South Half of the Southwest Quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ); thence South to the Southwest corner of the South Half of the Southwest Quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ); thence East to the Southeast corner of the South Half of the Southwest Quarter (S $\frac{1}{2}$  of SW $\frac{1}{4}$ ); EXCEPT that part previously annexed by Ordinance No. 140, adopted by the City Council of the City of Slayton on May 3, 1976.

The West 33 feet of the South 227.15 feet of the North Half of the Southwest Quarter (N $\frac{1}{2}$  of SW $\frac{1}{4}$ ), Section Ten (10), Township One Hundred Six (106), Range Forty-one (41).

That part of the South Half of <sup>(S $\frac{1}{2}$ )</sup> Section Nine (9), Township One Hundred Six (106), Range Forty-one (41), described as follows, to-wit: Beginning at the Southeast corner of said section, thence North 00° 15', assumed bearing, along the east line of said section, a distance of 1547.15 feet; thence North 89° 45' west a distance of 33.00 feet to the Northeast corner of Finley's Subdivision; thence North 89° 45' West along a line at right angles to the east line of said Section 9, a distance of 1022 feet, thence South 00° 15' West along the West line of Finley's Subdivision a distance of 300 feet to the Southwest corner of Finley's Subdivision, said point being also the Northeast corner of Murray Industries Addition, thence North 89° 45' West, along the North line of Murray Industries Addition a distance of 1948.66 feet to the Northeasterly right-of-way line of the Chicago and Northwestern Railway Company; thence South 63° 56' 39" East, along said right-of-way line to the South line of said Section 9, thence East along the South line of Section 9 to the Southeast corner of Section 9.

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II. IT IS FURTHER ORDERED: On ~~November 7, 1978~~ <sup>November 7, 1978</sup> which is 35 days after the entry of this order, a public election be conducted pursuant to MS. 414.031, Subd. 5. Further, any person eligible to vote at a township or municipal election is eligible to vote at such an election.

III. IT IS FURTHER ORDERED: That the judges shall conduct the election as far as practicable in accordance with the law regulating special elections. Only voters residing within the area which is substantially interested in or affected by the Board's Order shall be entitled to vote. This area is: the City of Slayton and the Township of Slayton.

IV. IT IS FURTHER ORDERED: That the hours of the election shall be between 7:00 a.m. and 8:00 p.m., and further that the polling places and election judges shall be as follows:

Township of Slayton - polling place Township Hall, Slayton Township, Murray County.

ELECTION JUDGES

Cyril Zenk	RFD 1 Slayton, Minnesota (Township Board Chairman)
Gordon Payton	RFD 3 Slayton, Minnesota
Franklin Gass	RFD 2 Slayton, Minnesota
Douglas Schaap	RFD 1 Slayton, Minnesota
Sidney Forster	RFD 2 Slayton, Minnesota

City of Slayton - polling place City Council room, City Hall, 2451 Broadway, Slayton, Minnesota.

ELECTION JUDGES

Debra Staples, Slayton Trailer Court, Slayton, Minnesota shall serve as Chief Election Judge. Other election judges in the City of Slayton are as follows:

Frances Keeler	3223 Maple Ave.
Jane Nywall	2827 Maple Road
Margaret Kluis	2737 Maple Ave.
Lawrence Hart	3019 Redwood Ave.
Cecilia Spartz	3057 Oak Ave.
Beulah Powell	2125 Court St.
Emma Lilly	2526 King Ave.
Mary Lou Christensen	Broadway
Bernice Grieme	2719 Maple Ave.
Yvonne Salter	2630 Holly Ave.
Mary Ann Boock	2608 Oak Ave.

V. IT IS FURTHER ORDERED: That the Chief Election Judge shall cause a copy of this order, and a Notice of Election to be posted not less than 20 days before the election in three public places in the referendum area described herein and submit proof thereof to the Executive Director of the Municipal Board. The Chief Election Judge shall cause a Notice of Election to be published for two successive weeks before the election in the newspaper qualified as a medium of official and legal publication of general circulation in the referendum area and submit proof thereof to the Executive Director of the Municipal Board. The Chief Election Judge shall prepare the ballot which shall bear the words "For annexation to the City of Slayton"; "Against annexation to the City of Slayton" with a square before each of the phrases in one of which the voter shall make a cross to express his or her choice. The ballots and election supplies shall be provided by the City of Slayton.

VI. IT IS FURTHER ORDERED: That the election judges shall prepare and submit to the Executive Director of the Municipal Board a verified election certificate declaring the time and place of election and the results of their counts of the ballots.

VII. IT IS FURTHER ORDERED: That the population of the City of Slayton has increased by 150 persons to 2,702 persons for all purposes until the next Federal Census.

VIII. IT IS FURTHER ORDERED: That the population of the Town of Slayton has decreased by 150 persons to 377 persons for all purposes until the next Federal Census.

IX. IT IS FURTHER ORDERED: That the annexation herein be effective ~~November~~ December 19, 1978 ~~8, 1978~~ as provided by Minnesota Statutes 414.09, Subd, 2, provided that a majority of the votes cast were "For annexation".

X. IT IS FURTHER ORDERED: That the effective date of this order is October 3, 1978.

Dated this 3rd day of October, 1978.

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

  
William A. Neiman  
Executive Director

Amended Order dated this 17th day of  
November, 1978

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

  
William A. Neiman  
Executive Director