



**STATE OF MINNESOTA
MUNICIPAL BOARD**

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

TO: All Parties of Record
FROM: Municipal Board
SUBJECT: Docket A-3295 Brownsdale

Attached is an order dated June 29, 1978 annexing certain property to the City of Brownsdale.

The Minnesota Municipal Board's decision to approve the annexation was made on June 29, 1978, however, there was a need to clarify and correct the legal property description which is reflected on page four (4).

PDL:kj

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Robert Finbraaten	Ex-Officio Member
Robert Shaw	Ex-Officio Member

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

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 May 11, 1978, at Brownsdale, Minnesota. The hearing was conducted by William A. Neiman, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Robert Finbraaten and Robert Shaw, ex-officio members of the Board. The City of Brownsdale was represented by Marvin Foster, the Township of Red Rock was represented by John Holst and one of the petitioners appeared pro se. 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 February 2, 1978, a copy of a petition for annexation by the sole property owner 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:

Commencing at a point that is 33 ft. south of the northeast corner of outlot 48 in section 9- township 103 north range, 17 west; then west 165 ft. parallel with the north line of outlot 48; then south 297 ft. and east 165 ft. to outlot 49; then east 365 ft; then north 99 ft; then east 132 ft; then south 68.5 ft; then east 30 ft; then south 386 ft; then west 61.75 ft; then south 200 ft; then west 465.25 ft. to outlot 48; then west 80 rods to the west side of outlot 48; then north 774 ft. to the north line of outlot 48; then east 1155 ft. to point of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Red Rock Township on March 9, 1978. 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 Brownsdale.
- b. The total area of the territory subject to annexation is approximately 25 acres.
- c. The perimeter of the area to be annexed is approximately 25% 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: flat land.

4. Population Data

a. The City of Brownsdale:

- 1) Past population growth - In 1970, 625 persons.
- 2) Present population - Estimated at 725 persons.
- 3) Projected population - Continued growth.

b. The area subject to annexation:

- 1) Past population growth - 0
- 2) Present population - 0
- 3) Projected population - Substantial growth as lots are developed.

5. Development Issues

a. What, if any, are the plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the State Planning Agency? None.

b. What land use controls are presently being employed.

1) In the City of Brownsdale:

- a. Zoning - Yes
- b. Subdivision regulations - Unknown
- c. Housing and building codes - No

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 Brownsdale with necessary growth space? Yes, particularly for residential development.

d. Development of the following types is occurring:

- 1) In the City of Brownsdale: general growth and development is occurring.
- 2) In the area subject to annexation: none, but there are immediate plans to sell lots for single-family homes and to build a new church.

e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

a. Presently, the Township of Red Rock provides the area subject to annexation with no services.

b. Presently, the City of Brownsdale 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 | |

c. Presently, the City of Brownsdale provides the area subject to annexation with the following services: none.

d. Plans to extend municipal services to the area subject to annexation include the following: all services, other than water, can be extended upon development. Water can be extended within a reasonable time.

e. There are existing or potential pollution problems which are: pollution if lots are developed without city sewer. The following additional services will help resolve this situation: city sewer.

7. Fiscal Data

a. In the City of Brownsdale, the assessed valuation as of 1977 is \$1,146,484, the mill rate in 1978 will be 34.19 and the bonded indebtedness as of 1977 is \$278,000.

b. In the area subject to annexation, the assessed valuation as of 1978 is \$7,998, the mill rate as of 1977 is 2.53.

c. Will the annexation have any effect upon area school districts? No.

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

c. Could Red Rock Township provide the services required? No.

d. Can Red Rock Township continue to function without the area subject to annexation? Yes.

9. 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 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 area subject to annexation.

4. The best interest of the City of Brownsdale and the area subject to annexation will be furthered by annexation.

5. The remainder of the Township of Red Rock 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 Brownsdale 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

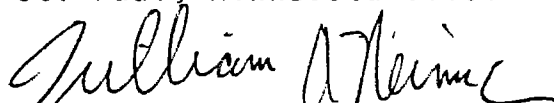
IT IS HEREBY ORDERED: That the property described herein situated in the County of Mower, State of Minnesota, be and the same is hereby annexed to the City of Brownsdale, Minnesota, the same as if it had been originally made a part thereof:

Commencing at a point that is 33 ft. south of the northeast corner of outlot 48 in section 9 township 103 north range, 17 west: then west 165 ft. parallel with the north line of outlot 48; then south 297 ft. and east 165 ft. to outlot 49; then east 396 ft. then north 99 ft. then east 132 ft. then south 68.5 ft. then east 30 ft. then south 386 ft. then west 61.75 ft. then south 200 ft. then west to the west side of outlot 48; then north 852.5 ft. to the north line of outlot 48, which is 33 ft. south of northwest corner of outlot 48; then east parallel with the north line of outlot 48; to point of beginning.

IT IS FURTHER ORDERED: That the effective date of this order is June 29, 1978.

Dated this 29th day of June, 1978.

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


William A. Neiman
Executive Director