

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
John Davidson	Ex-Officio Member
Earl Prigge	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR )	
ANNEXATION OF CERTAIN LAND TO THE )	<u>FINDINGS OF FACT,</u>
CITY OF RED WING PURSUANT TO )	<u>CONCLUSIONS OF LAW,</u>
MINNESOTA STATUTES 414 )	<u>AND ORDER</u>

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, April 25th, 1979 and June 27, 1979 at Red Wing, Minnesota. The hearing was conducted by Terrence A. Merritt pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners John Davidson and Earl Prigge, ex-officio members of the board. The City of Red Wing appeared by and through Patrick Costello, the Town of Hay Creek appeared by and through Charles Richardson, and the petitioners appeared by and through Thomas Erdmann. Subsequent to the conclusion of the hearing a group of interested property owners were represented by Gordon Mooseburger. 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 December 26th, 1978, a copy of a petition for annexation by a majority of the property owners was filed with the Municipal Board. A petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Part of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section Six (6), Township 112 North, Range 14 West, described as follows:

All of Lot Three (3) and Lot Six (6) of said section. Also, from a stone monument at the Northwest corner of said Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of said Section Six (6), run south 1,276.47 feet to the centerline of Twin Bluff Road, formerly known as the Red Wing Oronoco Road, run thence north 49° east along the centerline of said road 329.83 feet to an iron for a place of beginning; thence run south 33° east 200 feet; thence run south 49° west 115.35 feet; thence run south 33° west 1,829.50 feet, more or less, to the half breed line; thence run north 29° east along the half breed line to the east line of Lot Four (4), thence run north to the north line of Section Six (6), thence run west along the north line of Section Six (6) to the centerline of Twin Bluff Road; thence run southwesterly along said centerline to the point of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Hay Creek Township on February 22nd, 1979. The Municipal Board upon

receipt of this objection conducted further proceedings in accordance with Minnesota Statutes 414.031, as required by M.S. 414.033, Subd. 5.

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

III. The area subject to annexation is unincorporated, approximately 111 acres in size, and abuts the City of Red Wing by approximately 62%. The City of Red Wing is approximately 24,693 acres in size.

IV. The natural terrain of the area proposed for annexation varies with all of it draining toward Hay Creek. It is located in drainage area three. The soil located on its ridges and valleys are easily erodable.

V. In 1970 the City of Red Wing had 12,834 residents, in 1977 it had 14,111 residents, and it is projected that by 1990 it will have a population of 15,780.

VI. In the area proposed for annexation, the present estimated population is 15.

VII. There was no testimony concerning the present population of Hay Creek Township.

VIII. The City of Red Wing has 3,209 acres in residential use, 601 acres in institutional use, 121 acres in commercial use, 700 acres in industrial use, 7,810 acres in agricultural use, and 10,000 acres in vacant land.

IX. The area subject to annexation is approximately 17 acres in residential use, approximately 50 acres in agricultural use, and approximately 44 acres in vacant land.

The area subject to development in the area proposed for annexation consists of approximately 94 acres for residential use and 50 acres for agricultural use.

X. No evidence was presented as to the number of acres located within Hay Creek Township, but the uses of land within Hay Creek Township are residential, commercial, agricultural, non-taxable property, and vacant land.

XI. The City of Red Wing has a zoning ordinance, subdivision regulation, comprehensive plan, capital improvement program, fire code, building inspector, and planning commission.

XII. The Town of Hay Creek relies on the County of Goodhue for its zoning, subdivision regulations, comprehensive plan, building inspector, and planning commission. It does not have an official map or capital improvements program, or fire code.

XIII. The County of Goodhue has zoning, subdivision regulations, comprehensive plan, building inspector, and planning commission.

XIV. The area proposed for annexation is located within drainage area No. 3.

The Pioneer Road and Twin Bluff Road drain a portion of the drainage area No. 3 which resulted in extensive washout of land located along the creek servicing this drainage area. The City of Red Wing together with the adjacent townships, and the county have worked together to address this issue through the control of surface water and runoff.

XV. The City of Red Wing provides its residents with water, sewer, fire protection, police protection, street improvements, street maintenance, recreational opportunities, administrative services, and storm sewer.

XVI. The City of Red Wing presently provides the area under consideration with fire protection by agreement with the Town of Hay Creek.

The Town of Hay Creek provides the area subject to annexation with fire protection by contract with the City of Red Wing, police protection through the county, street improvements and street maintenance.

XVII. The City of Red Wing presently opposes the proposed annexation. Further it has indicated no willingness to extend any of its municipal services to the area under consideration at this time.

Further, there was no testimony indicating that extension of municipal services for the area proposed for annexation were contemplated by the city within its capital improvements program within the near future.

XVIII. The tax base of the city of Red Wing is composed of residential property valued in 1978 at \$748,000, commercial proeprty valued in 1978 at \$19,018,600, industrial property valued in 1978 at \$13,082,700, agricultural property valued in 1978 at \$3,279,400 and vacant land valued at \$1,117,400.

The city has non-taxable property of public utilities valued at \$335,577,830.

XIX. The Town of Hay Creek tax base includes residential property valued in 1978 at \$3,142,636, commercial property valued at \$294,400, agricultural property valued at \$7,941,095 and vacant land valued at \$58,700.

The Town of Hay Creek has non-taxable property of public utilities valued at \$56,760 and commercial/seasonal recreation valued at \$13,200.

XX. The area proposed for annexation has an assessed value of \$46,537.

XXI. The present assessed valuation of the Town of Hay Creek for 1978 is \$3,204,398.

XXII. The City of Red Wing's mill rate in 1978 was 62.59 and it had a bonded indebtedness of \$8,515,500.

XXIII. The Town of Hay Creek's mill rate in 1978 was 51.91 with no bonded indebtedness.

The mill rate in the County of Goodhue in 1978 was 11.40. The mill rate for the County of Goodhue in 1978 including S.E.L.S.O. was 12.03.

XXIV. If no development occurs within the area proposed for annexation the Town of Hay Creek can provide necessary governmental services.

XXV. The area proposed for annexation is too small to incorporate into its own governmental unit.

XXVI. The area proposed for annexation is adjacent only to the City of Red Wing and is not adjacent to any other municipality to be annexed to.

CONCLUSIONS OF LAW

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

II. Municipal government is presently not required to protect the health, safety, and welfare of the people in the area subject to annexation.

III. Annexation of all or a part of the property to an adjacent municipality is impossible, since the area proposed for annexation abuts only the City of Red Wing.

IV. An order should be issued by the Minnesota Municipal Board denying the petition for annexation of the area described herein without prejudice.

ORDER

I. IT IS HEREBY ORDERED: That the petition for annexation of the property described herein situated in the County of Goodhue, State of Minnesota be and the same is hereby denied without prejudice:

Part of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Six (6), Township 112 North, Range 14 West, described as follows:

All of Lot Three (3) and Lot Six (6) of said section. Also, from a stone monument at the Northwest corner of said Northwest Quarter (NW $\frac{1}{4}$ ) of said Section (6), run south 1,276.47 feet to the centerline of Twin Bluff Road, formerly known as the Red Wing Oronoco Road, run thence north 49° east along the centerline of said road 329.83 feet to an iron for a place of beginning; thence run south 33° east 200 feet; thence run south 49° west 115.35 feet; thence run south 33° west

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II. IT IF FURTHER ORDERED: That the effective date of this order is

April 23, 1981.

Dated this 23rd day of April, 1981

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

  
Terrence A. Merritt  
Executive Director