



STATE OF MINNESOTA
MUNICIPAL BOARD

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

January 15, 1981

MEMORANDUM

TO: Parties of Record and Interested Parties

FROM: Patricia D. Lundy
Assistant Executive Director

RE: Minnesota Municipal Board Docket No. A-3729 Danube

This is to inform you that pursuant to Municipal Board Order dated October 9, 1980 in the above-described matter an election was duly held on the 4th day of November, 1980, in accordance with Minnesota Statutes 414.031, Subdivision 5.

The election results have been certified as follows and the Danube annexation is therefore effective.

	<u>For Annexation</u>	<u>Against Annexation</u>
Town of Troy	85	64
City of Danube	<u>281</u>	<u>35</u>
TOTAL	<u>366</u>	<u>99</u>

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Patrick Kubesh	Ex-Officio Member
Palmer Brelie	Ex-Officio Member

 IN THE MATTER OF THE RESOLUTION)
 FOR ANNEXATION OF CERTAIN LAND)
 TO THE CITY OF DANUBE PURSUANT)
 TO MINNESOTA STATUTES 414)

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 10, 1980, at Danube, Minnesota. The hearing was conducted by Thomas J. Simmons and Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Patrick Kubesh and Palmer Brelie, ex-officio members of the Board. The City of Danube appeared by and through Robert Wurm, the Township of Troy appeared by and through Gene Dillon, Chairman. 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 July 21, 1980, 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:

That part of the SW¹/₄, Section 5, Township 115, Range 35, lying north of Highway 212, south of the right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company; except Schroeders 6th Addition, 8th Addition, 11th Addition and Out Lots 1, 2, 3, and 5 in the NW¹/₄ of the SW¹/₄.

That part of the SW¹/₄, Section 6, Township 115, Range 35, lying north of U.S. Highway 212, south of the right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company.

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

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Danube
- B. The total area of the City of Danube is 127 acres. The total area of the territory subject to annexation is 160 acres.
- C. The perimeter of the area to be annexed is 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: flat.

IV. Population Data

- A. The City of Danube:
 - 1. In 1970, there were 498 residents.
 - 2. The present estimated population is 586.
 - 3. By 1990, the projected population is approximately 700.
- B. The area subject to annexation:
 - 1. In 1970 there were 0 residents.
 - 2. The present population is 0.
 - 3. By 1990, the projected population is approximately 100.
- C. The Township of Troy:
 - 1. In 1970, there were 374 residents.
 - 2. The present estimated population is 377.

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 Danube:
 - 1. Residential and streets: 81 acres
 - 2. Institutional: 6 acres
 - 3. Commercial: 12 acres
 - 4. Industrial: 0 acres
 - 5. Agricultural: 20 acres
 - 6. Vacant land: 8 lots
 - b. In the area subject to annexation:
 - 1. Residential: 0 acres
 - 2. Institutional: 10 acres
 - 3. Commercial: 13 acres
 - 4. Industrial: 0 acres
 - 5. Agricultural: approximately 137 acres
 - 6. Vacant land: 0 acres
 - c. In the Township of Troy:
 - 1. Residential: approximately 10 residences not farm related
 - 2. Institutional: approximately 40 acres
 - 3. Commercial: 0 acres
 - 4. Industrial: 20 acres
 - 5. Agricultural: approximately 21,500 acres
 - 6. Vacant land: approximately 20 acres

2. Area Being Developed

a. In the City of Danube:

1. Residential: 3 lots
2. Institutional: 0 acres
3. Commercial: 2 lots
4. Industrial: 0 acres
5. Agricultural: 0 acres

b. In the area subject to annexation: no development presently taking place

c. In the Township of Troy:

1. Residential: approximately 60 acres
2. Institutional: 0 acres
3. Commercial: 0 acres
4. Industrial: 0 acres

3. Area Remaining for Various Uses

a. In the City of Danube:

1. Residential: 8 lots
2. Institutional: 0 acres
3. Commercial: 2 lots
4. Industrial: 0 acres
5. Agricultural: 0 acres

b. In the area subject to annexation:

1. Residential and streets: 107.5 acres
2. Institutional: 0 acres
3. Commercial: 30.5 acres
4. Industrial: 0 acres
5. Agricultural: 0 acres

c. In the Township of Troy:

1. Residential: approximately 6 building sites available

B. Transportation:

1. The present transportation network is:

- a. In the City of Danube: streets
- b. In the area subject to annexation: federal, county and city roads provide access to the area

C. Land use controls and planning, including comprehensive plans, in the city and area subject to annexation:

1. In the City of Danube:

- a. Zoning: no
- b. Subdivision Regulations: no
- c. Comprehensive Plan: no
- d. Official Map: no
- e. Capital Improvements Program: no
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: no

2. In the Township of Troy: the County provides the land use controls

- a. Zoning: under County

3. In the County of Renville:

- a. Zoning: yes
- b. Comprehensive Plan: yes
- c. Planning Commission: yes

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

VI. Governmental Services

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

- 1. Water: no
- 2. Sewer: no
- 3. Fire protection and rating: yes, by contract
- 4. Police protection: no
- 5. Street improvements: yes
- 6. Street maintenance: yes

B. The City of Danube 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
- 8. Administrative services: yes

C. The City of Danube provides the area subject to annexation with the following services:

- 1. Water: on east--Water to school
- 2. Sewer: on east--Sewer to school--Trunk line and storm sewer across Hauge property
- 3. Fire protection and rating: yes
- 4. Street maintenance: to Mueller and Hauge property

D. There are no existing or potential environmental problems.

E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include extension of sewer, water, and other municipal services as requested by the property owners.

VII. Tax Base

A. In the City of Danube, the tax base includes the following:

- 1. Residential property in 1980 generated \$78,532.49 in taxes or 79.44% of the total.
- 2. Commercial property in 1980 generated \$17,464.82 in taxes or 17.67% of the total.
- 3. Industrial property in 1980 generated \$1,625.21 in taxes or .0164% of the total.
- 4. Agricultural property in 1980 generated \$842.28 in taxes or .0085% of the total.
- 5. Vacant land lots in 1980 generated \$390.72 in taxes or .0040% of the total.

B. In the Township of Troy, the tax base includes the following:

- 1. Residential property in 1980 generated \$6,260.52 in taxes or .0207% of the total.
- 2. Commercial property in 1980 generated \$3,932.84 in taxes or .0130% of the total.
- 3. Industrial property in 1980 generated \$37,275.02 in taxes or 12.32% of the total.

4. Agricultural land in 1980 generated \$255,045.06 in taxes or 84.31% of the total.
- C. In the area subject to annexation, the tax base includes the following:
 1. Industrial property in 1980 was valued at \$32,795.00 generating \$765.88 in taxes or .0025% of the total.
 2. Agricultural property in 1980 was valued at \$152,533, generating \$1,699.49 in taxes or .0056% of the total.

VIII. Tax Data

- A. In the City of Danube:
 1. Mill rate in 1980 is 43.73.
 2. Bonded indebtedness as of January 1, 1980 is \$669,900.
- B. In the Township of Troy:
 1. Mill rate in 1980 is 2.47.
 2. Bonded indebtedness as of January 1, 1980 is 0.
- C. In the area subject to annexation:
 1. Mill rate in 1980 is 2.47.
 2. Bonded indebtedness is 0.
- D. The mill rates in the respective governmental units are:
 1. County in 1980 is 15.17.
 2. School district in 1980 is 36.79--Danube School District
48.68--Olivia School District
 3. Township in 1980 is 2.47.

IX. Annexation to the City of Danube is the best alternative.

- A. There is no effect on area school districts or on adjacent communities if the proposed annexation is approved.
- B. The town government is not adequate to deliver services to the area proposed for annexation.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality other than Danube.
- C. Present assessed valuation of the Town of Troy: \$4,917,567.00.
Present assessed valuation of proposed annexation area: \$31,127.
New valuation of the Town of Troy if entire area is annexed: \$4,886,440.
- E. Troy Township can continue to function without the area subject to annexation.
- X. The Danube City Mayor agreed to establish a rural service taxing district for that property within the area proposed for annexation that is presently used for agricultural purposes. Further, the mill rate for local government purposes for the rural service district property will be the same mill rate as that levied by Troy Township.
- XI. A majority of property owners in the area to be annexed have not petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

- I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- II. The 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 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 Troy 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 Danube 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 interests of the residents who reside in the 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. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

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

That part of the SW $\frac{1}{4}$, Section 5, Township 115, Range 35, lying north of Highway 212, south of the right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company; except Schroeders 6th Addition, 8th Addition, 11th Addition and Out Lots 1, 2, 3, and 5 in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$.

That part of the SW $\frac{1}{4}$, Section 6, Township 115, Range 35, lying north of U.S. Highway 212, south of the right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company.

II. IT IS FURTHER ORDERED: On November 4, 1980 which is 26 days after the entry date on this order, a public election, to be conducted as provided by law, shall be held in the entire City of Danube and the entire Town of Troy 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 is eligible to vote at such election.

III. IT IS FURTHER ORDERED: That Mary Lee Black is hereby appointed as the Chief Election Judge and Gene Dillion is hereby appointed as the Assistant Chief Election Judge. Further that the Danube Community Hall shall be the polling place for the City of Danube and the Town of Troy. Other election judges are as follows:

Election Judges for the City of Danube

Janice Westby
Gayle Kohls
Barbara Slagter

Election Judges for the Town of Troy

Wesley Kuske
John Neville
John Schemmel
Waldemar Penke

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.

IV. IT IS FURTHER ORDERED: That the City of Danube establish a rural service taxing district consistent with Findings of Fact X.

V. IT IS FURTHER ORDERED: That the annexation of the property described in Article I of this Order, to the City of Danube shall be effective, operational, and completed on January 1, 1981, provided that a majority of the votes cast are "For annexation". The Municipal Board shall upon receipt of the certificate of the election results, cause all parties of record to be notified of the election results.

VI. IT IS FURTHER ORDERED: That the effective date of this order is October 9, 1980.

Dated this 9th day of October, 1980

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



Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving Danube A-3729, the Municipal Board charges the City of Danube to develop a rural service taxing district for the land presently being used for agricultural purposes within the area that was the subject of this proceeding. This rural service district should be consistent with the Mayor's testimony at the hearing, which included a commitment to tax the land within the rural service district for local government purposes at a rate equal to the Troy Township mill rate. Also, the Mayor testified that the property would remain in the rural service taxing district until such time as development of the property commences.

Through the use of the rural taxing district, the interests of both the City of Danube and the individual property owners are protected.

TM-10-9-80