

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Harold Kinlund	Ex-Officio Member
Mike Klennert	Ex-Officio Member

IN THE MATTER OF THE PETITION)
AND RESOLUTION FOR THE ANNEXATION)
OF CERTAIN LAND TO THE CITY OF)
WABASHA 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 October 14th, 1981 at Wabasha, Minnesota. The hearing was conducted by Robert J. Ferderer pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Harold Kinlund and Mike Klennert, ex-officio members of the board. The City of Wabasha appeared by and through Peter Ekstrand and the township of Greenfield appeared by and through Mark Jarstad. 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 May 13, 1981 a copy of a petition for the annexation by all of 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:

That part of Government Lot 3, Section 3, Township 110 North, Range 10 West of the 5th Principal Meridian, described as follows:

Beginning at the northwest corner of said Government Lot 3, thence east along the north line of said Government Lot 3, a distance of 425.67 feet to the Mississippi River Survey Marker No. 4R70; thence South 21°02'00" East along the Mississippi River Flowage Line a distance of 525.80 feet; thence westerly parallel with the north line of said Government Lot 3 a distance of 620 feet more or less to the west line of said Government Lot 3, thence north along the west line of said Government Lot 3 a distance of 490.77 feet to the point of beginning, containing 5.9 acres more or less. Together with a strip of land 33 feet in width which is bounded on the north by the southerly line of the above described parcel and bounded on the west by the west line of said Government Lot 3. Said strip extends 400 feet easterly from said west line, as measured along said southerly line, and contains 0.30 acres.

II. An objection to the proposed annexation was received by the Minnesota Municipal Board from Greenfield Township on July 15, 1981. 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.

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

IV. The area subject to annexation is unincorporated, approximately 6.2 acres in size and abuts the City of Wabasha by approximately 45% of its border. The City of Wabasha is approximately 5,760 acres in size.

V. The general topography of the area subject to annexation is open, slightly rolling crop land. There is an abandoned burial plot located within the annexation area. It has a steep wooded bank to the Mississippi River. The soil is assumed to be sandy to silty sand.

VI. The population for the City of Wabasha in 1980 and its present estimated population is 2,372.

VII. There is no population in the area proposed for annexation.

VIII. In the Town of Greenfield, the population in 1970 was 571, its present estimated population is 943 and it is projected that by 1990 it will have a population of 1,348.

IX. In the City of Wabasha the land uses are as follows: Approximately 200 acres for residential use, approximately 30 acres for institutional use, approximately 40 acres for commercial use, approximately 4,800 acres for agricultural use, and approximately 50 acres of vacant land.

X. The City of Wabasha has approximately 40 acres being developed for residential use.

XI. In the area subject to annexation there is presently five acres of land in agricultural use and approximately 1.2 acres of vacant land.

XII. In the area subject to annexation approximately 6.2 acres are being considered for residential development, though the present use is crop land. The owner's desired development is primarily predicated upon receipt of city sewer and water.

XIII. In the Town of Greenfield, the land is used as follows: approximately 3,009 acres in residential use, approximately 10 acres in commercial use, approximately 16,636 acres in agricultural use, and approximately 340 acres in vacant land.

The Town of Greenfield has approximately 340 acres of land remaining for development as residential use property.

XIV. The City of Wabasha presently has in effect zoning, subdivision regulations, comprehensive plan, official map, capital improvements program, a fire code, a planning commission, and flood plain zoning.

XV. The City of Greenfield does not provide its residents with any planning services.

XVI. The County of Wabasha has flood plain zoning, subdivision regulations, a building inspector, and a planning commission.

XVII. The present zoning of the area proposed for annexation as well as the area located south of it is R-D, rural development.

XVIII. The Town of Greenfield presently provides the area subject to annexation with fire protection.

XIX. The City of Wabasha provides its residents with fire protection, police protection, street improvement and maintenance, recreational opportunities, and administrative services.

XX. The City of Wabasha provides some of its residents with central sewer and water facilities.

XXI. The City of Wabasha has extended sewer and water to a residential development approximately 3,000 feet north of the area proposed for annexation.

XXII. The City could extend sewer and water to the area proposed for annexation from its trunk lines along County Road 30 from the sewer plant and the highschool.

The City has considered looping its sewer line and water line by extending a line through the annexation area and thence northward along the already platted and partially developed area to the point where sewer and water presently exist.

Presently there are homes located north of the area proposed for annexation and south of that point where city sewer and water cease which are on individual septic systems and wells.

The City of Wabasha has been forced to allow onsite septic system development, because it would not extend municipal sewer and water to some areas north of the area subject to annexation. To date this development has not been extensive, and there are many lots presently remaining undeveloped.

XXIII. Located within the area proposed for annexation is a county burial plot. The parameters of this burial plot have not been specifically defined.

XXIV. Access to the area proposed for annexation is presently provided by a private road with access on to County Road 30. The property owner has indicated that he has acquired an easement to expand the roadway. This roadway also provides access to the residential development presently located south of the area proposed for annexation.

The city indicated that it would be willing to take over the street only if the street was upgraded to meet city specifications.

XXV. Transportation throughout the City of Wabasha is provided by the city streets, county roads, and U.S. Highway 61.

XXVI. In the City of Wabasha the tax base includes the following present valuation: residential property assessed in 1980 payable in 1981 was established at \$24,319,757 generating \$332,719 in taxes. Commercial property assessed in 1980 payable in 1981 was established at \$5,143,200 generating \$222,277 in taxes. Personal property assessed in 1980 payable in 1981 was established at \$771,600 generating \$34,841 in taxes. Agricultural property assessed in 1980 payable in 1981 was established at \$2,304,700 generating \$30,877 in taxes. Vacant land assessed in 1980 payable in 1981 was established at \$560,300 generating \$23,536 in taxes.

XXVII. In the Town of Greenfield the tax base includes the following present valuations: Residential property assessed in 1980 payable in 1981 was established at \$10,844,960 generating \$72,951 in taxes. Commercial property assessed in 1980 payable in 1981 was established at \$477,000 generating \$13,870 in taxes. Personal property assessed in 1980 payable in 1981 was established at \$65,900 generating \$1,914 in taxes. Agricultural property assessed in 1980 payable in 1981 was established at \$15,131,200 generating \$127,507 in taxes. Vacant land assessed in 1980 payable in 1981 was established at \$1,260,800 generating \$34,102 in taxes.

XXVIII. In the area subject to annexation the tax base includes agricultural property assessed in 1980 payable in 1981 was established at \$5,000 generating \$135 in taxes.

XXIX. The mill levy in 1981 for the City of Wabasha was 105.01. The City of Wabasha as of December 31st, 1980 had a bonded indebtedness of \$3,074,200. In the Town of Greenfield the mill rate in 1981 was 67.55 and the township had no bonded indebtedness.

XXX. The petitioner is the second person to attempt to develop the area proposed for annexation for residential property.

XXXI. The City does not provide sewer and water to those homes located west of Highway 61.

XXXII. Testimony at the hearing had a difference of approximately 640 acres from the described area of the City of Wabasha and the uses of land within the City of Wabasha.

XXIV. The City Council of Wabasha has not yet made a decision on whether to go ahead with extending sewer and water to the area proposed for annexation if it were to be annexed.

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 not now nor is it about to become urban or suburban in character.

III. Municipal government is not presently required to protect the public health, safety and welfare in the area subject to annexation.

IV. Presently the best interest of the area subject to annexation will not be furthered by annexation.

V. The remainder of the Town of Greenfield could carry on the functions of government without undue hardship were the property to be annexed.

VI. There has been no showing that there is a reasonable relationship between the increase in values for the City of Wabasha and the value of benefits conferred upon the area subject to annexation.

VII. This Minnesota Municipal Board order is not subject to an annexation election.

VIII. An order should be issued by the Minnesota Municipal Board denying the petition for annexation without prejudice.

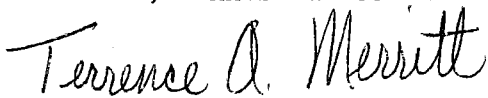
O R D E R

I. IT IS HEREBY ORDERED: That the petition for annexation described in Findings of Fact I of this Findings of Fact, Conclusions of Law and Order is hereby denied without prejudice.

II. IT IS FURTHER ORDERED: That the effective date of this order is May 3, 1982.

Dated this 3rd day of May, 1982

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 ordering the denial without prejudice for the proposed annexation, the Board finds that the proposed annexation is premature. The denial without prejudice allows the repetition for annexation if circumstances change. From the record, the implications of servicing the area, especially the fiscal implications, have not been fully explored by either the city or the property owner himself. Given the depressed housing market, there is no showing that there was imminent demand for the development. Further, some of the data presented by the city was conflicting.

The city presently has vast areas of undeveloped property as well as developed areas of property which are not receiving city sewer and water. The city should review its comprehensive plan and determine how it will address the extension of municipal services to the areas which are developing within its present boundaries.

The Board hopes that the city and the township will attempt to work together. It is aware that the city and the township both expressed no present need for discussion between themselves concerning the growth of the City of Wabasha at a March 4th meeting chaired by the Board's executive director. It is hoped that with time the city and the township can work together to address the long-range concerns which impact both the city and the township.