

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Member
Richard Post	Ex-Officio Member
Ralph Demgen	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on October 19, 1983 at Spicer, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Vice Chairman, and County Commissioners Richard Post and Ralph Demgen, Ex-Officio Members of the Board. The City of Spicer appeared by and through Dennis Neeser, the Town of Green Lake appeared by and through Henry Schmidt, the petitioners appeared by and through Dean H. Anderson, and the Green Lake Property Owners Association appeared by and through Richard L. Ronning. 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 April 22, 1983, a copy of a petition for the annexation by all of the property owners was filed with the Municipal Board, and an addendum to the petition was received on May 5, 1983. The petition contained all the information required by statute including a description of the territory subject to annexation, which is as follows:

Those parts of Government Lots 3 and 4, Section 1, Township 120N, Range 34W, Kandiyohi County, Minnesota described as follows: Reference the Southeast corner of Pleasantwood Beach on Green Lake (plat of record) and proceeding North 57° 45' East a distance of 100 feet to a point of beginning, thence North 57° 45' East a distance of 228 feet, thence South 87° 15' East a distance of 371.5 feet, thence North 65° 15' East a distance of 188.7 feet, thence North 19° 45' East a distance of 72 feet, more or less, thence North 35° 45' West a distance of 420 feet, more or less, to a point on the bank of the southeast shore of Green Lake, thence Southwesterly along said bank, to a point located a distance of 160 feet, more or less, North 30° 20' West of the point of beginning.

AND

Those parts of Government Lots Three (3) and Four (4), Section One (1), Township One Hundred Twenty (120) North, Range Thrity-four (34) West, Kandiyohi County, Minnesota, described as follows: Beginning at the Southeast corner of Pleasantwood Beach on Green Lake, (the plat of which is now on file and of record in the Office of the Register of Deeds of said County); thence bearing South 25° 14' West a distance of 139.1 feet to a point; thence bearing South 45° 04' East a distance of 407.79 feet to a point; thence bearing North 84° 35' East a distance of 314.25 feet to a point; thence bearing North 82° 43' East a distance of 228.82 feet to a point; thence bearing North 6° 17' West a distance of 105.98 feet to a point; thence bearing North 18° 18' East a distance of 732.63 feet to a point; thence bearing North 35° 45' West a distance of 265 feet, more or less to a point; thence bearing South 16° 45' East a distance of 220.6 feet to a point; thence bearing South 19° 45' West a distance of 226.7 feet to a point; thence bearing South 65° 15' West a distance of 188.7 feet to a point; thence bearing North 87° 15' West a distance of 371.5 feet to a point; thence bearing South 57° 45' West a distance of 328 feet to a point, which said point is the point of beginning, containing 9.6 acres, more or less in all; excepting therefrom the County Road, containing 1.9 acres, more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Green Lake Township on July 15, 1983. 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, Subdivision 5.

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

3. The area subject to annexation is unincorporated, approximately 15 acres in size, and abuts the City of Spicer by virtue of its relationship to the city and the body of water called Green Lake. The City of Spicer's eastern-most boundary adjacent to the area proposed for annexation is approximately 1.3 miles away from

the annexation area by road. The City of Spicer is approximately 600 acres in size.

4. The area proposed for annexation presently has a wood shed, a lodge, a building used as a former boathouse, a farmhouse, a granary, a dairy barn and a summer cottage known as Spicer Castle.

5. In 1970, the City of Spicer had a population of 586. In 1980, the population was 909. It is projected that by 1990, the population will be 1,410.

6. Green Lake Township had a population of 912 in 1970, 1,287 in 1980, and it is projected that by 1990 it will have a population of 1,816.

7. The annexation area had a population of 3 in 1970 and 1980. If the annexation area were allowed to expand its potential for residential use through multiple-residential dwelling zoning, it would have a population of between 20 and 100 by 1990.

8. The City of Spicer has land zoned for agricultural use, single-family residential use, multiple-family residential use, central business use, highway commercial use, and manufacturing use.

9. The Town of Green Lake has approximately 75% of its land in agricultural type use with the remainder of the land in urban type use.

10. The City of Spicer has a Land-Use Plan and a Zoning Map, adopted around 1977. The city is presently in the process of amending the Land-Use Plan.

11. The Town of Green Lake does not have a Planning or Zoning Ordinance. The township relies on the county-wide zoning ordinance and county administration of the ordinance.

12. Both the county and city ordinances reflect the Department of Natural Resources' control on shoreland management and development.

13. The area proposed for annexation is zoned R-1, single-family residential use.

14. The petitioner requested a conditional use permit to allow for multiple-family development on the property. The request was opposed by the township and denied by the county.

15. If the area proposed for annexation were annexed, the property owner would request the city to rezone the property R-3, multiple-family development.

16. The township has not recommended any second-tier development adjacent to the area proposed for annexation.

17. There is residential development along the shore on both sides adjacent to the area proposed for annexation. There is agricultural property south of the area proposed for annexation.

18. The City of Spicer provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection through the Kandiyohi County Sheriff's Department, garbage service, brush dump service, lighting, dog control, recreational facilities, and street improvements and maintenance.

19. The property owner is not requesting that the City of Spicer provide the area proposed for annexation with water, sanitary sewer, storm sewer and drainage.

20. Access to the annexation area is by a county road, which is narrow and has narrow shoulders.

21. The property owner would request from the city garbage service, brush dump service, city lighting, dog control, and the use of recreational facilities.

22. The City of Spicer has vacant land within its boundaries available for residential development.

23. The township does not provide its residents with street lights, dog control, garbage pick up or recreational facilities, since its residents do not wish to be taxed for such services.

24. Fire protection for the town is provided by the City of Spicer Fire Department at \$200 per fire call.

25. Police protection for both the town and city is provided by the Kandiyohi County Sheriff.

26. Residents of the town can use the city brush dump at a per use charge. Garbage pick up in the town is on a contract basis with the cost, approximately

\$10/month for residential servicing, being borne by the individual property owner.

27. The City of Spicer does not deny use of its recreational facilities to non-residents. Some of the recreational facilities require a payment by the users.

28. There is no showing of any pollution problems in the area proposed for annexation.

29. The 1983 county mill levy is 21.889.

30. The 1983 mill levy for the Town of Green Lake is 5.302. The township's budget is approximately \$62,000, with 60% to 70% of that raised locally.

31. The City of Spicer has a mill rate of 27.253.

32. The New London-Spicer school district services both the City of Spicer and the annexation area. The school district had a mill levy of 42.541 in 1983.

33. The City of Spicer is the only city within five miles of the area proposed for 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 not now nor is it about to become urban or suburban in nature.

3. Municipal government is not now required to protect the public health, safety, and welfare of the area subject to annexation.

4. An order should be issued by the Minnesota Municipal Board denying the petitioned annexation described herein.

O R D E R

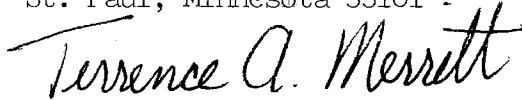
1. IT IS HEREBY ORDERED: That the request for annexation of the property

described in Findings of Fact 1, herein, be and the same ~~is~~ hereby denied.

2. IT IS FURTHER ORDERED: That the effective date of this order is May 21, 1984.

Dated this 21~~st~~ day of May, 1984.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt". The signature is written in dark ink and is positioned above the printed name and title.

Terrence A. Merritt
Executive Director