

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Molly D. Woehrli	Ex-Officio Member
Lawrence J. Valek	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF FARIBAULT 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 April 25, 1985 at Faribault, 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, then Vice Chair, Richard A. Sand, then Commissioner, and County Commissioners Molly Woehrli and Lawrence Valek, Ex-Officio Members of the Board. The City of Faribault appeared by and through Warren Chamberlain, the Town of Walcott was represented by Benet R. Freund, Town Clerk, and Keith R. Nelson represented property owners, Donald and Diane Grubb. 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 November 15, 1984, a resolution of the annexing municipality was

received by the Municipal Board, and an amended resolution was received on March 15, 1985 requesting the board to order annexation. The resolution contained all of the information required by statute including a description of the property subject to annexation which is as follows:

Point of beginning is the SW corner of the NW 1/4 of Section 5, Township 109, Range 20 West; thence South $89^{\circ}22'23''$ East a distance of 5292.33 feet, thence North $0^{\circ}27'52''$ East a distance of 2937.61'; thence South $89^{\circ}38'30''$ East a distance of 826.74', thence South $0^{\circ}21'30''$ West a distance of 264.00', thence South $89^{\circ}38'30''$ East a distance of 490.37', thence South $0^{\circ}24'20''$ West a distance of 2388.04'; (thence South $89^{\circ}47'47''$ E (c) a distance of 462'; thence South $0^{\circ}24'20''$ West a distance of 282'; thence South $89^{\circ}47'47''$ (c) East a distance of 318.12'; thence South $0^{\circ}24'20''$ (c) West (c) a distance of 440.60'; thence North $89^{\circ}47'47''$ West (c) a distance of 429'; thence South $0^{\circ}24'20''$ West (c) a distance of 880.18'; thence North $89^{\circ}35'28''$ West a distance of 1616.47' to the SW corner of the NW 1/4 of the SW 1/4 of Section 4. Thence South $0^{\circ}27'52''$ East a distance of 1314.48', thence North $89^{\circ}54'59''$ West a distance of 2659.54'; thence North $89^{\circ}16'29''$ West, along the North line of Northwest Quarter of Section 8, a distance of 435.63 feet to a point in the Northwestern right of way line of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South $61^{\circ}06'11''$ West, along said northwesterly railroad right-of-way line, 20.70 feet to the beginning of a spiral curve; thence southwesterly along said railroad right-of-way line on said spiral curve, concave northwesterly (center line curve data; radius equals 1644.62 feet, spiral angle equals $3^{\circ}26'57''$; spiral arc equals 198.00 feet; cord bearing and distance equal South $62^{\circ}14'07''$ West, 191.95 feet), to a point in a circular curve; thence continue southwesterly along said railroad right-of-way line, on a circular curve, concave northwesterly (curve data; radius equals 1544.62 feet; delta angle equals $1^{\circ}55'51''$; chord bearing and distance equal South $65^{\circ}31'03''$ West, 52.05 feet), and arc distance of 52.05 feet; thence continue along said railroad right-of-way, South $23^{\circ}31'01''$ East, 50.00 feet; thence continue southwesterly, along said railroad right-of-way line, on a curve, concave northwesterly (curve data: radius equals 1594.62 feet; delta angle equals $38^{\circ}51'59''$; chord bearing and distance equal South $85^{\circ}54'58''$ West, 1051.08 feet), an arc distance of 1081.70 feet; thence South $21^{\circ}30'05''$ West, 465.54 feet to a point in the centerline of County State Highway 10; thence North $48^{\circ}33'14''$ West, along said highway centerline, 214.36 feet; thence North $29^{\circ}20'41''$ East, 285.93 feet to a point in the southwesterly right-of-way line of said railroad; thence North $11^{\circ}41'14''$ East, 101.49 feet to a point in the northeasterly right of way line of said railroad; thence Northwesterly along said Northerly line of said right-of-way 140 feet to a point 650 feet East of

Southwest corner of said Section Five (5) and 152 feet South of the South line of said Section Five (5), thence in a Northeasterly direction 277.0 feet to a point 100 feet North of the South line and 765 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North 450 feet to an iron monument, thence Northwesterly 635.39 feet to a point 1,150 feet North of the South line and 500 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North parallel to the said West line of the Southwest Quarter (SW 1/4) of Section Five (5) 600 feet to a point on the west bank of Straight River, said point being 1,750 feet North of the South line and 500 feet East of the West line of Southwest Quarter (SW 1/4) of said Section Five (5), thence East parallel to the South line of said Section Five (5) 32 feet to a point in the center of said Straight River, thence North $6^{\circ}42'35''$ East a distance of 513.52' to a point in the center of said Straight River; thence North $67^{\circ}45'04''$ West a distance of 356.55'; thence South $88^{\circ}06'43''$ West a distance of 200.74'; thence North $0^{\circ}44'44''$ East a distance of 307.02' to the point of beginning.

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

3. On April 14, 1986, the Minnesota Municipal Board issued an Interim Findings of Fact, Conclusions of Law, and Order annexing the following described property to the City of Faribault:

Point of beginning is the SW corner of the NW 1/4 of Section 5, Township 109, Range 20 West; thence South $89^{\circ}22'23''$ East a distance of 5292.33 feet, thence North $0^{\circ}27'52''$ East a distance of 2937.61'; thence South $89^{\circ}38'30''$ East a distance of 826.74', thence South $0^{\circ}21'30''$ West a distance of 264.00', thence South $89^{\circ}38'30''$ East a distance of 490.37', thence South $0^{\circ}24'20''$ West a distance of 2388.04'; (thence South $89^{\circ}47'47''$ E (c) a distance of 462'; thence South $0^{\circ}24'20''$ West a distance of 282'; thence South $89^{\circ}47'47''$ (c) East a distance of 318.12'; thence South $0^{\circ}24'20''$ (c) West (c) a distance of 440.60'; thence North $89^{\circ}47'47''$ West (c) a distance of 429'; thence South $0^{\circ}24'20''$ West (c) a distance of 880.18'; thence North $89^{\circ}35'28''$ West a distance of 1616.47' to the SW corner of the NW 1/4 of the SW 1/4 of Section 4. Thence South $0^{\circ}27'52''$ East a distance of 1314.48', thence North $89^{\circ}54'59''$ West a distance of 2659.54'; thence North $89^{\circ}16'29''$ West, along the North line of Northwest Quarter of Section 8, a distance of 435.63 feet to a point in the Northwesterly right of way line of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South $61^{\circ}06'11''$ West, along said northwesterly railroad right-of-way line, 20.70 feet to the beginning of a spiral curve; thence southwesterly along said railroad

right-of-way line on said spiral curve, concave northwesterly (center line curve data; radius equals 1644.62 feet, spiral angle equals $3^{\circ}26'57''$; spiral arc equals 198.00 feet; cord bearing and distance equal South $62^{\circ}14'07''$ West, 191.95 feet), to a point in a circular curve; thence continue southwesterly along said railroad right-of-way line, on a circular curve, concave northwesterly (curve data; radius equals 1544.62 feet; delta angle equals $10^{\circ}55'51''$; chord bearing and distance equal South $65^{\circ}31'03''$ West, 52.05 feet), and arc distance of 52.05 feet; thence continue along said railroad right-of-way, South $23^{\circ}31'01''$ East, 50.00 feet; thence continue southwesterly, along said railroad right-of-way line, on a curve, concave northwesterly (curve data: radius equals 1594.62 feet; delta angle equals $38^{\circ}51'59''$; chord bearing and distance equal South $85^{\circ}54'58''$ West, 1051.08 feet), an arc distance of 1081.70 feet; thence South $21^{\circ}30'05''$ West, 465.54 feet to a point in the centerline of County State Highway 10; thence North $48^{\circ}33'14''$ West, along said highway centerline, 214.36 feet; thence North $29^{\circ}20'41''$ East, 285.93 feet to a point in the southwesterly right-of-way line of said railroad; thence North $11^{\circ}41'14''$ East, 101.49 feet to a point in the northeasterly right of way line of said railroad; thence Northwesterly along said Northerly line of said right-of-way 140 feet to a point 650 feet East of Southwest corner of said Section Five (5) and 152 feet South of the South line of said Section Five (5), thence in a Northeasterly direction 277.0 feet to a point 100 feet North of the South line and 765 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North 450 feet to an iron monument, thence Northwesterly 635.39 feet to a point 1,150 feet North of the South line and 500 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North parallel to the said West line of the Southwest Quarter (SW 1/4) of Section Five (5) 600 feet to a point on the west bank of Straight River, said point being 1,750 feet North of the South line and 500 feet East of the West line of Southwest Quarter (SW 1/4) of said Section Five (5), thence East parallel to the South line of said Section Five (5) 32 feet to a point in the center of said Straight River, thence North $6^{\circ}42'35''$ East a distance of 513.52' to a point in the center of said Straight River; thence North $67^{\circ}45'04''$ West a distance of 356.55'; thence South $88^{\circ}06'43''$ West a distance of 200.74'; thence North $0^{\circ}44'44''$ East a distance of 307.02' to the point of beginning.

Excepting from that land the following described parcel:

Part of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter, of Section 4, Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North $0^{\circ}24'19''$ East, assumed bearing, along the West line of said Southeast Quarter of Southwest Quarter, 715.68 feet to a point in a line 50.00 feet

northeasterly from and parallel with the center of the main line track of the Chicago, Rock Island and Pacific Railroad Company, as said track is laid out and traveled; thence North 65°21'07" West, along said parallel line, 302.59 feet; thence North 34°07'39" West, 125.08 feet; thence North 11°32'22" West, 224.14 feet (this point being in the center of the Straight River); thence along the center of said Straight River on the following four courses; North 50°42'38" East, 32.47 feet; thence North 13°53'50" East, 499.63 feet; thence North 34°34'56" East 801.64 feet; thence North 14°54'08" East, 385.70 feet; thence South 72°39'59" East, 184.52 feet; thence South 88°15'25" East, 433.62 feet to a point in the North line of the Northeast Quarter of said Southwest Quarter; thence South 89°47'47" East, along said North line of Northeast Quarter of Southwest Quarter, 412.87 feet to the Northeast corner of said Northeast Quarter of Southwest Quarter; thence South 0°20'48" West, along the East line of said Northeast Quarter of Southwest Quarter, 1323.94 feet to the Southeast corner of said Northeast Quarter of Southwest Quarter; thence North 89°35'27" West, along the South line of said Northeast Quarter of Southwest Quarter, 725.59 feet to a point in the East line of the West 18 acres of the Southeast Quarter of said Southwest Quarter; thence South 0°24'19" West, along the East line of said West 18 acres of Southeast Quarter of Southwest Quarter, 1321.33 feet to a point in the South line of said Southeast Quarter of Southwest Quarter; thence North 89°23'09" West, along the South line of said Southeast Quarter of Southwest Quarter, 593.88 feet to said point of beginning; excepting therefrom Railroad right of way over and across the West 18 acres of said Southeast Quarter of Southwest Quarter, being a strip of land 100.00 feet in width, 50.00 feet on each side of the center of the main track of the Chicago, Rock Island and Pacific Railroad Company as said track is laid out and traveled; subject also to a Township Road over and across the southerly 33.00 feet of the above described parcel; containing 62.07 acres, more or less, including said road right of way, and excluding said railroad right of way.

The Minnesota Municipal Board retained jurisdiction over the remaining land described in Findings of Fact 1, herein. That land is the subject of the remaining Findings of Fact and Conclusions of Law hereinafter.

4. The annexation area is unincorporated, approximately 16 acres in size and abuts the City of Faribault by approximately 39% of its border.

5. The annexation area is used as a part of the Nature Interpretive Center. The remaining portion of the center is located within the City of

Faribault. The annexation area is used primarily for retention of certain native prairie seed plants for seed stock. At present, no other activities are planned for the annexation area. Access to the annexation area is by crossing Straight River.

6. The City of Faribault had a population of 16,595 in 1970, 16,241 in 1980, and its current population is 16,327.

7. The Town of Walcott had a population of 1,338 in 1970, and 1,553 in 1980.

8. The Town of Cannon City had a population of 1,062 in 1970, and 1,099 in 1980.

9. The annexation area has no present population.

10. The City of Faribault has approximately 3,325 acres in residential use, approximately 1,347 acres in institutional use, approximately 1,000 acres in commercial use, approximately 400 acres in industrial use, approximately 200 acres in agricultural use, and approximately 481 acres in vacant land.

The City of Faribault has remaining undeveloped land that is zoned for the following uses: approximately 320 acres for residential use, approximately 100 acres for commercial use, approximately 220 acres for industrial use, and approximately 640 acres for agricultural use.

11. The use of the annexation area will be institutional as a part of the Nature Interpretive Center. There is no anticipated construction in the annexation area relative to the Nature Interpretive Center.

12. The City of Faribault has a zoning ordinance, subdivision regulations, official map, capital improvements program, fire code, Minnesota Building Code, Minnesota Plumbing Code, flood plain ordinance, and sanitation

ordinance.

13. Rice County has a zoning ordinance, subdivision regulations, official map, fire code, Minnesota Building Code, Minnesota Plumbing Code, shoreland ordinance, flood plain ordinance, wild and scenic rivers ordinance, sanitation ordinance, human services program, energy conservation program, and an urban renewal program.

14. The county ordinance presently zones the annexation area A-1, Ag Land Retainment for Urban Expansion.

15. If annexed, it is anticipated that the city will zone the annexation area 0, Open Space - Agricultural District, which is consistent with its use as the Nature Interpretive Center.

16. The City of Faribault provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, health inspection, and library.

17. The city presently provides the Nature Interpretive Center with water, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, health inspection, and library. The annexation area presently needs only the fire and police protection.

Presently there are no plans for the Nature Interpretive Center to be serviced by the sanitary sewer system.

18. The Town of Walcott contracts with the City of Faribault for fire protection.

19. The mill levy for the County of Rice in 1984, collected 1985, was

30.892. In 1984, the mill levy for the City of Faribault was 37.543, 8.233 for the Town of Walcott, 9.389 for the Town of Cannon City, and 57.827 for the school district. The Special Taxing District had a 1984 mill levy of 2.006 for the city and 1.236 for Walcott and Cannon City Towns.

20. The assessed valuation of the City of Faribault in 1984 was \$58,115,000.

21. The assessed valuation of the Town of Walcott in 1984 was \$8,502,358.

22. The assessed valuation of the Town of Cannon City in 1984 was \$6,390,641.

23. In 1984, the City of Faribault had a bonded indebtedness of \$11,350,000.

24. In 1984, the Town of Walcott and the Town of Cannon City had no bonded indebtedness.

25. Walcott Township can continue to function without the annexation area.

26. The City of Faribault is the only municipality adjacent to the annexation area.

27. The annexation area will have no impact on the school district, which serves the annexation area and the City of Faribault.

28. All necessary governmental services can best be provided to the annexation area by its annexation to the City of Faribault.

29. The annexation area is owned by the City of Faribault.

The City of Faribault 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 annexation area is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. Municipal government is required to protect the public health, safety, and welfare in the annexation area.

4. The best interests of the annexation area will be furthered by annexation.

5. The remainder of the Town of Walcott can carry out the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in values for the City of Faribault and the value of benefits conferred upon the annexation area.

7. The City of Faribault is the only city adjacent to the annexation area, therefore the annexation of all or a part of the property to an adjacent municipality would not better serve the annexation area.

8. 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 in Findings of Fact 1, herein, not previously annexed to the City of Faribault.

ORDER

1. IT IS HEREBY ORDERED: That the property described hereinafter, which is not already a part of the City of Faribault, situated in the County of Rice, State of Minnesota, be and the same is hereby annexed to the City of

Faribault, Minnesota, the same as if it had been originally made a part thereof:

Point of beginning is the SW corner of the NW 1/4 of Section 5, Township 109, Range 20 West; thence South 89°22'23" East a distance of 5292.33 feet, thence North 0°27'52" East a distance of 2937.61'; thence South 89°38'30" East a distance of 826.74', thence South 0°21'30" West a distance of 264.00', thence South 89°38'30" East a distance of 490.37', thence South 0°24'20" West a distance of 2388.04'; (thence South 89°47'47" E (c) a distance of 462'; thence South 0°24'20" West a distance of 282'; thence South 89°47'47" (c) East a distance of 318.12'; thence South 0°24'20" (c) West (c) a distance of 440.60'; thence North 89°47'47" West (c) a distance of 429'; thence South 0°24'20" West (c) a distance of 880.18'; thence North 89°35'28" West a distance of 1616.47' to the SW corner of the NW 1/4 of the SW 1/4 of Section 4. Thence South 0°27'52" East a distance of 1314.48', thence North 89°54'59" West a distance of 2659.54'; thence North 89°16'29" West, along the North line of Northwest Quarter of Section 8, a distance of 435.63 feet to a point in the Northwesternly right of way line of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 61°06'11" West, along said northwesterly railroad right-of-way line, 20.70 feet to the beginning of a spiral curve; thence southwesterly along said railroad right-of-way line on said spiral curve, concave northwesterly (center line curve data; radius equals 1644.62 feet, spiral angle equals 3°26'57"; spiral arc equals 198.00 feet; cord bearing and distance equal South 62°14'07" West, 191.95 feet), to a point in a circular curve; thence continue southwesterly along said railroad right-of-way line, on a circular curve, concave northwesterly (curve data; radius equals 1544.62 feet; delta angle equals 1°55'51"; chord bearing and distance equal South 65°31'03" West, 52.05 feet), and arc distance of 52.05 feet; thence continue along said railroad right-of-way, South 23°31'01" East, 50.00 feet; thence continue southwesterly, along said railroad right-of-way line, on a curve, concave northwesterly (curve data: radius equals 1594.62 feet; delta angle equals 38°51'59"; chord bearing and distance equal South 85°54'58" West, 1051.08 feet), an arc distance of 1081.70 feet; thence South 21°30'05" West, 465.54 feet to a point in the centerline of County State Highway 10; thence North 48°33'14" West, along said highway centerline, 214.36 feet; thence North 29°20'41" East, 285.93 feet to a point in the southwesterly right-of-way line of said railroad; thence North 11°41'14" East, 101.49 feet to a point in the northeasterly right of way line of said railroad; thence Northwesternly along said Northerly line of said right-of-way 140 feet to a point 650 feet East of Southwest corner of said Section Five (5) and 152 feet South of the South line of said Section Five (5), thence in a Northeasterly direction 277.0 feet to a point 100 feet North of the South line and 765 feet East of the West line of said Southwest Quarter (SW 1/4) of

Section Five (5), thence North 450 feet to an iron monument, thence Northwesterly 635.39 feet to a point 1,150 feet North of the South line and 500 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North parallel to the said West line of the Southwest Quarter (SW 1/4) of Section Five (5) 600 feet to a point on the west bank of Straight River, said point being 1,750 feet North of the South line and 500 feet East of the West line of Southwest Quarter (SW 1/4) of said Section Five (5), thence East parallel to the South line of said Section Five (5) 32 feet to a point in the center of said Straight River, thence North 60°42'35" East a distance of 513.52' to a point in the center of said Straight River; thence North 67°45'04" West a distance of 356.55'; thence South 88°06'43" West a distance of 200.74'; thence North 00°44'44" East a distance of 307.02' to the point of beginning.

2. IT IS FURTHER ORDERED: That the effective date of this order is December 16, 1986.

Dated this 18th day of December, 1986.

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 retaining jurisdiction over the the annexation area, the board had hoped to allow the parties to arrive at some mutually agreed upon resolution of their dispute. Since that resolution has not been forthcoming, the board, based on the record and in light of the statutory criteria, deemed the area was appropriate for annexation.

The board hopes that the issues between the Grubbs and the city can be amicably resolved. *JAM 12-18-86*

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
Molly D. Woehrlin	Ex-Officio Member
Lawrence J. Valek	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF FARIBAULT PURSUANT TO)
MINNESOTA STATUTES 414)

INTERIM
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 April 25, 1985 at Faribault, 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, then Vice Chair, Richard A. Sand, then Commissioner, and County Commissioners Molly Woehrlin and Lawrence Valek, Ex-Officio Members of the Board. The City of Faribault appeared by and through Warren Chamberlain, the Town of Walcott was represented by Benet R. Freund, Town Clerk, and Keith R. Nelson represented property owners, Donald and Diane Grubb. 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 November 15, 1984, a resolution of the annexing municipality was

received by the Municipal Board, and an amended resolution was received on March 15, 1985 requesting the board to order annexation. The resolution contained all of the information required by statute including a description of the property subject to annexation which is as follows:

Point of beginning is the SW corner of the NW 1/4 of Section 5, Township 109, Range 20 West; thence South $89^{\circ}22'23''$ East a distance of 5292.33 feet, thence North $00^{\circ}27'52''$ East a distance of 2937.61'; thence South $89^{\circ}38'30''$ East a distance of 826.74', thence South $00^{\circ}21'30''$ West a distance of 264.00', thence South $89^{\circ}38'30''$ East a distance of 490.37', thence South $00^{\circ}24'20''$ West a distance of 2388.04'; (thence South $89^{\circ}47'47''$ E (c) a distance of 462'; thence South $00^{\circ}24'20''$ West a distance of 282'; thence South $89^{\circ}47'47''$ (c) East a distance of 318.12'; thence South $00^{\circ}24'20''$ (c) West (c) a distance of 440.60'; thence North $89^{\circ}47'47''$ West (c) a distance of 429'; thence South $00^{\circ}24'20''$ West (c) a distance of 880.18'; thence North $89^{\circ}35'28''$ West a distance of 1616.47' to the SW corner of the NW 1/4 of the SW 1/4 of Section 4. Thence South $00^{\circ}27'52''$ East a distance of 1314.48', thence North $89^{\circ}54'59''$ West a distance of 2659.54'; thence North $89^{\circ}16'29''$ West, along the North line of Northwest Quarter of Section 8, a distance of 435.63 feet to a point in the Northwestern right of way line of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South $61^{\circ}06'11''$ West, along said northwesterly railroad right-of-way line, 20.70 feet to the beginning of a spiral curve; thence southwesterly along said railroad right-of-way line on said spiral curve, concave northwesterly (center line curve data; radius equals 1644.62 feet, spiral angle equals $30^{\circ}26'57''$; spiral arc equals 198.00 feet; cord bearing and distance equal South $62^{\circ}14'07''$ West, 191.95 feet), to a point in a circular curve; thence continue southwesterly along said railroad right-of-way line, on a circular curve, concave northwesterly (curve data; radius equals 1544.62 feet; delta angle equals $10^{\circ}55'51''$; chord bearing and distance equal South $65^{\circ}31'03''$ West, 52.05 feet), and arc distance of 52.05 feet; thence continue along said railroad right-of-way, South $23^{\circ}31'01''$ East, 50.00 feet; thence continue southwesterly, along said railroad right-of-way line, on a curve, concave northwesterly (curve data: radius equals 1594.62 feet; delta angle equals $38^{\circ}51'59''$; chord bearing and distance equal South $85^{\circ}54'58''$ West, 1051.08 feet), an arc distance of 1081.70 feet; thence South $21^{\circ}30'05''$ West, 465.54 feet to a point in the centerline of County State Highway 10; thence North $48^{\circ}33'14''$ West, along said highway centerline, 214.36 feet; thence North $29^{\circ}20'41''$ East, 285.93 feet to a point in the southwesterly right-of-way line of said railroad; thence North $11^{\circ}41'14''$ East, 101.49 feet to a point in the northeasterly right of way line of said railroad; thence Northwesterly along said Northerly line of said right-of-way 140 feet to a point 650 feet East of

Southwest corner of said Section Five (5) and 152 feet South of the South line of said Section Five (5), thence in a Northeasterly direction 277.0 feet to a point 100 feet North of the South line and 765 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North 450 feet to an Iron monument, thence Northwesterly 635.39 feet to a point 1,150 feet North of the South line and 500 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North parallel to the said West line of the Southwest Quarter (SW 1/4) of Section Five (5) 600 feet to a point on the west bank of Straight River, said point being 1,750 feet North of the South line and 500 feet East of the West line of Southwest Quarter (SW 1/4) of said Section Five (5), thence East parallel to the South line of said Section Five (5) 32 feet to a point in the center of said Straight River, thence North 6°42'35" East a distance of 513.52' to a point in the center of said Straight River; thence North 67°45'04" West a distance of 356.55'; thence South 88°06'43" West a distance of 200.74'; thence North 0°44'44" East a distance of 307.02' to the point of beginning.

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

3. On October 3, 1985, the Minnesota Municipal Board, at a meeting to review the evidence on the matter, reduced the area under consideration to the following described property, which is the subject of the remaining Findings of Fact and Conclusions of Law, herein:

Point of beginning is the SW corner of the NW 1/4 of Section 5, Township 109, Range 20 West; thence South 89°22'23" East a distance of 5292.33 feet, thence North 0°27'52" East a distance of 2937.61'; thence South 89°38'30" East a distance of 826.74', thence South 0°21'30" West a distance of 264.00', thence South 89°38'30" East a distance of 490.37', thence South 0°24'20" West a distance of 2388.04'; (thence South 89°47'47" E (c) a distance of 462'; thence South 0°24'20" West a distance of 282'; thence South 89°47'47" (c) East a distance of 318.12'; thence South 0°24'20" (c) West (c) a distance of 440.60'; thence North 89°47'47" West (c) a distance of 429'; thence South 0°24'20" West (c) a distance of 880.18'; thence North 89°35'28" West a distance of 1616.47' to the SW corner of the NW 1/4 of the SW 1/4 of Section 4. Thence South 0°27'52" East a distance of 1314.48', thence North 89°54'59" West a distance of 2659.54'; thence North 89°16'29" West, along the North line of Northwest Quarter of Section 8, a distance of 435.63 feet to a point in the Northwesterly right of way line of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 61°06'11" West, along said

northwesterly railroad right-of-way line, 20.70 feet to the beginning of a spiral curve; thence southwesterly along said railroad right-of-way line on said spiral curve, concave northwesterly (center line curve data; radius equals 1644.62 feet, spiral angle equals $3^{\circ}26'57''$; spiral arc equals 198.00 feet; cord bearing and distance equal South $62^{\circ}14'07''$ West, 191.95 feet), to a point in a circular curve; thence continue southwesterly along said railroad right-of-way line, on a circular curve, concave northwesterly (curve data; radius equals 1544.62 feet; delta angle equals $1^{\circ}55'51''$; chord bearing and distance equal South $65^{\circ}31'03''$ West, 52.05 feet), and arc distance of 52.05 feet; thence continue along said railroad right-of-way, South $23^{\circ}31'01''$ East, 50.00 feet; thence continue southwesterly, along said railroad right-of-way line, on a curve, concave northwesterly (curve data: radius equals 1594.62 feet; delta angle equals $38^{\circ}51'59''$; chord bearing and distance equal South $85^{\circ}54'58''$ West, 1051.08 feet), an arc distance of 1081.70 feet; thence South $21^{\circ}30'05''$ West, 465.54 feet to a point in the centerline of County State Highway 10; thence North $48^{\circ}33'14''$ West, along said highway centerline, 214.36 feet; thence North $29^{\circ}20'41''$ East, 285.93 feet to a point in the southwesterly right-of-way line of said railroad; thence North $11^{\circ}41'14''$ East, 101.49 feet to a point in the northeasterly right of way line of said railroad; thence Northwesterly along said Northerly line of said right-of-way 140 feet to a point 650 feet East of Southwest corner of said Section Five (5) and 152 feet South of the South line of said Section Five (5), thence in a Northeasterly direction 277.0 feet to a point 100 feet North of the South line and 765 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North 450 feet to an iron monument, thence Northwesterly 635.39 feet to a point 1,150 feet North of the South line and 500 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North parallel to the said West line of the Southwest Quarter (SW 1/4) of Section Five (5) 600 feet to a point on the west bank of Straight River, said point being 1,750 feet North of the South line and 500 feet East of the West line of Southwest Quarter (SW 1/4) of said Section Five (5), thence East parallel to the South line of said Section Five (5) 32 feet to a point in the center of said Straight River, thence North $6^{\circ}42'35''$ East a distance of 513.52' to a point in the center of said Straight River; thence North $67^{\circ}45'04''$ West a distance of 356.55'; thence South $88^{\circ}06'43''$ West a distance of 200.74'; thence North $0^{\circ}44'44''$ East a distance of 307.02' to the point of beginning.

Excepting from that land the following described parcel:

Part of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter, of Section 4, Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North $0^{\circ}24'19''$

East, assumed bearing, along the West line of said Southeast Quarter of Southwest Quarter, 715.68 feet to a point in a line 50.00 feet northeasterly from and parallel with the center of the main line track of the Chicago, Rock Island and Pacific Railroad Company, as said track is laid out and traveled; thence North 65°21'07" West, along said parallel line, 302.59 feet; thence North 34°07'39" West, 125.08 feet; thence North 11°32'22" West, 224.14 feet (this point being in the center of the Straight River); thence along the center of said Straight River on the following four courses; North 50°42'38" East, 32.47 feet; thence North 13°53'50" East, 499.63 feet; thence North 34°34'56" East 801.64 feet; thence North 14°54'08" East, 385.70 feet; thence South 72°39'59" East, 184.52 feet; thence South 88°15'25" East, 433.62 feet to a point in the North line of the Northeast Quarter of said Southwest Quarter; thence South 89°47'47" East, along said North line of Northeast Quarter of Southwest Quarter, 412.87 feet to the Northeast corner of said Northeast Quarter of Southwest Quarter; thence South 0°20'48" West, along the East line of said Northeast Quarter of Southwest Quarter, 1323.94 feet to the Southeast corner of said Northeast Quarter of Southwest Quarter; thence North 89°35'27" West, along the South line of said Northeast Quarter of Southwest Quarter, 725.59 feet to a point in the East line of the West 18 acres of the Southeast Quarter of said Southwest Quarter; thence South 0°24'19" West, along the East line of said West 18 acres of Southeast Quarter of Southwest Quarter, 1321.33 feet to a point in the South line of said Southeast Quarter of Southwest Quarter; thence North 89°23'09" West, along the South line of said Southeast Quarter of Southwest Quarter, 593.88 feet to said point of beginning; excepting therefrom Railroad right of way over and across the West 18 acres of said Southeast Quarter of Southwest Quarter, being a strip of land 100.00 feet in width, 50.00 feet on each side of the center of the main track of the Chicago, Rock Island and Pacific Railroad Company as said track is laid out and traveled; subject also to a Township Road over and across the southerly 33.00 feet of the above described parcel; containing 62.07 acres, more or less, including said road right of way, and excluding said railroad right of way.

4. The annexation area is unincorporated, approximately 417.1 acres in size and abuts the City of Faribault by approximately 41% of its border.

5. The annexation area is used as a Nature Interpretive Center. The Straight River and some steep slopes are located in the annexation area. There are approximately 50 acres of unique natural land and approximately 60 acres of flood plain.

6. The City of Faribault had a population of 16,595 in 1970, 16,241 in 1980, and its current population is 16,327.

7. The Town of Walcott had a population of 1,338 in 1970, and 1,553 in 1980.

8. The Town of Cannon City had a population of 1,062 in 1970, and 1,099 in 1980.

9. The annexation area has no present population and has not had any population on it since 1970.

10. The City of Faribault has approximately 3,325 acres in residential use, approximately 930 acres in institutional use, approximately 1,000 acres in commercial use, approximately 400 acres in industrial use, approximately 200 acres in agricultural use, and approximately 481 acres in vacant land.

The City of Faribault has remaining undeveloped land that is zoned for the following uses: approximately 320 acres for residential use, approximately 100 acres for commercial use, approximately 220 acres for industrial use, and approximately 640 acres for agricultural use.

11. The use of the annexation area will be institutional as the Nature Interpretive Center. Any construction in the annexation area will be related to the Nature Interpretive Center.

12. The City of Faribault has a zoning ordinance, subdivision regulations, official map, capital improvements program, fire code, Minnesota Building Code, Minnesota Plumbing Code, flood plain ordinance, and sanitation ordinance.

13. Rice County has a zoning ordinance, subdivision regulations, official map, fire code, Minnesota Building Code, Minnesota Plumbing Code, shoreland

ordinance, flood plain ordinance, wild and scenic rivers ordinance, sanitation ordinance, human services program, energy conservation program, and an urban renewal program.

14. The county ordinance presently zones the annexation area A-1, Ag Land Retainment for Urban Expansion.

15. If annexed, it is anticipated that the city will zone the annexation area O, Open Space - Agricultural District, which is consistent with its use as the Nature Interpretive Center.

16. The City of Faribault provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, health inspection, and library.

17. The city presently provides the annexation area with water, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, health inspection, and library.

Presently there are no plans for the annexation area to be serviced by the sanitary sewer system.

18. The Town of Walcott contracts for fire protection for the township.

19. The mill levy for the County of Rice in 1984, collected 1985, was 30.892. In 1984, the mill levy for the City of Faribault was 37.543, 8.233 for the Town of Walcott, 9.389 for the Town of Cannon City, and 57.827 for the school district. The Special Taxing District had a 1984 mill levy of 2.006 for the city and 1.236 for Walcott and Cannon City Towns.

20. The assessed valuation of the City of Faribault in 1984 was

\$58,115,000.

21. The assessed valuation of the Town of Walcott in 1984 was \$8,502,358.

22. The assessed valuation of the Town of Cannon City in 1984 was \$6,390,641.

23. In 1984, the assessed valuation of the non-exempt land in the annexation area was approximately \$53,300 in the Town of Walcott and approximately \$4,200 in the Town of Cannon City.

The agricultural use of the land with an assessed value was terminated and all of the annexation area is presently classified as exempt property.

24. In 1984, the City of Faribault had a bonded indebtedness of \$11,350,000.

25. In 1984, the Town of Walcott and the Town of Cannon City had no bonded indebtedness.

26. Cannon City and Walcott Townships can continue to function without the annexation area.

27. The City of Faribault is the only municipality adjacent to the annexation area.

28. The annexation area will have no impact on the school district, which serves the annexation area and the City of Faribault.

29. All necessary governmental services can best be provided to the annexation area by its annexation to the City of Faribault.

30. The annexation area is owned by the City of Faribault, or used by the City of Faribault, or under the use and control of an entity of the City of Faribault.

The City of Faribault 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 annexation area is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. Municipal government is required to protect the public health, safety, and welfare in the annexation area.

4. The best interests of the annexation area will be furthered by annexation.

5. The remainder of the Town of Walcott and the Town of Cannon City can carry out the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in values for the City of Faribault and the value of benefits conferred upon the annexation area.

7. The City of Faribault is the only city adjacent to the annexation area, therefore the annexation of all or a part of the property to an adjacent municipality would not better serve the annexation area.

8. 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 in Findings of Fact 3, herein, and retaining jurisdiction over the remaining area originally proposed for annexation.

ORDER

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

Point of beginning is the SW corner of the NW 1/4 of Section 5, Township 109, Range 20 West; thence South $89^{\circ}22'23''$ East a distance of 5292.33 feet, thence North $00^{\circ}27'52''$ East a distance of 2937.61'; thence South $89^{\circ}38'30''$ East a distance of 826.74', thence South $00^{\circ}21'30''$ West a distance of 264.00', thence South $89^{\circ}38'30''$ East a distance of 490.37', thence South $00^{\circ}24'20''$ West a distance of 2388.04'; (thence South $89^{\circ}47'47''$ E (c) a distance of 462'; thence South $00^{\circ}24'20''$ West a distance of 282'; thence South $89^{\circ}47'47''$ (c) East a distance of 318.12'; thence South $00^{\circ}24'20''$ (c) West (c) a distance of 440.60'; thence North $89^{\circ}47'47''$ West (c) a distance of 429'; thence South $00^{\circ}24'20''$ West (c) a distance of 880.18'; thence North $89^{\circ}35'28''$ West a distance of 1616.47' to the SW corner of the NW 1/4 of the SW 1/4 of Section 4. Thence South $00^{\circ}27'52''$ East a distance of 1314.48', thence North $89^{\circ}54'59''$ West a distance of 2659.54'; thence North $89^{\circ}16'29''$ West, along the North line of Northwest Quarter of Section 8, a distance of 435.63 feet to a point in the Northwesternly right of way line of Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South $61^{\circ}06'11''$ West, along said northwesterly railroad right-of-way line, 20.70 feet to the beginning of a spiral curve; thence southwesterly along said railroad right-of-way line on said spiral curve, concave northwesterly (center line curve data; radius equals 1644.62 feet, spiral angle equals $30^{\circ}26'57''$; spiral arc equals 198.00 feet; cord bearing and distance equal South $62^{\circ}14'07''$ West, 191.95 feet), to a point in a circular curve; thence continue southwesterly along said railroad right-of-way line, on a circular curve, concave northwesterly (curve data; radius equals 1544.62 feet; delta angle equals $10^{\circ}55'51''$; chord bearing and distance equal South $65^{\circ}31'03''$ West, 52.05 feet), and arc distance of 52.05 feet; thence continue along said railroad right-of-way, South $23^{\circ}31'01''$ East, 50.00 feet; thence continue southwesterly, along said railroad right-of-way line, on a curve, concave northwesterly (curve data: radius equals 1594.62 feet; delta angle equals $38^{\circ}51'59''$; chord bearing and distance equal South $85^{\circ}54'58''$ West, 1051.08 feet), an arc distance of 1081.70 feet; thence South $21^{\circ}30'05''$ West, 465.54 feet to a point in the centerline of County State Highway 10; thence North $48^{\circ}33'14''$ West, along said highway centerline, 214.36 feet; thence North $29^{\circ}20'41''$ East, 285.93 feet to a point in the southwesterly right-of-way line of said railroad; thence North $11^{\circ}41'14''$ East, 101.49 feet to a point in the northeasterly right of

way line of said railroad; thence Northwesterly along said Northerly line of said right-of-way 140 feet to a point 650 feet East of Southwest corner of said Section Five (5) and 152 feet South of the South line of said Section Five (5), thence in a Northeasterly direction 277.0 feet to a point 100 feet North of the South line and 765 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North 450 feet to an iron monument, thence Northwesterly 635.39 feet to a point 1,150 feet North of the South line and 500 feet East of the West line of said Southwest Quarter (SW 1/4) of Section Five (5), thence North parallel to the said West line of the Southwest Quarter (SW 1/4) of Section Five (5) 600 feet to a point on the west bank of Straight River, said point being 1,750 feet North of the South line and 500 feet East of the West line of Southwest Quarter (SW 1/4) of said Section Five (5), thence East parallel to the South line of said Section Five (5) 32 feet to a point in the center of said Straight River, thence North $6^{\circ}42'35''$ East a distance of 513.52' to a point in the center of said Straight River; thence North $67^{\circ}45'04''$ West a distance of 356.55'; thence South $88^{\circ}06'43''$ West a distance of 200.74'; thence North $0^{\circ}44'44''$ East a distance of 307.02' to the point of beginning.

Excepting from that land the following described parcel:

Part of the Southwest Quarter and part of the Southeast Quarter of the Northwest Quarter, of Section 4, Township 109 North, Range 20 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North $0^{\circ}24'19''$ East, assumed bearing, along the West line of said Southeast Quarter of Southwest Quarter, 715.68 feet to a point in a line 50.00 feet northeasterly from and parallel with the center of the main line track of the Chicago, Rock Island and Pacific Railroad Company, as said track is laid out and traveled; thence North $65^{\circ}21'07''$ West, along said parallel line, 302.59 feet; thence North $34^{\circ}07'39''$ West, 125.08 feet; thence North $11^{\circ}32'22''$ West, 224.14 feet (this point being in the center of the Straight River); thence along the center of said Straight River on the following four courses; North $50^{\circ}42'38''$ East, 32.47 feet; thence North $13^{\circ}53'50''$ East, 499.63 feet; thence North $34^{\circ}34'56''$ East 801.64 feet; thence North $14^{\circ}54'08''$ East, 385.70 feet; thence South $72^{\circ}39'59''$ East, 184.52 feet; thence South $88^{\circ}15'25''$ East, 433.62 feet to a point in the North line of the Northeast Quarter of said Southwest Quarter; thence South $89^{\circ}47'47''$ East, along said North line of Northeast Quarter of Southwest Quarter, 412.87 feet to the Northeast corner of said Northeast Quarter of Southwest Quarter; thence South $0^{\circ}20'48''$ West, along the East line of said Northeast Quarter of Southwest Quarter, 1323.94 feet to the Southeast corner of said Northeast Quarter of Southwest Quarter; thence North $89^{\circ}35'27''$ West, along the South line of said Northeast Quarter of Southwest Quarter, 725.59 feet to a point in the


East line of the West 18 acres of the Southeast Quarter of said Southwest Quarter; thence South 0°24'19" West, along the East line of said West 18 acres of Southeast Quarter of Southwest Quarter, 1321.33 feet to a point in the South line of said Southeast Quarter of Southwest Quarter; thence North 89°23'09" West, along the South line of said Southeast Quarter of Southwest Quarter, 593.88 feet to said point of beginning; excepting therefrom Railroad right of way over and across the West 18 acres of said Southeast Quarter of Southwest Quarter, being a strip of land 100.00 feet in width, 50.00 feet on each side of the center of the main track of the Chicago, Rock Island and Pacific Railroad Company as said track is laid out and traveled; subject also to a Township Road over and across the southerly 33.00 feet of the above described parcel; containing 62.07 acres, more or less, including said road right of way, and excluding said railroad right of way.

2. IT IS FURTHER ORDERED: That the Minnesota Municipal Board retain jurisdiction over the remainder of the land described in Findings of Fact 1, herein, and not ordered annexed in Article 1 of this Order.

3. IT IS FURTHER ORDERED: That the effective date of this order is April 14, 1986.

Dated this 14th day of April, 1986.

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 issuing this Interim Findings of Fact, Conclusions of Law, and Order, the Municipal Board attempts to balance the evidence presented to it. The Grubb property, also known as the St. Olaf property, is presently contained within the originally petitioned area and is the subject of an adverse possession action. The court has yet to rule on the claims advanced by either the Grubbs or the City of Faribault. The board does not wish to hinder or help either party to that lawsuit. Therefore, it has retained jurisdiction over that land while facilitating the annexation of the remainder of the petitioned area over which there is no dispute. Further, the land ordered for annexation fits the statutory criteria and should appropriately be a part of the City of Faribault.

The board urges the parties to resolve the ownership issue on the Grubb/St. Olaf property, so that all parties will know what their legal rights and obligations are. 4-11-86 VM