

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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|---------------------|-------------------|
| Kenneth F. Sette | Chair |
| Shirley J. Mihelich | Vice Chair |
| John W. Carey | Member |
| Howard Heckes | Ex-Officio Member |
| Lester Oeltjenbruns | Ex-Officio Member |

IN THE MATTER OF THE PETITION FOR)
 THE ANNEXATION OF CERTAIN LAND TO)
 THE CITY OF OWATONNA 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 August 28, 1985, at Owatonna, 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, Chair, Richard A. Sand, then Vice Chair, Shirley J. Mihelich, Commissioner, and County Commissioners Lester Oeltjenbruns and Howard Heckes, Ex-Officio Members of the Board. An additional hearing on the matter was held on April 9, 1986, at Owatonna, Minnesota. This hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, Shirley J. Mihelich, Vice Chair, and County Commissioners Lester Oeltjenbruns and Howard Heckes, Ex-Officio Members of the Board. The City of Owatonna made no formal appearance, the Town of Owatonna appeared by and through Ian Ball, and the petitioner appeared by and through Robert Pehl at the first hearing and Fred Wellman at the additional hearing. 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 18, 1985, a copy of the petition for annexation by the sole property owner was filed with the Minnesota Municipal Board. The petition contained all of the information required by statute including a description of the area proposed for annexation which is as follows:

All that part of the West Half of the SE 1/4 Section 14, T 107 N, R 20 W, Steele County, Minnesota, described by:

Beginning at the northwest corner of said SE 1/4; thence S 89° 42' 34" E, assumed bearing, 163 feet along the north line of said SE 1/4; thence S 13° 02' 34" E 925.11 feet; thence S 0° 01' 29" E 917.38 feet along a line parallel with the west line of said SE 1/4; thence S 89° 58' 31" W 371.38 feet to the intersection of the west line of said SE 1/4 with the easterly right of way line of the Chicago, Milwaukee and St. Paul Railroad; thence N 0° 01' 29" W 1819.60 feet to beginning.

Containing 13.35 acres, more or less.

Subject to a public highway easement along the north 49.50 feet of said parcel.

Subject to other easements and restrictions of record, if any.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Owatonna Township on June 17, 1985. 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 3.

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

3. The area proposed for annexation is unincorporated, approximately 13.35 acres in size, and abuts the City of Owatonna for approximately 44% of its total border. The City of Owatonna is approximately 5,914 acres in size.

4. The area proposed for annexation is presently a level piece of land

with oak trees located on the property and a stream coursing through it. The stream is classified by the Minnesota Department of Natural Resources as a protected watercourse. Wetlands and lowlands are on the eastern portion of the area proposed for annexation.

5. The City of Owatonna had a population of 15,341 in 1970 and 18,632 in 1980.

6. The area proposed for annexation has a present population of 5. In 1970 and 1980 it had a population of 4.

7. The Town of Owatonna had a population of approximately 1,100 in 1980.

8. The City of Owatonna has land in residential use, institutional use, commercial use, industrial use, agricultural use, and there is some vacant land within the city.

The city has land zoned, but presently undeveloped, for residential use, commercial use, and industrial use.

9. Approximately 80% of the land in the Town of Owatonna is agricultural, approximately 10% to 15% is used for residential purposes, and the remaining land is used for industrial purposes or is vacant.

10. The area proposed for annexation presently has one single-family residence with the remaining land vacant.

11. The area proposed for annexation is totally planned for single-family residential development.

12. In the past five years, the City of Owatonna has issued 164 building permits for one- and two-family residential structures, 45 building permits for multi-family residential, 339 commercial building permits, and 47 industrial building permits. The city has issued in the past five years 595 remodeling permits.

13. The City of Owatonna has 3.09 miles in highways, 88 miles in streets,

19 miles in roads.

14. The Town of Owatonna has approximately 26.9 miles in roads.

15. The area proposed for annexation presently has a private access road for the single-family residence located therein and used by those houses on Canterbury Place located within the City of Owatonna.

The petitioner plans to extend Greenleaf Road by looping it south and providing access to Canterbury Place, Southeast and Nottingham Drive. Canterbury Place has no planned access westward, as it is a cul de sac.

16. The City of Owatonna has a zoning ordinance, subdivision regulation, an official map, Minnesota Building Code, Minnesota Plumbing Code, and a floodplain ordinance.

The City of Owatonna's comprehensive plan was developed in 1975. It is presently undergoing review.

17. The Town of Owatonna has a zoning ordinance, subdivision regulations, an official map, and floodplain ordinance.

The Town of Owatonna adopted a comprehensive plan in 1981.

18. The County of Steele has a zoning ordinance, subdivision regulations, shoreland ordinance, floodplain ordinance, sanitation ordinance, and human services program.

The county adopted a comprehensive plan in 1971.

19. Land within the City of Owatonna immediately west of the area proposed for annexation is platted for single-family residential development. This plat is part of the proposed development which extends into the area proposed for annexation.

20. The area proposed for annexation is presently zoned agricultural in nature. Under the Town of Owatonna's zoning ordinance, land zoned agricultural has a density of one dwelling per 35 acres.

21. It is anticipated that if the area proposed for annexation is annexed, residential zoning would be sought.

22. The City of Owatonna presently provides its residents with water, sanitary sewer and waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, health inspection, and library.

23. The City of Owatonna provides the area proposed for annexation with fire protection through a contract with the Town of Owatonna, police protection, and street maintenance. There are city sanitary sewer lines and water lines within the area proposed for annexation.

24. The City of Owatonna does not permit use of the city sanitary sewer and water lines for land outside of the city limits.

25. The Town of Owatonna provides the area proposed for annexation with fire protection through a contract with the Owatonna Rural Fire Department and administrative services.

26. The Owatonna City Council passed a resolution in support of the annexation of the area under consideration.

The City of Owatonna is willing to provide the area proposed for annexation with all of the services it presently provides the residents of the City of Owatonna, if the area is annexed.

27. The cost for extending the sewer and water lines into the area proposed for annexation was assessed to the lots located west of the annexation area already within the city. There is presently no outstanding assessment against the annexation area for sanitary sewer and water service.

28. The mill levy for the Town of Owatonna is 7.16 for 1984, payable 1985.

29. The Steele County mill levy is 21.68 for 1984, payable 1985, for land within the City of Owatonna, and 22.41 for 1984, payable 1985, for land within

the Town of Owatonna.

30. The school district mill levy for the annexation area and the City of Owatonna is 45.00 for 1984, payable 1985.

31. The mill levy for the City of Owatonna for 1984, payable 1985, is 38.64.

32. Through 1984, the City of Owatonna had a total bonded indebtedness of approximately \$11,000,000.

33. Through 1984, the Town of Owatonna had no bonded indebtedness.

34. The City of Owatonna has a fire insurance rating of Class 5 for 1985.

35. The Town of Owatonna has a fire insurance rating of Class 8 for 1984.

36. The City of Owatonna is the only municipality adjacent to the area proposed for annexation.

37. The taxes for local government purposes paid by the annexation area to the Town of Owatonna are less than \$100.00.

38. The Town of Owatonna can continue to function without 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 proposed for annexation 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 area proposed for annexation.

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

5. The remainder of the Town of Owatonna can carry on the functions of

government without undue hardship.

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

7. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 herein, be and the same hereby is annexed to the City of Owatonna, Minnesota the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the population of the City of Owatonna is increased by five persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Owatonna is decreased by five persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is November 6, 1986.

Dated this 6th day of November, 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

The board, in granting the annexation, notes that the area proposed for annexation is planned for single-family residences, the City of Owatonna supports the annexation and there is sanitary sewer and water presently in the area.

The Town of Owatonna is out in front of the City of Owatonna in its overall planning process. The city's comprehensive plan, enacted in 1975, is presently undergoing review. The Town of Owatonna's comprehensive plan, zoning ordinance, and subdivision regulations have all been enacted since 1981. Plans alone do not determine whether land is appropriate for annexation. However, plans are necessary to assist the governmental entities in preparing for any future growth and the capital needs associated therewith. The board takes this opportunity to strongly urge the City of Owatonna to continue its work on updating its comprehensive plan. Also, the board urges both the town and city to plan together.

The board is pleased that, after the meetings among the city, county, and town called by the board pursuant to M.S. 414.01, Subd. 16, the town and city took the opportunity to put in place a formal ongoing meeting process. This formalized spirit of cooperation highlights the interests that these communities have shared. The board hopes that this spirit of cooperation will continue to improve for the benefit of all citizens. TAM 11-6-86