

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Lee Luebbe	Ex-Officio Member
Lester Ladewig	Ex-Officio Member

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

A M E N D E D
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 February 11, 1987 at Goodview, 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, John W. Carey, Commissioner, and County Commissioners Lester Ladewig and Lee Luebbe, Ex-Officio Members of the Board. The City of Goodview and the petitioners, Harry and Mildred Scharmer, appeared by and through Thomas R. Pender, Attorney at Law, and the Town of Winona appeared by and through Phillip Hanson, Attorney at Law. 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 September 8, 1986, a copy of a petition for annexation by a majority of the property owners was filed with the Minnesota Municipal Board.

The petition contained all of the information required by statute, including a description of the territory subject to annexation, which is as follows:

That part of the West One half (W 1/2) of Section Nineteen (19), Township One Hundred Seven (107) North, Range Seven (7) West described as follows:

Commencing at the Northeast corner of Lot Two (2), Section Nineteen (19), Township One Hundred Seven (107) North, Range Seven (7) West, which said corner is Eighty (80) rods more or less North of the center of said Section Nineteen (19) to a monument designating the intersection of the North and South center section line with the East and West quarter quarter section line, said point being the point of beginning; thence South 34° 15' West 474.5 feet to a point on the South line of Goodview Road Ten (10) feet, more or less, west of the intersection of the South line of Goodview Road with the west line of the Quarry Road; thence North 55° 45' West a distance of Twelve (12) feet; thence South 34° 15' West a distance of 231.5 feet; thence South 32°

998.41

21' West a distance of ~~945~~ feet to a point on the North line of the Northeast one quarter of the Southwest one quarter of said Section Nineteen (19), said point being Ten (10) feet West of the West side of an old quarry road; thence South 22° 37' West a distance of 1430 feet to the South line of the Northwest one quarter of the Southwest one quarter of said Section Nineteen (19); thence West a distance of 1222 feet more or less along the South line of the Northwest one quarter of the Southwest one quarter of said Section Nineteen (19) to the West line of said Section Nineteen (19); thence North along the West line of said Section Nineteen (19) to the Northwest corner of the Southwest one quarter of said Section Nineteen (19); thence continuing North along the West line of said Section Nineteen (19) a distance of Eighty (80) feet; thence North 46° 00' East a distance of 180 feet; thence North 15° 40' East a distance of 245 feet; thence North 5° 16' East a distance of 615.5 feet; thence North 19° 02' East a distance of 578 feet; thence South 79° 47' East a distance of 480 feet; thence South 65° 28' East a distance of 707 feet; thence North 50° 00' East a distance of 103 feet more or less to the Southwest corner of the property deeded to Robert L. Evans as described in Book 238, page 391 in the Register of Deeds Office in Winona County; thence North 53° 50' East and along the East line of the property deeded to Robert L. Evans as described in Book 238, page 391 a distance of 336 feet to the center of Goodview Road; thence Northwesterly along the center of the Goodview Road a distance of 325

feet; thence at a deflection angle to the right of 90° a distance of 400 feet more or less to the North line of Lot Two (2), Section Nineteen (19), Township One Hundred Seven (107) North, Range Seven (7) West; thence Southeasterly along the North line of Lot Two (2), Section Nineteen (19), Township One Hundred Seven (107) North, Range Seven (7) West to the Northeast corner of said Lot Two (2), said point being the point of beginning; including that easement for ingress and egress over and upon the quarry road as described in that quit-claim deed, Wiscow to Bronk, dated April 13, 1960, and recorded April 16, 1960, in the office of the County Recorder for said county at Book 243 Deeds 288; but subject to the right-of-way of the Goodview Road and utility easement of record; and excepting from said land all that part thereof lying Northeasterly of the centerline of the Goodview Road.

Also

That part of Sections Eighteen (18) and Nineteen (19), Township One Hundred Seven (107) North, of Range Seven (7), West of the Fifth Principal Meridian, lying South of the existing Southerly boundary of the City of Goodview, and Northeast of the Northeasterly right-of-way line of the Goodview Road (being a Winona Township road running generally Northwest to Southeast through Section 19), and Northwest of the Southeasterly right-of-way line of the Goodview Road (being a public road running generally Northeast to Southwest through Section 19, connecting Highway 61 and the Goodview Road previously described), and East of the East line of the SW 1/4 of SW 1/4 of Section 18 and East of the East line of the NW 1/4 of the NW 1/4 of Section 19; together with the right-of-way of the Goodview Road first described lying West of the Southerly extension of the Goodview Road second described and East of the following line:

Commencing at the Northeast corner of Lot Two (2), Section Nineteen (19), Township One Hundred Seven (107) North, Range Seven (7) West, which said corner is Eighty (80) rods more or less North of the center of said Section Nineteen (19) to a monument designating the intersection of the North and South center section line with the East and West quarter quarter section line; thence South 34° 15' West 474.5 feet to a point on the South line of Goodview Road Ten (10) feet, more or less, west of the intersection of the South line of Goodview Road with the west line of the Quarry Road; thence North 55° 45' West a distance of Twelve (12)

feet; thence South 34° 15' West a distance of 231.5 feet; thence South 32° 21' West a distance of 945 feet to a point on the North line of the Northeast one quarter of the Southwest one quarter of said Section Nineteen (19), said point being Ten (10) feet West of the West side of an old quarry road; thence South 22° 37' West a distance of 1430 feet to the South line of the Northwest one quarter of the Southwest one quarter of said Section Nineteen (19); thence West a distance of 1222 feet more or less along the South line of the Northwest one quarter of the Southwest one quarter of said Section Nineteen (19) to the West line of said Section Nineteen (19); thence North along the West line of said Section Nineteen (19) to the Northwest corner of the Southwest one quarter of said Section Nineteen (19); thence continuing North along the West line of said Section Nineteen (19) a distance of Eighty (80) feet; thence North 46° 00' East a distance of 180 feet; thence North 15° 40' East a distance of 245 feet; thence North 5° 16' East a distance of 615.5 feet; thence North 19° 02' East a distance of 578 feet; thence South 79° 47' East a distance of 480 feet; thence South 65° 28' East a distance of 707 feet; thence North 50° 00' East a distance of 103 feet more or less to the Southwest corner of the property deeded to Robert L. Evans as described in Book 238, page 391 in the Register of Deeds Office in Winona County; thence North 53° 50' East and along the East line of the property deeded to Robert L. Evans as described in Book 238, page 391 a distance of 303 feet more or less, to the Southerly line of Goodview Road, and the point of beginning; thence North 53° 50' East along the continuation of the last described line a distance of 66 feet to the Northerly line of Goodview Road, and there terminating.

Exception

Excepting from the above-described land Government Lot 3, including any relictions and accretions thereto, in Section 19, but not excepting the rights-of-way through Lot 3 of the two above-described Goodview Roads.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Winona Township on October 31, 1986. 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 180 acres in size, and abuts the City of Goodview by approximately 30% of its perimeter. The City of Goodview is approximately 960 acres in size.

4. The area proposed for annexation is presently approximately 150 acres of vacant land and approximately 30 acres of agricultural land.

The agricultural land is located in the northern portion of the annexation area with a majority of the vacant land being south of Old Goodview Road in the valley and along the hillsides of the area under consideration.

The annexation area includes a valley surrounded on each side and the rear by sloping bluff lands. The soil is a mixture of clay, sand, and sandy loam.

5. The City of Goodview had a population of 1,829 in 1970, 2,567 in 1980, its current population is 2,700, and it is projected that in five years it will have a population of 3,000.

6. The Town of Winona had a population of 557 in 1970, 870 in 1980, and its current population is 925.

7. The area proposed for annexation has a present population of zero.

8. The City of Goodview has a zoning ordinance, subdivision regulations, an official map, capital improvements and budget program, floodplain ordinance, and sanitation ordinance.

9. The Town of Winona has a zoning ordinance, subdivision regulations, an official map, capital improvements and budget program, and sanitation ordinance.

10. The County of Winona has a zoning ordinance, subdivision regulations,

an official map, capital improvements and budget program, shoreland ordinance, floodplain ordinance, and sanitation ordinance.

11. The current zoning of the area proposed for annexation is R-2.

12. It is anticipated that if annexed, the area proposed for annexation will be zoned residential.

13. The southern portion of the annexation area is planned for single-family residential development. The area that is planned for the development is the valley area south of Old Goodview Road.

14. The City of Goodview provides its residents with water, sanitary sewer, waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

15. The City of Goodview is willing to provide the area proposed for annexation with all of the services that it presently provides to its residents and is not presently providing the annexation area.

16. The Town of Winona provides the area proposed for annexation with fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

17. The City of Goodview has approximately 13.2 miles of highways, streets, and roads.

18. The area proposed for annexation has approximately .66 of a mile of a road. None of that part of Old Goodview Road presently within the annexation area would have shared jurisdiction by the town and city if the area is annexed.

19. It is anticipated that better than 80% of the traffic from the proposed subdivision will head east on Old Goodview Road and use the 44th

Avenue exit.

20. In 1985, the assessed valuation of the City of Goodview was \$10,578,486.

21. In 1985, the assessed valuation of the Town of Winona was \$3,622,996.

22. In 1985, the assessed valuation of the area proposed for annexation was \$11,266.

23. The mill levy for Winona County in 1985 was 25.79.

24. The mill levy for the school district in 1985 was 47.88.

25. Winona Township mill levy in 1985 was 8.56. The township had no bonded indebtedness.

26. The City of Goodview's mill levy in 1985 was 35.54. The city had a bonded indebtedness of \$2,028,500.

27. The fire insurance rating for the City of Goodview is 7

28. The fire insurance rating for the Town of Winona is 9.

29. If the area proposed for annexation is annexed, there will be no impact on the school district.

30. The City of Goodview is the only municipality adjacent to 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 now or is about to become urban or suburban in character.

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

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

furthered by annexation.

5. Winona Township can carry on the functions of government without undue hardship.

6. An order should be issued by the Minnesota Municipal Board approving the petition for annexation described herein in Findings of Fact 1.

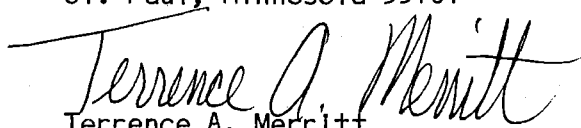
O R D E R

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

2. IT IS FURTHER ORDERED: That the effective date of this order is July 10, 1987.

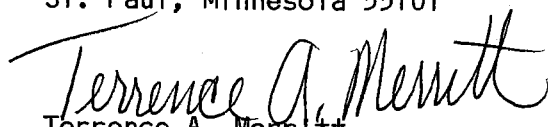
Dated this 13th day of July, 1987.

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


Terrence A. Merritt
Executive Director

Amended Order Dated this 3rd day of
March, 1988.

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 notes that a significant amount of the testimony focused on the issue of the use of Old Goodview Road west of the area proposed for annexation. It was agreed by the parties that the proposed annexation and development of the area presently before the board will not significantly increase the traffic on that portion of Old Goodview Road presently located within the Town of Winona. The board takes this opportunity to urge the affected townships, city, and county to work together to try to resolve the issue of maintenance of this road.

There was also significant concern expressed about the completion of the parkland proposed to be included in the We Valley Plat. The board anticipates that the City of Goodview, through its existing or amended subdivision regulations, will ensure that the annexation area will have parkland.

Finally, the board notes that this matter has been in the planning stages for a significant amount of time. The town and the city, through their witnesses, indicated the desire that the area develop as single-family residential. The board would anticipate that, since the governmental entities and the property owner seek the development of this area, it would be done as expeditiously as possible. Further, the board is confident that the city will ensure that the necessary precautions are taken to avoid any environmental problems that could result from the development in the valley. 7-13-87 JAM