

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Robert J. Ferderer	Vice Chair
John W. Carey	Commissioner
Linley Barnes	Ex-Officio Member
Keith Stoltzman	Ex-Officio Member

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

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on January 21, 1993 at Madison Lake, 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, Robert J. Ferderer, Vice Chair, John W. Carey, Commissioner, and County Commissioners Linley Barnes and Keith Stoltzman, Ex-Officio Members of the Board. The petitioners appeared by and through William Radzwill and Andrew MacArthur, Attorneys at Law, the City of Madison Lake appeared by and through Steve Rolfsrud, Attorney at Law, and the Town of Jamestown appeared by and through Michael Bisch, Town Clerk. 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 October 21, 1992, a copy of a petition for annexation by approximately 50% of the property owners was filed with the Minnesota Municipal Board. The petition was accompanied by a resolution of support from the City of Madison Lake, hereinafter referred to as "City." The petition contained all of the information required by statute, including a description of the territory subject to annexation, hereinafter referred to as "subject area," which is as follows:

Commencing at the intersection of the Easterly Right-Of-Way line of Blue Earth County Road Number 26 with the Northerly boundary line of the City of Madison Lake, as presently laid out, being the point of beginning of the lands to be described herein;

Thence Northerly, along the Easterly Right-Of-Way of Blue Earth County Road Number 26 to a point which is fifty feet Easterly and 1,527.30 feet southerly of the South East corner of Section 22, Township 109 Range 25, Blue Earth County, Minnesota;

Thence Westerly, a distance of 100 feet to the Northerly line of a Private Access-Egress Driveway, as platted within Doran's Subdivision Duck Lake, Blue Earth County, Minnesota;

Thence continuing Westerly, along the Northerly Line of said Private Access-Egress Driveway, approximately 445 feet to a point where said Road turns Northwesterly;

Thence Northwesterly, along the Easterly line of said Private Access-Egress Driveway, to a point which intersects with the Easterly extension of the Northerly line of Doran's Subdivision Duck Lake, Blue Earth County, Minnesota;

Thence Westerly, along the Easterly extension of the Northerly line of Doran's Subdivision Duck Lake to the Northeasterly corner of Doran's Subdivision Duck Lake;

Thence continuing Westerly, along the Northerly Line of Doran's Subdivision Duck Lake to the Northwesterly corner of Doran's Subdivision Duck Lake, also being a point on the water's edge of Duck Lake;

Thence Southeasterly, along the Westerly line of Doran's Subdivision Duck Lake and to the Southwesterly corner of Doran's Subdivision Duck Lake;

Thence continuing Southeasterly, along the water's edge of Duck Lake, to the Westernmost corner of OutLot A, Hagen Park

Subdivision, Blue Earth County, Minnesota;

Thence Northeasterly a distance of 102.2 feet along the Northwestern line of OutLot A, Hagen Park Subdivision;

Thence Easterly a distance of 330.00 feet along the North line of OutLot A, Hagen Park Subdivision, to the Westerly Right-Of-Way line of Blue Earth County Road Number 26;

Thence Southerly, along the Westerly Right-Of-Way line of Blue Earth County Road Number 26 to a point which is 100 feet West of the Point of Beginning;

Thence East, a distance of 100 feet to the Point of Beginning.

At the hearing, a number of the signatories to the petition for annexation requested that their names be withdrawn from the petition for annexation. The Municipal Board did not grant their request, but viewed it as indicating their opposition to the annexation they had originally petitioned for.

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

3. The subject area is unincorporated, approximately 16 acres in size, and abuts the City by approximately .7% of its perimeter. The City is approximately 240 acres in size, and the Town of Jamestown, hereinafter referred to as "Town," is approximately 15.3 square miles in size.

4. The City had a population of approximately 587 in 1970, a population of approximately 592 in 1980, and has a current population of approximately 643.

The Town had a population of approximately 282 in 1970, a population of approximately 448 in 1980, and has a current population of approximately 547.

The subject area had a population of approximately 8 in 1970, a population of approximately 8 in 1980, and has a current population of approximately 37.

5. Duck Lake, a general development shoreland class, abuts the subject area. Duck Lake drains into the Ballantyne wetlands.

6. The subject area has heavy tight clay soils. The top soil is approximately twelve to twenty inches in depth. There are LeSueur Clay Loam and Guckeen Silty Clay Loam soils which are not good for development.

7. The City has approximately 60% of its land in residential use, approximately 5% in institutional use, approximately 10% in commercial use, approximately 10% in industrial use, approximately 5% in agricultural use, and approximately 10% vacant land.

The Town has approximately 15% of its land in residential use, approximately 70% of its land in agricultural use, and approximately 15% vacant land.

The subject area has approximately 92% of its land in residential use, and approximately 8% in vacant land.

Approximately 10 acres of the subject area is County State Aid Highway No. 26, and the remainder of the land is in residential or vacant use. There are approximately 15 lots of various sizes on approximately 6 acres.

8. The proposed development of the subject area is residential.

9. The City has approximately 5 miles of highways, streets and roads.

The Town has approximately 14 miles of highways, streets, and roads.

The subject area has approximately 1 mile of County State Aid Highway No. 26 and approximately 1035 linear feet of private road.

10. There are no anticipated changes in the transportation network in the subject area or in the city.

11. The City has a comprehensive plan, adopted in 1974 and updated in 1981.

The Town has no comprehensive plan.

Blue Earth County, hereinafter referred to as "County," has a Shoreland Management Plan.

12. No planning authorities have taken a position on the proposed annexation.

13. The City has a zoning ordinance, subdivision regulations, an official map, a fire code, a shoreland ordinance, and a sanitation ordinance.

The Town has no independent land use controls.

14. The County has a zoning ordinance, subdivision regulations, an official map, and a capital improvements program and budget.

15. The subject area is currently zoned residential single-family-shoreland district.

16. If the subject area is annexed to the City, it is anticipated that the subject area will be zoned residential single-family-shoreland district.

17. There is no portion of the subject area in Green Acres.

18. The City presently provides its residents with water, sanitary sewer and waste-water treatment, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational facilities.

The Town presently provides its residents with fire protection through a contract with the City, street maintenance, and administrative services.

19. The City is willing to provide all of the services it presently provides to its residents to the subject area.

20. Presently there are thirteen homes and two vacant lots in the subject area. Water service in the subject area is provided by approximately five wells, most of which are shared by two or more of the residences.

21. Sanitary sewer for the subject area is presently provided by 13 individual septic systems. There are failing waste-water treatment facilities and exposed untreated raw sewage within the subject area. At least eleven of the thirteen septic systems are twenty years or older. There is presently one system less than 5 years old in the subject area.

22. The County Sanitation Department has been working for more than two years with residents in the subject area to address the on-site septic system failure problem. The County has not issued criminal charges against the violators, nor has there been significant effort directed at determining exactly who is in violation.

23. The extension of municipal sewer to the subject area would be

a permanent solution to the existing sewage problems.

24. The Town has no central water or sanitary sewer system and has no plans of developing a central sanitary sewer system or water systems to provide service to the subject area.

25. The City included the subject area in the service area of the City's waste water treatment facility when planning and constructing its waste-water treatment facility.

The City presently is using between 50% to 70% of the capacity of the waste-water treatment facility and when repairs are made to the manhole covers to prevent inflow, the capacity in use will be reduced to 55% or 60%.

The City is willing to extend sanitary sewer and water along County State Aid Highway No. 26 north from the City to the private drive, then westerly along the private drive to service the residents in the subject area.

The City is willing to construct a twenty foot wide paved street in place of the existing private drive.

The City has indicated a willingness to spend approximately \$156,810 of city funds on the extension of sewer and water and the new street project for the subject area and certain areas within the present City.

The City has two wells and one water tower with capacity sufficient to service the subject area.

26. The annexation would result in the subject area receiving fire and police protection from the City.

Presently, police service to the subject area is by the County Sheriff and can be 20 minutes or more away, while the City police is only several minutes away.

27. The City has a 1993 tax capacity of \$137,280, its tax rate for the County is 33.562, the City's tax rate is 48.327, its tax rate for the School District is 43.598, and its tax rate for the Special Taxing District is .210. The City has a total bonded indebtedness of approximately \$738,000.

The Town has a 1993 tax capacity of approximately \$356,421. The Town's tax rate is 5.983; its tax rate for the County is 37.194; its tax rate for the School District is 48.405; and its tax rate for the Special Taxing District is .227. The Town has no present bonded indebtedness.

The subject area has a 1993 tax capacity of approximately \$11,347, with an approximate market value of \$858,800.

28. The Town would lose approximately \$700 per year in tax revenues.

29. It is not anticipated that the annexation would have any impact on the area school districts or adjacent communities.

30. If the subject area is annexed, the remainder of the Town can continue to carry on the functions of government without undue hardship.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The subject area is now or is about to become urban or



suburban in character, in need of or will be in need of municipal services, and the annexing city is capable of providing the services required by the subject area within a reasonable time.

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

4. The existing township form of government is not adequate to protect the public health, safety, and welfare of the subject area.

5. The annexation would be in the best interests of the subject area and will be furthered by annexation.

6. The Town can carry on the functions of government without undue hardship.

7. Up to six years will be required to effectively provide full municipal services to the annexed area or to accommodate the transition from the Town tax rate to the City tax rate.

8. 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 Madison Lake, Minnesota, the same as if it had originally been made a part thereof.

2. IT IS FURTHER ORDERED: That the tax rate of the City of Madison Lake on the property herein ordered annexed shall be increased in substantially equal proportions over a period of six years to equality with the tax rate of the property already within the city.

3. IT IS FURTHER ORDERED: That the population of the City of Madison Lake is hereby increased by 37 persons.

4. IT IS FURTHER ORDERED: That the population of the Town of Jamestown is hereby decreased by 37 persons.

5. IT IS FURTHER ORDERED: That the effective date of this order is May 18, 1993.

Dated this 18th day of May, 1993.

MINNESOTA MUNICIPAL BOARD  
Suite 475 McColl Building  
St. Paul, Minnesota 55101

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

Terrence A. Merritt  
Executive Director