

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member

IN THE MATTER OF THE PETITION)
FOR THE DETACHMENT OF CERTAIN)
LAND FROM THE CITY OF MYRTLE)
PURSUANT TO MINNESOTA STATUTES)
414.06)

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 10th, 1982 at Myrtle, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was Kenneth F. Sette, member of the Minnesota Municipal Board. The petitioners were represented by Edward T. Christian and the City of Myrtle was represented by Joseph Gunderson. 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

I. The petition was duly filed with the Minnesota Municipal Board on December 9th, 1981 by all of the property owners requesting the detachment from the City of Myrtle.

II. The petition contained all the information required by statute including a description of the property proposed for detachment which is as follows:

The Southeast Quarter of the Northwest Quarter of
Section 7, Township 101 North, Range 19 West, Freeborn
County, Minnesota.

AND

The Southwest Quarter of the Northwest Quarter of
Section 7, Township 101 North, Range 19 West, Freeborn
County, Minnesota.

III. The area proposed for detachment is located within the City of Myrtle and abuts the municipal boundary.

IV. The area proposed for detachment is approximately 76 acres in size.

V. The City of Myrtle is approximately 135 acres in size.

VI. The area proposed for detachment is located north of Highway 13.

It is the only portion of the City of Myrtle that is located north of Highway 13.

VII. The area proposed for detachment is rural in character, with an old farmstead located on one of the parcels. The owner of the parcel is in the process of removing the house located on that farmstead. The farmstead includes a corncrib, machine shed, grainery, and an old barn. The other parcel contains no buildings.

VIII. The city does not maintain any access road to the area proposed for detachment, nor does the city have any municipal sewer, water or electric lines servicing the area proposed for detachment.

IX. The City of Myrtle has no present outstanding bonded indebtedness.

X. The City provides some of its residents with water service, lights, snow removal, street maintenance, and fire protection. The fire protection is a combination of the City of Myrtle and the Town of London involvement.

XI. The area proposed for detachment does not receive any use of street lights, road equipment, water service from the City of Myrtle.

The City of Myrtle does not have a separate police force and relies on the county sheriff's normal course of patrolling for police protection.

XII. The area proposed for detachment produces approximately 13% of the city's tax revenue.

XIII. The present total city budget is \$4,000.

XIV. Presently the city has approximately \$20,000 in savings.

XV. None of the city's 86 residents lives within the area proposed for detachment.

XVI. It is not anticipated that the area proposed for detachment will be needed in the foreseeable future for the expansion of Myrtle's residential or commercial district.

XVII. There are presently no plans for either residential or commercial development within the area proposed for detachment.

XVIII. The city will lose between \$500-\$600 in local tax revenue if the area proposed for detachment is detached.

XIX. The area abuts the Township of London.

XX. The area proposed for detachment was assessed for a drainage ditch which services the area proposed for detachment. The area proposed for detachment is presently also required to pay a portion of the drainage ditch assessment levied against the City of Myrtle. The property was assessed twice for the same ditch system.

XXI. The Myrtle City Fire Department advised one of the property owners that if a fire ran through his location it would cost him the same as any other property located within the rural area which is serviced by the fire department.

CONCLUSIONS OF LAW

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

II. The detachment would not affect the symmetry of the City of Myrtle.

III. This detachment would not greatly impact on the City of Myrtle's ability to continue to function as a city.

IV. An order should be issued by the Minnesota Municipal Board approving the petition for detachment in the area described herein.

V. The area subject to detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

VI. The remainder of the municipality can continue to carry on the functions of government without undue hardship.

ORDER

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact Number II herein is hereby detached and made a part of the Town of London the same as if it had been originally made a part thereof.

II. IT IS FURTHER ORDERED: That the effective date of this order is June 11th, 1982.

Dated this 11th day of June, 1982

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving the detachment from the City of Myrtle, the Municipal Board looked at the detachment's impact based upon the statutory criterion. Among the evidence submitted that addressed the statutory criterion was evidence showing a present fiscal health of the City of Myrtle. There is no bonded indebtedness, the mill levy of the city is overall one of the lowest in the county, and the city has approximately \$20,000 in savings. There was general agreement among the witnesses, that the City of Myrtle was not experiencing any substantial growth if any growth at all, and that there were vacant areas within the present city limits excluding the area proposed for detachment which could accommodate any growth that may occur.

The land proposed for detachment is located north of the main portion of the City of Myrtle and is separated by Highway 13. The city presently provides no specific services to the area proposed for detachment. The fire department on at least one occasion indicated that it views that area as already rural in character and recipient of fire protection at a cost similar to what is charged rural areas located outside of the City of Myrtle. Since the fire department is a combined city/township effort, the township's ability to service the area would be similar to its ability to serve any of the rest of the township.

Access to the area proposed for detachment is off of County Highway 13. This transportation access is not impacted by detachment as it is a county road requiring neither city or township maintenance. The property itself is generally level land in agricultural production.