

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

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

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

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

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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 April 30, 1982 at Elmore, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. The petitioners were represented by Richard Berens and the City of Elmore was represented by Michael D. Johnson. 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 January 5, 1982 by all of the property owners requesting the detachment from the City of Elmore.

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

16.67 acres in the NW¼ of NW¼, 7.50 acres in the E15R of NW¼ of NW¼, and 40 acres in the NE¼ of NW¼, all in Section 33, Township 101, Range 27, in Faribault County, Minnesota. Commencing at a point 148' from a point in the East right-of-way of State Highway 169, said point in right-of-way being 332.5 feet southerly when measured along said right-of-way line from the north line of Section 33, Township 101, Range 27 west of the Fifth Principal Meridian in the County of Faribault, State of Minnesota, going thence easterly 863.5 feet and thence southerly 980.8 feet, thence westerly 245 feet thence northerly 177 feet, thence westerly 624 feet, thence northerly 777.45 feet to point of beginning. The 7.5 acre tract joins the 16.67 tract to the east and is 15 rods wide or (15x16½ = 247.5 feet wide). The 40 acre tract joins the above 7.5 acre tract on the east.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Certain land in the NW¼, Sec. 33, Township 101 North, Range 27 West, described as: NE¼NW¼ of said Section; the east 15 rods of the NW¼NW¼ said Section. And beginning at the southwest corner of said east 15 rods; thence west on the south line of said NW¼NW¼ 245 feet to a point; thence northerly parallel to the west line of said quarter to a point 210 feet north of the south line; thence west parallel to said south line 624 feet to a point 198 feet east of the west line of

said NW $\frac{1}{2}$ NW $\frac{1}{2}$ ; thence north parallel to said west line 777.45' to a point; thence east parallel to the north line of NW $\frac{1}{2}$ NW $\frac{1}{2}$  863.5 feet to a point on the west line of the east 15 rods; thence southerly on said west line to the point of beginning.

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

IV. The area proposed for detachment is approximately 64.17 acres in size.

V. The City of Elmore is approximately one square mile in size.

VI. The area proposed for detachment is located north of Polton Street.

VII. The area proposed for detachment is rural in character, with three farm houses, a barn, machine shed, poultry shed, three Harvestors, a cattle feed lot and grazing and crop land.

VIII. The Township provides maintenance on the road adjacent to the area proposed for detachment which services the property owners' homestead. The Township also provides snow removal for that same road.

IX. The City of Elmore does not maintain the road adjacent to the area proposed for detachment, nor does it provide municipal sewer or water to the area proposed for detachment.

X. The City of Elmore has no present outstanding bonded indebtedness.

XI. The City of Elmore presently provides some of its residents with water and sewer, storm sewer, snow removal, street maintenance and fire protection.

The City of Elmore has a police department of one person who works approximately 48 hours per week.

XII. The area proposed for detachment pays approximately \$1,586.43 in city taxes.

XIII. The City of Elmore has a mill rate of 41.35 mills. The Town of Elmore has a mill rate of 2.79 mills.

XIV. In 1982, taxes paid by the petitioners amounted to approximately 1.2% of the total city tax.

XV. In 1970, the City of Elmore had a population of 910, and in 1980 it had a population of 882.

XVI. The area proposed for detachment has a population of 4. It is not anticipated that the area proposed for detachment will be needed in the foreseeable future for the expansion of the City of Elmore's residential district.

XVII. The property owners have no plans to develop the area proposed for detachment for residential purposes.

XVIII. The area proposed for detachment abuts the Township of Elmore.

XIX. The City of Elmore Fire Department contracts with the Town of Elmore for fire protection in the Township.

XX. That portion of Elmore north of the western-most portion of the area proposed for detachment has access to it from U.S. Highway 169. It does not receive its access through the area proposed for detachment.

XXI. If the area proposed for detachment were detached, the northern boundary of the City would be somewhat irregular, but servicing of that area is presently through land which will remain located within the City of Elmore.

CONCLUSIONS OF LAW

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

II. The detachment would not unreasonably affect the symmetry of the City of Elmore.

III. The remainder of the municipality can continue to carry out the functions of government without undue hardship should the area proposed for detachment be detached.

IV. The area proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.

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

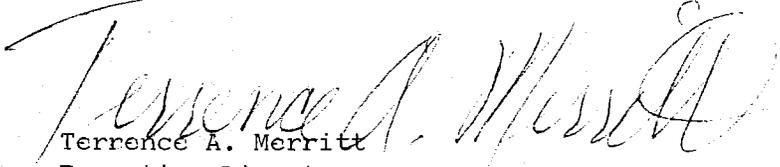
O R D E R

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact II herein is hereby detached and made a part of the Town of Elmore 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 April 29, 1983.

Dated this 29th day of April, 1983.

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

  
Terrence A. Merritt  
Executive Director

MEMORANDUM

The board notes that subsequent to the April 30, 1982 hearing on this detachment petition, the City of Elmore enacted a rural service taxing district. The board applauds this measure. However, in this case, based upon the facts presented before, the board felt that the detachment of the area proposed was appropriate given the statutory criterion.

M 4-29-83