

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner

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

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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 July 18, 1984 and September 27, 1984 at Vesta, Minnesota. The hearing was conducted by Kenneth F. Sette, Vice Chairman and Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. The petitioners were represented by Robert L. Gjorvad and the City of Vesta was represented by Brian L. White, City Attorney. 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. The petition was duly filed with the Minnesota Municipal Board on May 15, 1984 and an amended petition was duly filed with the Minnesota Municipal Board on August 24, 1984 by the property owners requesting the detachment from the City of Vesta.

2. The petition and amended petition contained all of the information

required by statute including a description of the property proposed for detachment which is as follows:

The South Half of the South East Quarter (S 1/2 SE 1/4) of Section Sixteen (16) Township One Hundred Twelve (112), Range Thirty-eight (38), Except Rosburg's Addition to the Village of Vesta, and also a tract of land to Patrick Dolan, described as follows, to-wit: Beginning at a point Twenty (20) feet East of the Northeast Corner of Lot One (1) in Block One (1) of Rosburg's Addition to the Village of Vesta, running thence East One Hundred (100) feet, thence South One Hundred Forty (140) feet, thence West One Hundred (100) feet, thence North One Hundred Forty (140) feet, to the place of beginning, containing seventy-five (75) acres, more or less, according to the United States Government Survey thereof.

and

The Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Sixteen (16), Township One Hundred Twelve (112), Range Thirty-eight (38) West, excepting therefrom the following tracts:

A tract of land containing approximately two to three acres in the Northeast corner of said premises, more specifically described as follows, to-wit: Commencing at the Northeast corner of the North one half (N 1/2) of the Southwest One-Quarter (SW 1/4) of said section, thence South Two Hundred and Ninety-One (291) feet then West Three Hundred and Thirty (330) feet thence North Two Hundred and Ninety-One (291) feet thence East Three Hundred and Thirty (330) feet to the place of beginning.

And, excepting a certain triangular tract of land in the extreme Southeast corner of said premises containing between two and three acres of land and being more specifically described as all of that part or portion of said premises lying across and to the Southeast of State Highway Number Nineteen, as the same is now laid out and exists across said premises.

And, excepting all that part of the NE 1/4 of the SW 1/4 of Section 16, Township 112, Range 38, described as follows: Commencing at the Northeast corner of said SW 1/4; thence on an assumed bearing of West, along the North line of said SW 1/4, a distance of 620 feet to the point of beginning of the tract herein described; thence on a bearing of S 0° 14' 20" W, 570.74 feet; thence on a bearing of S 89° 04' 40" E, 527.02 feet; thence Southwesterly 172.11 feet, along a non-tangent curve concave to the Northwest, having a radius of 1146.30 feet and a cord bearing and distance of S 30° 11' 40" W, 171.95 feet; thence on a bearing of N 89° 04' 40" W, 641.15 feet; thence on a bearing of N 0° 14' 20" E, 717.52 feet to the North line of said SW 1/4; thence on a bearing of East, along last said line, 200.00 feet to the point of beginning. Containing 4.97 acres, more

or less. Subject to the rights of the public in S.T.H. No. 19 and the County Road.

And, excepting all that part of the NE 1/4 of the SW 1/4 of Section 16, Township 112, Range 38, described as follows: Commencing at the Northeast corner of said SW 1/4; thence on an assumed bearing of S 0° 14' 20" W, along the East line of said SW 1/4, a distance of 291.00 feet to the point of beginning of the tract herein described, thence on a bearing of N 89° 04' 40" W, 330 feet; thence on a bearing of N 0° 14' 20" E, 291 feet to the North line of said SW 1/4; thence on a bearing of West, along said North line, 290 feet; thence on a bearing of S 0° 14' 20" W, 570.74 feet; thence on a bearing of S 89° 04' 40" E, 527.02 feet; thence Northeasterly, 300.86 feet along a non-tangent curve concave to the Northwest (having a radius of 1146.30 feet and a chord bearing and distance of N 19° 29' 20" E, 300 feet) to the point of beginning. Containing 5.69 acres, more or less. Subject to the rights of the public in Trunk Highway No. 19 and the County Road.

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

4. The area proposed for detachment is composed of two parcels of land; one is approximately 25.34 acres in size, and the other is approximately 75 acres in size.

5. The City of Vesta is approximately 443 acres in size.

6. The 25.34 acre parcel proposed for detachment lies immediately west of Trunk Highway 19, and the 75 acre parcel proposed for detachment lies in the southernmost portion of the City of Vesta, somewhat east of Trunk Highway 19 and west of County Highway 10.

7. The area proposed for detachment is presently used as farmland. It has no commercial, industrial, or urban residential use.

8. The area proposed for detachment has no population, no buildings, and no public improvements on it.

9. The area proposed for detachment is not presently serviced by any streets, lights, or city plowing.

10. The petitioners own approximately 40 acres immediately west of the

25.34 acre parcel proposed for detachment and approximately 160 acres immediately south of the 75 acre parcel proposed for detachment. The petitioners farm all of the aforementioned acreage.

11. The City of Vesta provides its residents with lights, road maintenance, and water service.

12. The County Sheriff patrols the city for police protection at no extra charge to the city.

13. The City of Vesta provides its residents with fire protection through a volunteer fire department. This fire department also provides protection to the Vesta and Underwood Townships at a cost of \$70 per section.

14. The City of Vesta is proposing to construct a waste water treatment facility. If the area proposed for detachment is allowed to detach, the city still intends to go forward with the waste water treatment facility. Since there are no buildings in the area proposed for detachment, the projected cost for assessment per building for the remainder of the structures within the City of Vesta will not change for the sewer service, as there were no structures in the detachment area to figure in when computing the over-all cost.

Present city sewage disposal is a county drain tile constructed in approximately 1916, which also drains 4 or 5 farms north and west of the city. The tile eventually empties into the Redwood River.

15. The area proposed for detachment is approximately 2.1% of the City of Vesta's assessed valuation.

16. The area proposed for detachment presently pays \$1,114.79 in taxes to the City of Vesta.

17. The mill levy for the Town of Vesta is 5.03. The mill levy for the

City of Vesta is 57.92.

Presently the tax per acre for the 40 acres immediately west of the 25.34 acre parcel proposed for detachment is \$ .60 per acre, while it is \$7.29 per acre for the land in the 25.34 acre parcel proposed for detachment. Presently the tax per acre for the property immediately south of the 75 acre parcel proposed for detachment is \$1.82 and it has farm buildings on it, while it is \$12.39 per acre for the land in the 75 acre parcel proposed for detachment.

18. The population of the City of Vesta in 1980 was 360 and its present population is 345.

19. The property owners have no plans to develop the area proposed for annexation for residential, commercial, or industrial purposes.

20. The area proposed for detachment abuts the Town of Vesta.

21. The detachment of the area proposed for detachment would not unreasonably impact the symmetry of the City of Vesta.

#### CONCLUSIONS OF LAW

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

2. The detachment would not unreasonably affect the symmetry of the City of Vesta.

3. 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.

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

5. An order should be issued by the Minnesota Municipal Board approving

the petition for detachment of the area described herein.

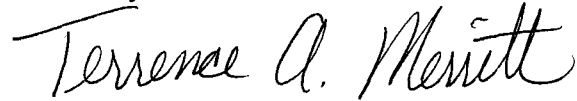
O R D E R

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 herein is hereby detached and made a part of the Town of Vesta the same as if it had been originally made a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is May 28, 1985.

Dated this 28th day of May, 1985.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt  
Executive Director