

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 25, 1984 by the sole property owner 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:

North One Half (N 1/2) of Northeast Quarter (NE 1/4), Section 16,  
Township 112, Range 38.

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 approximately 80 acres in size.

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

6. The area proposed for detachment is located east of Trunk Highway 19 and west of the road which is the northerly extension of County Road 10 in the northernmost portion of the City of Vesta.

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 area proposed for detachment is a portion of a larger tract, 21 acres of which the property owner is leaving in the City of Vesta. The 80 acres proposed for detachment are low lying and presently there would not be sufficient access for all the property to be developed.

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 approximately \$1,073.60 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 area proposed for detachment is \$13.42 per acre. The tax per acre for land immediately adjacent to but outside the City of Vesta and in agricultural land is less than that.

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

19. The property owner has 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.

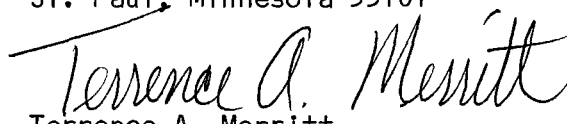
O R D E R

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

  
Terrence A. Merritt  
Executive Director