

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Robert J. Ferderer	Vice Chair
John W. Carey	Commissioner

-----

IN THE MATTER OF THE PETITION FOR )	
THE DETACHMENT OF CERTAIN LAND FROM )	
THE CITY OF CENTERVILLE AND ANNEXATION) )	<u>FINDINGS OF FACT</u>
TO THE CITY OF LINO LAKES PURSUANT TO )	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414 )	<u>AND ORDER</u>

-----

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 15, 1991, at Centerville, 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, then Vice Chair, and Shirley J. Mihelich, then Commissioner. The petitioner, Lynda Peterson, appeared on her own behalf, the City of Centerville appeared by and through Gregory Hellings, Attorney at Law, and the City of Lino Lakes appeared through John Miller, Planner. 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 February 15, 1991, a petition for concurrent detachment and annexation by the sole property owner was filed with the Minnesota

Municipal Board.

The petition contained all of the information required by statute including a description of the area proposed for concurrent detachment and annexation, which is as follows:

The North 229' of Tract A, Registered Land Survey #48, Anoka County, Minnesota, except the East 218' of the South 200' thereof.

More particularly described as: The North 299' of Tract A, Registered Land Survey #48, Anoka County, Minnesota, except the East 218' of the South 200' thereof, Section 14, Township 31, Range 22.

A resolution supporting the concurrent detachment and annexation was received from the City of Lino Lakes on February 28, 1991.

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

3. The area proposed for concurrent detachment and annexation, hereinafter referred to as "the subject area," is presently within the City of Centerville, hereinafter referred to as "Centerville," abuts the City of Lino Lakes, hereinafter referred to as "Lino Lakes," and is approximately 3.7 acres in size. The perimeter of the subject area is approximately 20% bordered by Lino Lakes.

4. Centerville had a population of approximately 534 in 1970, approximately 734 in 1980, and approximately 1,633 in 1990. It is projected by the 1988 Metro Council Forecasts that it will have a population of approximately 1,200 in 2000.

5. Lino Lakes had a population of approximately 3,692 in 1970, approximately 4,966 in 1980, and approximately 8,807 in 1990. It is projected by the 1988 Metro Council Forecasts that it will have a population of approximately 8,600 in 2000.

6. The subject area is developed as residential property with some vacant land and has a population of at least one.

7. Centerville has a total acreage of approximately 1,560 acres. Centerville has land zoned for residential use, public/semi-public use, commercial use, and industrial use.

8. Lino Lakes has a total acreage of approximately 21,447 acres. Lino Lakes has land in residential use, commercial use, industrial use, and vacant land.

9. The subject area has a total acreage of approximately 3.7 acres with one home on the property. An easement to the property south of the subject area allows for the placement of a portion of the southern property's septic system in the subject area.

The petitioner has considered subdividing the subject area into one or two additional lots.

10. The soils in the western portion of the subject area are indicated by the 1988 Update of the Centerville Comprehensive Plan as Dundas, Webster, and Blomford. The central portion of the subject area contains Nessel soils. Nessel soils are well suited to crops, but are more restrictive for urban land uses. The eastern part of the subject area contains Hayden soils, which are well-suited to urban development.

The western half of the subject area is in the 100 year flood area, and the southern part of that area contains wooded steep slopes.

11. The subject area is adjacent to Peltier Lake.

Centerville is located next to Centerville and Peltier Lakes, which are part of the Rice Creek-Chain of Lakes Park Reserve. Clearwater Creek flows into Peltier Lake just south of the subject property.

Lino Lakes generally has a frequently exposed water table and peat bogs. There are several large shallow water bodies arranged in a southwest to northeast pattern.

12. The subject area and the Centerville area to the east are presently zoned as rural residential under Centerville's zoning ordinance, which requires a 10 acre minimum lot per house. The land adjacent to the subject area in Lino Lakes required by Lino Lakes zoning to have a 10 acre minimum lot per house.

The majority of the land in Lino lakes adjacent to the subject area is used as cropland.

13. The subject area is served by Mill Road, which is in Centerville. No changes to the transportation network in the immediate area are planned. Mill Road is outside of the subject area.

If the subject area is concurrently detached and annexed from Centerville, all Lino Lakes police, fire, and other emergency vehicles will have to travel through that portion of Mill Road in Centerville to access the subject area.

14. The comprehensive plans for Centerville and Lino Lakes are consistent with the existing use of the subject area and surrounding property.

Centerville is entirely within the Metropolitan Urban Service Area, hereinafter referred to as "MUSA."

Lino Lakes would need to submit a comprehensive plan amendment to the Metropolitan Council for the subject area if it is annexed to Lino Lakes.

15. Lino Lakes provides no service to the subject area.

16. Centerville currently does not provide sanitary sewer service.

or water to the subject area. Sewer is approximately two blocks south of the subject area on Mill Road. The subject area is approximately 2,000 feet from water in Mill Road.

17. The Metropolitan Waste Control Commission provides sewer service to both cities. Lino Lakes had a 1990 sewer flow of 66 million gallons per year, hereinafter referred to as "mgy." The Metropolitan Council projected Lino Lakes to have a 1990 flow of 64-76 mgy and a planned year 2000 flow of 80-96 mgy. Centerville had a 1990 sewer flow of 52 mgy. The Metropolitan Council projected Centerville to have a 1990 planned sewer flow of 45-46 mgy and 52-59 mgy for the year 2000.

There was no evidence of existing environmental problems and the need for additional services to address such problems.

18. Approximately 71% of Centerville's roads are blacktopped, and approximately 60% of the roads have been rebuilt.

Centerville has approximately 7.9 miles of roads.

Centerville provides snow removal and maintenance to Mill Road, as well as the remainder of its roads. About 1989, Centerville spent approximately \$10,000.00 to upgrade a portion of Mill Road including that portion adjacent to the subject area.

19. Lino Lakes has its own 24-hour police protection.

20. Centerville contracts with Circle Pines/Lexington Police Force for approximately 16 hour/day patrolling and 24 hour/day coverage.

Prior to January 1, 1991, Centerville contracted with Lino Lakes for police service. Centerville determined that the new police service is more economical and more effective.

21. Centerville and Lino Lakes belong to the Centennial Fire District. Centerville provides water to some but not all of its

residents. Centerville has an existing water tower and is in the process of constructing a second, which will allow for service of approximately 90% of all the homes in Centerville.

The subject area is approximately 2,000 feet from water in Mill Road; after the completion of the Creek Wood residential development located south of the subject area, water would be within 750 feet of the subject area.

The distance to the subject area from the existing water service in Lino Lakes is unknown.

22. The City of Centerville has a park and recreation committee.

Lino Lakes has a full-time park employee.

23. Present value of the subject area is approximately \$148,000.

The present tax costs paid by the subject property is approximately \$3,606.00.

There is only approximately \$100.00 difference in taxes on the subject area between the Lino Lakes levy and the Centerville levy.

#### CONCLUSIONS OF LAW

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

2. Concurrent detachment and annexation of the subject area is not in the best interest of Centerville, Lino Lakes or that portion of Centerville described as the subject area.

3. Lino Lakes cannot provide the subject area with the necessary governmental services more effectively or economically than Centerville.

4. An order should be issued by the Minnesota Municipal Board denying the request for concurrent detachment and annexation of the subject area.

O R D E R

1. IT IS HEREBY ORDERED: That the petition for the concurrent detachment and annexation of the area described in Findings of Fact 1 is hereby denied.

2. IT IS FURTHER ORDERED: that the effective date of this order is September 19, 1991.

Dated this 19th day of September, 1991.

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

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

Terrence A. Merritt  
Executive Director