

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Paul Knoblauch	Ex-Officio Member
David Leversedge	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF MARSHALL AND THE)	
TOWNSHIP OF FAIRVIEW FOR THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE CITY)	<u>CONCLUSIONS OF LAW,</u>
OF MARSHALL)	<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 January 23, 1980, at Marshall, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Paul Knoblauch and David Leversedge, ex-officio members of the Board. The City of Marshall appeared by and through Brian Murphy, the Township of Fairview made no appearance. 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. That a joint resolution for orderly annexation was adopted by the City of Marshall and the Township of Fairview and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Marshall, on November 15, 1979 requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

That portion of the Southwest Quarter of Section 33, Township 112 North, Range 41 West and the Southeast quarter of Section 33, Township 112 North, Range 41 West as described as follows:

Beginning at the intersection of the center line of North Seventh Street and the North Right of Way line of the Redwood River Diversion Channel; thence Westerly along the Redwood River Diversion Channel Right of Way to the Easterly Right of Way line of the Burlington Northern Railroad; thence Northeasterly along the Burlington Northern Railroad Right of Way to the East west quarter line of Section 33; thence Easterly along the quarter line of said Section 33 to the intersection of the center line of North Seventh Street; thence Southwesterly along the center line of North Seventh Street to the point of beginning containing 31.4 acres, more or less.

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

IV. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Marshall.
- B. The total area of the City of Marshall is 4,381.78 acres. The total area of the territory subject to annexation is 31.4 acres.
- C. The perimeter of the area to be annexed is 70% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: flat agricultural land

V. Population Data

- A. The City of Marshall:
 - 1. In 1970, there were 9,886 residents.
 - 2. The present estimated population is 11,000.
 - 3. By 2000, the projected population is 14,880.
- B. The area subject to annexation:
 - 1. In 1970, there were 0 residents.
 - 2. The present estimated population is 0.
 - 3. By 1980, the projected population is 0.
- C. The Township of Fairview:
 - 1. In 1970, there were 680 residents.
 - 2. The present estimated population is 680.
 - 3. By 1980, the projected population is 680.

VI. Development Issues

A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

A. In the City of Marshall:

- | | |
|-------------------------------|----------------------------|
| 1. Residential: 1,288 acres | 4. Industrial: 552 acres |
| 2. Institutional: 1,500 acres | 5. Agricultural: 279 acres |
| 3. Commercial: 269 acres | 6. Vacant land: 200 acres |

B. In the area subject to annexation:

- 1. Industrial: 31.4 acres

c. In the Township of Fariview:

1. Residential: 300 acres
2. Agricultural: 22,740

2. Area Being Developed

a. In the City of Marshall:

1. Residential: 86 acres
2. Industrial: 70 acres
3. Commercial: 5 acres

b. In the area subject to annexation:

1. Industrial: 31.4 acres

c. In the Township of Fairview: no activity

3. Area Remaining for Various Uses

a. In the City of Marshall:

- | | |
|----------------------------|----------------------------|
| 1. Residential: 88 acres | 4. Industrial: 182 acres |
| 2. Institutional: 81 acres | 5. Agricultural: 280 acres |
| 3. Commercial: 153 acres | |

b. In the area subject to annexation:

1. Industrial: 31.4 acres

c. In the Township of Fariview: not applicable-would require special land use actions

B. Transportation:

1. The present transportation network is:

a. In the City of Marshall: Commuter airline, bus line, railroads, and highways.

b. In the area subject to annexation: same as above

C. Land use controls and planning, including comprehensive plans,

in the city and the area subject to annexation:

1. In the City of Marshall:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes

2. In the Township of Fariview:

- a. Zoning: yes
- b. Subdivision Regulations: no
- c. Comprehensive Plan: no
- d. Official Map: no
- e. Capital Improvements Program: no
- f. Fire Code: no
- g. Building Inspector: no
- h. Planning Commission: no

3. In the County of Lyon:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: no
 - d. Official Map: no
 - e. Capital Improvements Program: no
 - f. Fire Code: no
 - g. Building Inspector: yes
 - h. Planning Commission: yes

VII. Governmental Services

- A. The Town of Fairview provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection and rating: yes (contract with Marshall)
4. Police protection: yes (county sheriff)
5. Street improvements: no
6. Street maintenance: yes
7. Recreational: no
8. Administrative services: Townboard
9. Other: ambulance (contract with Marshall)

- B. The City of Marshall provides its residents with the following services:

1. Water: yes
2. Sewer: yes
3. Fire protection and rating: yes
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes

- C. The City of Marshall provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection and rating: yes (by contract with Township)
4. Police protection: no
5. Street improvements: no
6. Street maintenance: no
7. Recreational: no
8. Administrative services: no
9. Other: Ambulance (by contract with the Township)

- D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: police, fire protection and street improvements and maintenance.

- E. The following services will be available to the annexed area within three years: sewer and water.

VIII. Tax Base

- A. In the City of Marshall, the tax base includes the following:

1. Residential property in 1979 was valued at \$21,294,475, generating \$1,919,271 in taxes or 59.08% of the total.
2. Commercial property in 1979 was valued at \$10,247,115, generating \$923,572 in taxes or 28.43% of the total.
3. Industrial property in 1979 was valued at \$3,185,053, generating \$287,068 in taxes or 8.84% of the total.

4. Agricultural property in 1979 was valued at \$230,240, generating \$20,751 in taxes or .64% of the total.
 5. Vacant land in 1979 was valued at \$801,348, generating \$72,225 in taxes or 2.22% of the total.
- b. In the Township of Fairview, the tax base includes the following:
1. Residential property in 1979 was valued at \$482,172, generating \$34,007 in taxes or 11.89% of the total.
 2. Commercial property in 1979 was valued at \$169,807, generating \$11,976 in taxes or 4.19% of the total.
 3. Industrial property in 1979 was valued at \$14,448, generating \$1,019 in taxes or .36% of the total.
 4. Agricultural property in 1979 was valued at \$3,269,780, generating \$230,617 in taxes or 80.62% of the total.
 5. Vacant land in 1979 was valued at \$5,418, generating \$382 in taxes or .13% of the total.
- c. In the area subject to annexation, the tax base includes the following:
1. Agricultural property in Fairview was valued at \$167,600, generating \$340 in taxes or .12% of the total.

IX. Tax Data

- A. In the City of Marshall:
1. Mill rate in 1980 is 90.13.
- B. In the Township of Fariview:
1. Mill rate in 1980 is 70.53.
 2. Bonded indebtedness in 1979 was 0.
- C. In the area subject to annexation:
1. Mill rate in 1980 is 70.53.
 2. Bonded indebtedness in 1979 was 0.
- D. Mill rate in Marshall:
1. County in 1980 is 19.26.
 2. School district in 1980 is 47.36.
 3. City of Marshall is 23.39.
 4. Region Development is 0.12.

X. Annexation to the City of Marshall is the best alternative.

- A. There will be no effect on area school districts and on adjacent communities if the area proposed for annexation is annexed.
- B. Town government is not adequate to deliver services to the area proposed for annexation.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.

- D. Present assessed valuation of the Town of Fairview: \$4,054,600.
Present assessed valuation of proposed annexation area: \$5,625.
New valuation of the Town of Fairview if entire area is annexed: \$4,048,975.

E. Fairview Township can continue to function without the area subject to annexation.

XI. The annexation is consistent with the joint agreement.

CONCLUSIONS OF LAW

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

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing services required by the area within a reasonable time.

III. The annexation would be in the best interests of the area proposed for annexation.

IV. The annexation does not conflict with terms of the joint agreement.

V. Three years will be required to effectively provide full municipal services to the annexed area.

VI. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Lyon, State of Minnesota, be and the same is hereby annexed to the City of Marshall, Minnesota, the same as if it had been originally made a part there of:

That portion of the Southwest Quarter of Section 33, Township 112 North, Range 41 West and the Southeast quarter of Section 33, Township 112 North, Range 41 West as described as follows:

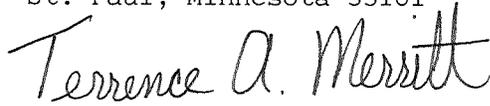
Beginning at the intersection of the center line of North Seventh Street and the North Right of Way line of the Redwood River Diversion Channel; thence Westerly along the Redwood River Diversion Channel Right of Way to the Easterly Right of Way line of the Burlington Northern Railroad; thence Northeasterly along the Burlington Northern Railroad Right of Way to the East west quarter line of Section 33; thence Easterly along the quarter line of said Section 33 to the intersection of the center line of North Seventh Street; thence Southwesterly along the center line of North Seventh Street to the point of beginning containing 31.4 acres, more or less.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Marshall on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is March 18, 1980.

Dated this 18th day of March, 1980

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