

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Harold Lerschen	Ex-Officio Member
Paul Knoblauch	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF MARSHALL AND THE)	FINDINGS OF FACT,
TOWNSHIPS OF LAKE MARSHALL AND FAIR-)	<u>CONCLUSIONS OF LAW,</u>
VIEW FOR THE ORDERLY ANNEXATION OF)	<u>AND ORDER</u>
CERTAIN LAND TO THE CITY OF MARSHALL)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 5, 1976 at Marshall, Minnesota. The hearing was conducted by Thomas J. Simmons, Chairman, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Paul Knoblauch and Harold Lerschen, ex-officio members of the Board. The City of Marshall appeared by and through Glenn Catlin and several township representatives were present. 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. That a joint resolution for orderly annexation was adopted by the City of Marshall and the Townships of Lake Marshall and Fairview and duly filed with the Minnesota Municipal Board.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Marshall, on March 23, 1976 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:

All that part of Section Eight (8), Township One Hundred Eleven (111), Range Forty One (41), Lyon County, Minnesota, described as follows: Beginning at the intersection of County Road No. 7 and the northerly boundary of the Burlington Northern Railway right-of-way; running thence south along the centerline of said road to the Redwood River diversion channel; thence running northwesterly along the southwesterly line of the diversion channel to the northerly boundary of the Burlington Northern Railway; thence southwesterly along the northerly line of the Burlington Northern Railway to the point of beginning,

AND

All that part of the East Half of the West Half of the Southwest Quarter of Section 5, Township 111 N, Range 41 W, lying west of the westerly right-of-way line of the Redwood River Diversion Channel,

AND

That part of the Northeast Quarter of Section 6, Township 111, Range 41, Lyon County, Minnesota, described as follows: Beginning at the southeast corner of said Northeast Quarter; thence North 89 degrees 56 minutes 05 seconds West, assumed bearing, along the south line of said Northeast Quarter, 1198.12 feet; thence North 50 degrees 09 minutes 14 seconds West 890.60 feet; thence North 76 degrees 54 minutes 54 seconds East 1128.16 feet; thence North 27 degrees 55 minutes 46 seconds east 1565.41 feet to the east line of said northeast Quarter; thence south 1 degree 17 minutes 27 seconds East, along said east line 2211.05 to the point of beginning,

AND

That part of the Northwest Quarter of Section 5, Township 111 N, Range 41 W, Lyon County, Minnesota lying west of the westerly right-of-way line of the Redwood River Diversion Channel,

AND

The East Half of the Northeast Quarter of Section 32, Township 112 N, Range 41 W, Lyon County, Minnesota,

AND

That part of the Southeast Quarter of Section 8, Township 111 N, Range 41W, Lyon County, Minnesota described as follows: Beginning at the Southeast Corner of Lot 8, Block 1, 6th Addition to Eatros Place, Marshall, Minnesota; Thence southerly along the westerly right-of-way line of Cheryl Avenue 732 feet; Thence westerly 120 feet; Thence northerly to the Southwest corner of said Lot 8, Block 1, 6th Addition to Eatros Place; Thence easterly 120 feet to the point of beginning,

AND

That part of the West Half of the Southwest Quarter of Section 9, Township 111 N, Range 41 W, described as follows: Beginning at the Southeast corner of Block 5, of Nielsen's Seventh Addition to the City of Marshall, Minnesota; thence South 1 degree 2 minutes 2 seconds west 640 feet;

Thence South 88 degrees 34 minutes 43 seconds east 742.92 feet to the east line of said west half of the Southwest Quarter of said Seciton 9; Thence north 0 degrees 48 minutes 37 seconds east along the east line of the west half of the Southwest Quarter of said Section 9, 640.02 feet; thence North 88 degrees 34 minutes 43 seconds west 740.42 feet to the point of beginning.

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

4. 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 3,800+ acres. The total area of the territory subject to annexation is 239.97 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: Varies from parcel to parcel. Ranges from about 25% to 90%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: The areas are basically flat.

5. Population Data

- a. The City of Marshall has experienced rapid growth.
 - 1) Past population growth: In 1965, 3,675
 - 2) Present population: Presently 10,215
 - 3) Projected population: In 1980, estimated 13,000
- b. The area subject to annexation
 - 1) Past population growth: Very little
 - 2) Present population: 4
 - 3) Projected population: About 150 after full development

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the state

planning agency. The City, in coordination with private developers, has plans for residential development, an industrial park, and some airport use.

b. What land use controls are presently being employed.

1) In the City of Marshall

a) Zoning - Yes

b) Subdivision regulations - Unknown

c) Housing and building codes - Unknown except insofar as the State Code applies.

d) Other - Unknown

2) In the area to be annexed:

a) Zoning - Yes, by the City

b) Subdivision regulations - Yes, by Lyon County

c) Housing and building codes - Unknown

d) Other - Unknown

c. Does the City require future growth space? Yes, and this area will provide the City of Marshall with necessary growth space for residential and industrial development.

d. The present pattern of physical development is:

1) In the City of Marshall:

a) Residential - Yes

b) Industrial - Yes

c) Commercial - Yes

d) Institutional - Yes

2) In the area subject to annexation:

a) Residential, - Yes, but very limited

b) Industrial - Unknown

c) Commercial - Unknown

d) Institutional - Unknown

7. Governmental Services

a. Presently, the Townships of Fairview and Marshall Lake provides the area subject to annexation with the following services:

- 1) Water - Unknown
 - 2) Sewer - Unknown
 - 3) Fire Protection - No, by contract with the City
 - 4) Police Protection - Unknown
 - 5) Street Improvements - Unknown
 - 6) Street Maintenance - Yes
 - 7) Recreational - Unknown
 - 8) Other - Unknown
- b. Presently, the City of Marshall provides its citizens with the following services:
- 1) Water - Yes
 - 2) Sewer - Yes
 - 3) Fire Protection - Yes
 - 4) Police Protection - Yes
 - 5) Street Improvements - Yes
 - 6) Street Maintenance - Yes
 - 7) Recreational - Yes
 - 8) Other - Library
- c. Plans to extend municipal services to the area subject to annexation include the following: Fire, police, and other such services will be extended immediately. Other services, such as sewer and water, will be made available when development requires them. Improvements have already begun on two of the parcels.
- d. There are existing or potential pollution problems which are: None
- e. That the City of Marshall is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next 3 years.
8. Fiscal Data
- a. In the City of Marshall, the assessed valuation trend is rising, the mill rate is 24.
 - b. In the area subject to annexation, the assessed valuation is \$27,111, the mill rate trend is stable and the present bonded indebtedness is 0.
 - c. The mill rate trends in the townships are: Stable
 - d. Will the annexation have any effect upon area school districts?
No.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to annexation is now or is about to become urban or suburban in nature.
3. The City of Marshall is capable of providing the services required by the area described herein within a reasonable time.
4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a 3 year period.
5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Townships of Lake Marshall and Fairview, County of Lyon, State of Minnesota, be and the same hereby is annexed to the City of Marshall the same as if it had originally been made a part thereof:

All that part of Section Eight (8), Township One Hundred Eleven (111), Range Forty One (41), Lyon County, Minnesota, described as follows: Beginning at the intersection of County Road No. 7 and the northerly boundary of the Burlington Northern Railway right-of-way; running thence south along the centerline of said road to the Redwood River diversion channel; thence running northwesterly along the southwesterly line of the diversion channel to the northerly boundary of the Burlington Northern Railway; thence southwesterly along the northerly line of the Burlington Northern Railway to the point of beginning,

AND

All that part of the East Half of the West Half of the Southwest Quarter of Section 5, Township 111 N, Range 41 W, lying west of the westerly right-of-way line of the Redwood River Diversion Channel,

AND

That part of the Northeast Quarter of Section 6, Township 111, Range 41, Lyon County, Minnesota, described as follows: Beginning at the southeast corner of said Northeast Quarter; thence North 89 degrees 56 minutes 05 seconds West, assumed bearing, along the south line of said Northeast Quarter, 1198.12 feet; thence North 50 degrees 09 minutes 14 seconds West 890.60 feet; thence North 76 degrees 54 minutes 54 seconds East 1128.16 feet; thence North 27 degrees 55 minutes 46 seconds east 1565.41 feet to the east line of said northeast Quarter; thence south 1 degree 17 minutes 27 seconds East, along said east line 2211.05 to the point of beginning,

AND

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AND

That part of the West Half of the Southwest Quarter of Section 9, Township 111 N, Range 41 W, described as follows: Beginning at the Southeast corner of Block 5 of Nielsen's Seventh Addition to the City of Marshall, Minnesota; thence South 1 degree 2 minutes 2 seconds west 640 feet;

Thence South 88 degrees 34 minutes 43 seconds east 742.92 feet to the east line of said west half of the Southwest Quarter of said Section 9; Thence north 0 degrees 48 minutes 37 seconds east along the east line of the west half of the Southwest Quarter of said Section 9, 640.02 feet; thence North 88 degrees 34 minutes 43 seconds west 740.42 feet to the point of beginning.

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 3 years to equality with the mill levy of the property already within the City.


IT IS FURTHER ORDERED: That the population of the City of Marshall be and the same hereby is increased by 4 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Township of Fairview be and the same hereby is decreased by 4 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is
May 27, 1976.

Dated this 27th day of May, 1976

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101


William A. Neiman
Executive Secretary