

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF MARSHALL AND THE)	
TOWNSHIP OF LAKE MARSHALL FOR THE)	<u>FINDINGS OF FACT,</u>
ORDERLY ANNEXATION OF CERTAIN LAND TO)	<u>CONCLUSIONS OF LAW,</u>
THE CITY 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 November 8, 1976 at Marshall, Minnesota. The hearing was conducted by Chairman Thomas Simmons 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 Joseph Bot. 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 township of Lake Marshall and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, City of Marshall, on October 29, 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 the West Half of Section 10, Township 111 N, Range 41 W, described as follows: Beginning at a point 920 feet Westerly of the center of said Section 10; thence Northerly to the North line of the South Quarter of the Northwest Quarter of said Section 10; thence West on the North line of the South Quarter of the Northwest Quarter to the Northeasterly right of way line of Trunk Highway No. 59; thence Northwesterly to the West section line of Section 10; thence South on the West section line of Section 10 to the Southwesterly right of way line of Trunk Highway 59; thence Southeasterly on the Southwesterly line of Trunk Highway 59 to the Northwesterly right of way line of Trunk Highway No. 23; thence Southwesterly on the Northwesterly right of way line of Trunk Highway No. 23 to the West section line of Section 10; thence South on the West section line of Section 10 to the Northeasterly right of way line of the Chicago & Northwestern Railroad; thence Southeasterly on the Northeasterly right of way line of the Chicago & Northwestern Railroad for a distance of 1,698.59 feet; thence Easterly 424.53 feet to the Easterly right of way line of Trunk Highway 59; thence Northerly on the Easterly right of way line of Trunk Highway 59 for a distance of 815 feet; thence Easterly to a point 920 feet Westerly of the North-South Quarter line of Section 10; thence Northerly to the point of beginning.

All that part of the South Half of the Southeast Quarter of Section 3, Township 111 North, Range 41 West, Lyon County, Minnesota, described as follows: Commencing at the Northwest corner of the South Half of the Southeast Quarter of Section 3, Township 111 North, Range 41 West, Lyon County, Minnesota, thence North $89^{\circ}56'42''$ East, assumed bearing, along the North line of the South Half of the Southeast Quarter 400.00 feet to the point of beginning; thence South $00^{\circ}23'45''$ East 1258.30 feet to a point on the North right of way line of a township road; thence along said North right of way line on a non tangential curve, concave to the South, radius of 666.20 feet a central angle of $05^{\circ}23'26''$ and the chord of said curve bears North $73^{\circ}31'52''$ East 62.65 feet; thence North $00^{\circ}23'45''$ West, 1240.43 feet to said North line of the South Half; thence along said North line South $89^{\circ}56'42''$ West 60.00 feet to the point of beginning.

Commencing at the Northeast corner of the South Half of the Southeast Quarter of Section 3, Township 111N, Range 41W; Thence West on the North line of said South Half of the Southeast Quarter to the Westerly right of way line of Trunk Highway No. 23; Thence continuing West on same said line for a distance of 310 feet; Thence Southwesterly on a line parallel to and 310 feet distance from the West right of way line of Trunk Highway No. 23 for a distance of 264 feet; Thence Easterly at right angles to said last line for a distance of 310 feet to the Westerly right of way line of Trunk Highway No. 23; Thence Northeasterly along Trunk Highway No. 23 right of way line to the point of Beginning. Containing 2.29 Acres, more or less.

Beginning at the Northeast corner of Lot 1, Block 3, Viking Addition; Thence Northerly 611 feet to the Southwest corner of Lot 2, Block 4, Viking Addition; Thence Easterly 331 feet to the Southeast corner of Lot 1, Block 6, Viking Addition; Thence Southerly on a line parallel to the East line of Block 4, Viking Addition for a distance of 611 feet; Thence Westerly to the point of Beginning. Containing 4.64 Acres, more or less.

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 approximately 4,090 acres. The total area of the territory subject to annexation is approximately 70 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: There are four parcels; contiguity ranges from a small percentage to approximately 50%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: developable land.

5. Population Data

- a. The City of Marshall
 - 1) Past population growth: 1965 - 7,363, 1970 - 9,886
 - 2) Present population: Estimated 10,215
 - 3) Projected population: 11,000 within 5 years
- b. The area subject to annexation
 - 1) Past population growth: Zero
 - 2) Present population: Zero
 - 3) Projected population: Some growth when lots are developed for single family residential.

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.

Marshall's plans include commercial and industrial development, single family residential, and street construction.
- b. What land use controls are presently being employed.
 - 1) In the City of Marshall
 - a) Zoning - Yes
 - b) Subdivision regulations - Yes
 - c) Housing and building codes - Yes

- 2) In the area to be annexed: Same as city as provided for by the orderly annexation joint agreement.
- c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Marshall with necessary growth space? Yes, for the various types of development already described.
- d. The present pattern of physical development is:
 - 1) In the City of Marshall
 - a) Residential - Yes c) Commercial - Yes
 - b) Industrial - Yes d) Institutional - Yes
 - 2) In the area subject to annexation: Some commercial and industrial development.

7. Governmental Services

- a. Presently, the Township of Lake Marshall provides the area subject to annexation with the following services:
 - 1) Water - No 5) Street Improvements - Unknown
 - 2) Sewer - No 6) Street Maintenance - Unknown
 - 3) Fire Protection - No, contracts with City 7) Recreational - Unknown
 - 4) Police Protection - By County Sheriff
- b. Presently, the City of Marshall provides its citizens with the following services:
 - 1) Water - Yes 5) Street Improvements - Yes
 - 2) Sewer - Yes 6) Street Maintenance - Yes
 - 3) Fire Protection - Yes 7) Recreational - Yes
 - 4) Police Protection - Yes
- c. Presently the City of Marshall provides the area subject to annexation with fire service.
- d. Plans to extend municipal services to the area subject to annexation include the following: All services will be made available either immediately or within a reasonable time.
- e. There are existing or potential pollution problems which are: Pollution resulting from private sewer systems in intensively developed areas.

The following additional services will help resolve this situation: city sewer

- f. 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 three years.

8. Fiscal Data

- a. In the City of Marshall, the assessed valuation trend is upward, the mill rate trend is stable.
- b. In the area subject to annexation, the assessed valuation trend is upward, the mill rate is zero and the present bonded indebtedness is zero.

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 three 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 Township of Lake Marshall, 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 the West Half of Section 10, Township 111 N, Range 41 W, described as follows: Beginning at a point 920 feet Westerly of the center of said Section 10; thence Northerly to the North line of the South Quarter of the Northwest Quarter of said Section 10; thence West on the North line of the South Quarter of the Northwest Quarter to the Northeasterly right of way line of Trunk Highway No. 59; thence Northwesterly to the West section line of Section 10; thence South on the West section line of Section 10 to the Southwesterly right of way line of Trunk Highway 59; thence Southeasterly on the Southwesterly line of Trunk Highway 59 to the Northwesterly right of way line of Trunk Highway No. 23; thence Southwesterly on the Northwesterly right of way line of Trunk Highway No. 23 to the West section line of Section 10; thence South on the West section line of Section 10 to the Northeasterly

right of way line of the Chicago & Northwestern Railroad; thence Southeasterly on the Northeasterly right of way line of the Chicago & Northwestern Railroad for a distance of 1,698.59 feet; thence Easterly 424.53 feet to the Easterly right of way line of Trunk Highway 59; thence Northerly on the Easterly right of way line of Trunk Highway 59 for a distance of 815 feet; thence Easterly to a point 920 feet Westerly of the North-South Quarter line of Section 10; thence Northerly to the point of beginning.

All that part of the South Half of the Southeast Quarter of Section 3, Township 111 North, Range 41 West, Lyon County, Minnesota, described as follows: Commencing at the Northwest corner of the South Half of the Southeast Quarter of Section 3, Township 111 North, Range 41 West, Lyon County, Minnesota, thence North $89^{\circ}56'42''$ East, assumed bearing, along the North line of the South Half of the Southeast Quarter 400.00 feet to the point of beginning; thence South $00^{\circ}23'45''$ East 1258.30 feet to a point on the North right of way line of a township road; thence along said North right of way line on a non tangential curve, concave to the South, radius of 666.20 feet a central angle of $05^{\circ}23'26''$ and the chord of said curve bears North $73^{\circ}31'52''$ East 62.65 feet; thence North $00^{\circ}23'45''$ West, 1240.43 feet to said North line of the South Half; thence along said North line South $89^{\circ}56'42''$ West 60.00 feet to the point of beginning.

Commencing at the Northeast corner of the South Half of the Southeast Quarter of Section 3, Township 111N, Range 41W; Thence West on the North line of said South Half of the Southeast Quarter to the Westerly right of way line of Trunk Highway No. 23; Thence continuing West on same said line for a distance of 310 feet; Thence Southwesterly on a line parallel to and 310 feet distance from the West right of way line of Trunk Highway No. 23 for a distance of 264 feet; Thence Easterly at right angles to said last line for a distance of 310 feet to the Westerly right of way line of Trunk Highway No. 23; Thence Northeasterly along Trunk Highway No. 23 right of way line to the point of Beginning. Containing 2.29 Acres, more or less.

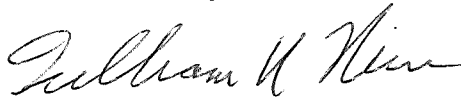
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IT IS FURTHER ORDERED: That the mill levy of the City of Marshall on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy of the property already within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

IT IS FURTHER ORDERED: That the effective date of this order is January 1, 1977.

Dated this 3rd day of February, 1977

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


William A. Neiman
Executive Secretary