

BEFORE THE MUNICIPAL BOARD

OA-104-6
Marshall

OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF MARSHALL AND TOWN-)
SHIPS OF LAKE MARSHALL AND FAIRVIEW FOR)
THE ORDERLY ANNEXATION OF CERTAIN LAND)
TO THE CITY OF MARSHALL.)

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 March 22, 1977, 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 Joe Bot, City Attorney and 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 January 27, 1977 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:

The South 742 feet of the North 1,318 feet of the East 324.5 feet of the West 368.41 feet of the Northwest Quarter of the Southeast Quarter of Section 8, Township 111 N, Range 41W.

The West 300 feet of the East 1,000 feet of the North 580 feet of the Northeast Quarter of the Southwest Quarter of Section 2, Township 111N, Range 41W.

A tract of land located in the Northeast Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows:

Beginning at the North Quarter Corner of said Section 10; thence South $89^{\circ}35'27''$ East, assumed bearing, along the North line of said Northeast Quarter 250.00 feet; thence South $00^{\circ}00'00''$ East 90.54 feet; thence South $56^{\circ}28'27''$ West 299.88 feet to a point on the West line of said Northeast Quarter; thence North $00^{\circ}00'00''$ East along said West line 257.95 feet to the point of beginning.

A new description to more accurately describe a part of the area was submitted and is described as follows:

All that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$. Section 2. Township 111N, Range 41W. of the 5th P.M. described as follows: Beginning at a point on the E-W Quarter line 1940 feet east of the quarter corner of said section 2; thence south and parallel with the west line of said section a distance of 641.8 feet; thence west and parallel with the E.W. quarter line a distance of 307.41 feet; thence north and parallel with the west line of said section a distance of 641.8 feet to the E-W quarter line; thence east along said quarter line a distance of 307.41 feet to the place of beginning, containing some 4.5 acres more or less, subject to highway easements, and reserving for road and access purposes a strip of land 50 feet in width lying along and adjacent to the south right of way line of T. H. #19 as presently laid out and constructed.

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 4169+ acres.
The total area of the territory subject to annexation is 10.52 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 up to 50%.
 - 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 to slightly rolling.

5. Population Data

a. The City of Marshall

- 1) Past population growth: In 1970, 9,886.
- 2) Present population: 10, 215 presently
- 3) Projected population: In 1980, estimated 13,000

b. The area subject to annexation

- 1) Past population growth: None
- 2) Present population: None
- 3) Projected population: About 50 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 industrial, commercial and residential use.

- 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, also includes state building code.
- 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, commercial 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

b. Industrial Yes

c. Commercial Yes

d. Institutional Unknown

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	Yes
2) Sewer	No	6) Street Maintenance	Yes
3) Fire Protection	Yes, by contract with the City	7) Recreational	Unknown
4) Police Protection	Yes, via County Sheriff	8) Other	Unknown

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	8) Other	Yes, including library

c. Presently the City of Marshall provides the area subject to annexation with the following services: Fire protection through contract with Township.

d. Plans to extend municipal services to the area subject to annexation include the following: Water and sewer extensions presently under contract and/or construction.

e. There are existing or potential pollution problems which are: Water pollution through untreated waste water getting into drainage ditches and/or water table.

The following additional services will help resolve this situation: Complete water and sewer system construction.

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 rising, the mill rate trend is declining and is presently approximately 25 mills and the present bonded indebtedness is approximately \$12.5 million.
- b. In the area subject to annexation, the assessed valuation trend is stable, the mill rate trend is steady (no present mill rate) and the present bonded indebtedness is none.
- c. The mill rate trends in the following units of government are:
County Stable to declining
School Districts Stable to Declining
Township 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 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 has originally been made a part thereof:

The South 742 feet of the North 1,318 feet of the East 324.5 feet of the West 868.41 feet of the Northwest Quarter of the Southeast Quarter of Section 8, Township 111 N., Range 41W.

A tract of land located in the Northeast Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota, being more particularly described as follows: Beginning at the North Quarter Corner of said Section 10; thence South $89^{\circ}35'27''$ East, assumed bearing, along the North line of said Northeast Quarter 250.00 feet; thence South $00^{\circ}00'00''$ East 90.54 feet; thence South $56^{\circ}28'27''$ West 299.88 feet to a point on the West line of said Northeast Quarter; thence North $00^{\circ}00'00''$ East along said West line 257.95 feet to the point of beginning.

All that part of the $N\frac{1}{2}SW\frac{1}{4}$, Section 2, Township 111N., Range 41W., of the 5th P.M. described as follows: Beginning at a point on the E-W Quarter line 1940 feet east of the quarter corner of said section 2; thence south and parallel with the west line of said section a distance of 641.8 feet; thence west and parallel with the E.W. quarter line a distance of 307.41 feet; thence north and parallel with the west line of said section a distance of 641.8 feet to the E-W quarter line; thence east along said quarter line a distance of 307.41 feet to the place of beginning, containing some 4.5 acres more or less.

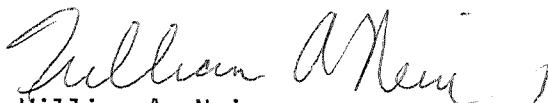
IT IS FURTHER ORDERED: That the mill levy of the City of Marshall on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the effective date of this order is

March 7, 1978.

Dated this 7th day of March, 1978.

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


William A. Neiman
Executive Secretary