

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF MARSHALL AND THE)
TOWN OF LAKE MARSHALL 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 the 12th day of October, 1977 at Marshall, Minnesota. The hearing was conducted by Thomas J. Simmons, Member of the Board, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Rewerts and Knoblauch, 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. 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, the City of Marshall, on the 25th day of July 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 North 858.10 feet of the West 400 feet of the South Half
of the Southeast Quarter of Section 3, Township 111 North,
Range 41 West, containing 7.88 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 4,169+ acres. The total area of the territory subject to annexation is 7.88 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:
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: flat to slightly rolling.

5. Population Data:

- a. The City of Marshall:
 1. Past population growth: 9,886
 2. Present population: 10,215
 3. Projected population: 13,000, by 1980
- b. The area subject to annexation:
 1. Past population growth: none
 2. Present population: none
 3. Projected population: 0 - 5

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

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
- 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.
- 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
 2. Sewer - no
 3. Fire protection - yes, under contract with the city
 4. Police protection - yes, with the county sheriff
 5. Street improvements - yes
 6. Street maintenance - yes
 7. Recreational - 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 - yes, a library

- c. Presently, the City of Marshall provides the area subject to annexation with the following services:
 - 1. Water - no
 - 2. Sewer - no
 - 3. Fire protection - through contract with the township
 - 4. Police protection - no
 - 5. Street improvements - no
 - 6. Street maintenance - no
 - 7. Recreational - no
 - d. Plans to extend municipal services to the area subject to annexation include the following: yes, within 1 to 3 years
 - e. There are existing or potential pollution problems which are: none
 - f. The City of Marshall is capable of and it is practical for it to provide to the area proposed for annexation municipal services within the next three (3) years.
8. Fiscal Data:
- a. In the City of Marshall, the assessed valuation trend is rising, the mill rate trend is declining, presently 25 mills, and the present bonded indebtedness is 12.5 million.
 - b. In the area subject to annexation, the assessed valuation trend is stable, the mill rate trend is steady, and the present bonded indebtedness is none.
 - c. The mill rate trends in the following units of government are:
 - 1. County - stable to declining
 - 2. School Districts - stable to declining
 - 3. 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 (3) year period.
5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

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:


The North 858.10 feet of the West 400 feet of the South Half
of the Southeast Quarter of Section 3, Township 111 North,
Range 41 West, containing 7.88 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 (3) 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
Suite 165 Metro Square Building
Saint Paul, Minnesota 55101


William A. Neiman
Executive Secretary