

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
William Doherty	Ex-Officio Member
Raymond Frick	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF LUVERNE AND THE)	FINDINGS OF FACT,
TOWNSHIP OF LUVERNE FOR THE ORDERLY)	<u>CONCLUSIONS OF LAW,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>AND ORDER</u>
CITY OF LUVERNE)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on October 9, 1975 at Luverne, Minnesota. The hearing was conducted by Howard Kaibel pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Raymond Frick and William Doherty, ex-officio members of the Board. The City of Luverne appeared by and through Walter A. Tofteland, City Attorney and Marlyn Vollmer appeared on behalf of the objecting property owners. 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 Luverne and the Township of Luverne and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, City of Luverne, on August 27, 1975, 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:

A. That part of the Northeast Quarter (NE $\frac{1}{4}$) of Section 15, lying and being North of the Interstate Highway #90 right-of-way except the following described tract already in the corporate limits:

- (1) A tract of land in the Northeast Quarter (NE $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Two (102) North, Range Forty-five (45), West of the 5th P.M. described as follows:

Beginning at a point on the East Line of said Section 15, distant 1169.10 feet North of the East Quarter corner thereof, thence Westerly at an angle of 90°02' with said East Section line (measured from North to West) for 1010.00 feet, thence deflect Northerly at an angle of 90°02' (measured from West to North) for 80.00 feet, thence deflect Easterly at an angle 89°58' (measured from North to East) for 460.00 feet, thence deflect Northerly at an angle of 89°58' (measured from East to North) and running thence parallel to said East Section line to the North line of said Section 15, thence Easterly on said North Section line for 550.00 feet to the Northeast corner of said Section 15, thence Southerly on said East Section line to the true point of beginning, containing an area of 19.7 acres more or less.

B. That portion of the Northwest Quarter (NW $\frac{1}{4}$) of Section 14, lying and being North of Interstate Highway #90, West of the East right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned, except the following described tracts already in the corporate limits:

- (1) Beginning at a point on the West line of said Section 14, 1040.92 feet South of the Northwest corner thereof, thence deflect East 90°00' to the East line of the right-of-way of The Chicago, St. Paul, Minneapolis and Omaha Railway, now abandoned, thence Southerly on the East right-of-way line of said abandoned railway to its point of intersection with the North right-of-way line of Interstate Highway #90, thence in a Northwesterly direction on the North right-of-way line of said Interstate Highway #90 to the West side of said Section 14, and thence North on the West line of said Section 14 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 Luverne.
- b. The total area of the City of Luverne is unknown. The total area of the territory subject to annexation is approximately 34.9 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 50%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs

is as follows: rolling land

5. Population Data

a. The City of Luverne

- 1) Past population growth: steady growth
- 2) Present population: 4,703
- 3) Projected population: 2% increase per year until 2000

b. The area subject to annexation

- 1) Past population growth: unknown
- 2) Present population: no population
- 3) Projected population: no population

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 metropolitan council/state planning agency. Plans to develop into industrial/commercial area. Luverne has an industrial development commission.

b. What land use controls are presently being employed.

1) In the City of Luverne

- a) Zoning - yes
- b) Subdivision regulations - yes
- c) Housing and building codes - yes
- d) Other - Planning Commission

2) In the area to be annexed:

- a) Zoning - County zoning
- b) Subdivision regulations - no
- c) Housing and building codes - unknown
- d) Other - unknown

- c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Luverne with the necessary growth space? Yes, for industrial and commercial growth.

d. The present pattern of physical development is:

1) In the City of Luverne:

- a) Residential - yes
- b) Industrial - yes
- c) Commercial - yes
- d) Institutional - yes

2) In the area subject to annexation:

- a) Residential - no
- b) Industrial - yes
- c) Commercial - yes
- d) Institutional - no

7. Governmental Services

a. Presently, the Township of Luverne provides the area subject to annexation with the following services:

- 1) Water - no
- 2) Sewer - no
- 3) Fire Protection - no
- 4) Police Protection - no
- 5) Street Improvements - no
- 6) Street Maintenance - yes
- 7) Recreational - no
- 8) Other

b. Presently, the City of Luverne 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

c. Presently the City of Luverne provides the area subject to annexation with the following services:

- 1) Water - yes
- 2) Sewer - no
- 3) Fire Protection - no
- 4) Police Protection - yes
- 5) Street Improvements - no
- 6) Street Maintenance - no
- 7) Recreational - no
- 8) Other - Electric

d. Plans to extend municipal services to the area subject to annexation include the following: Street improvements and maintenance, sewer, garbage collection, fire protection and the continuation of other services.

e. There are existing or potential pollution problems which are:
none.

f. That the City of Luverne 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 (3) years.

8. Fiscal Data

a. In the City of Luverne, the assessed valuation trend is moderately increasing, the mill rate trend is stable (23.65 - 1976 24.55 - 1975) and the present bonded indebtedness is unknown.

b. In the area subject to annexation, the assessed valuation trend is increasing (approximately \$61,946), the mill rate trend is stable (4.23 - 1975) and the present bonded indebtedness is unknown.

c. The mill rate trends in the following units of government are:

1) State - unknown

3) School Districts - stable

2) County - unknown

4) Township - stable

d. Will the annexation have any effect upon area school districts?
No, there is zero (0) population.

9. Alteration of boundaries

The area subject to annexation should be decreased in order to only include that property within the designated area which is in need of municipal services or will be in need of municipal services within a reasonable time; both the objecting land owners, represented by Mr. Vollmer, and the Municipal Board recognize the importance of city's request for an extension of the area to be annexed to the west for the purpose of road construction; however, both the objecting land owners and the Board believe that there must be a showing that this road construction will occur within a reasonable time before further annexation in this area can be considered; the new description of the area to be annexed is as follows:

All that part of the NE $\frac{1}{4}$, Section, 15, Township 102 N., Range 45 W, lying and being North of Interstate Highway #90 right-of-way, described as follows: All that part of the East 1,510 feet thereof lying North of the South line of Koehn Street, extended Westerly; all that part of the East 1,385 feet thereof lying South of the South line of Koehn Street in the City of

Luverne extended Westerly.

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, this being the decreased area described herein.
3. The City of Luverne 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.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of Luverne, County of Rock, State of Minnesota, be and the same hereby is annexed to the City of Luverne the same as if it has originally been made a part thereof:

All that part of the NE $\frac{1}{4}$, Section 15, Township 102 N., Range 45 W, lying and being North of Interstate Highway #90 right-of-way, described as follows: All that part of the East 1,510 feet thereof lying North of the South line of Koehn Street, extended Westerly; all that part of the East 1,385 feet thereof lying South of the South line of Koehn Street in the City of Luverne extended Westerly.

IT IS FURTHER ORDERED: There are no changes in population for either the city or township as a result of this order.

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

Dated this *24th* day of *March*, 1976

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

William A. Neiman
William A. Neiman
Executive Secretary