

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
D. A. Roning	Ex-Officio Member
Milo Fodness	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
 BETWEEN THE CITY OF LUVERNE AND THE)
 TOWNSHIP OF LUVERNE FOR THE ORDERLY)
 ANNEXATION OF CERTAIN LAND TO THE)
 CITY OF LUVERNE)

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 May 18, 1978, at Luverne, Minnesota. The hearing was conducted by William A. Neiman, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Milo Fodness and D. A. Roning, ex-officio members of the Board. The City of Luverne appeared by and through Craig Osvog. 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 accepted by the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, Luverne, on March 8, 1978, 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:

Beginning at a point on the East one/quarter corner of Section Three (Sec. 3), Township One Hundred Two North (T102N), Range Forty-five West (R45W) of the Fifth Principal Meridian (5th P.M.), Rock County, Minnesota; thence Northerly One Thousand Three Hundred Twenty feet (1,320') to the East/West 40 acre line of the Northeast (NE) one/quarter of said Sec. 3; thence Westerly along said East/West line One Thousand Three Hundred and Thirty-four feet (1,334'); thence Southerly One Thousand Three Hundred and Twenty feet (1,320') to the East/West quarter line of said Sec. 3; thence Easterly along the East/West quarter line One Thousand Three Hundred and Thirty-four feet (1,334') 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 approximately 900 acres. The total area of the territory subject to annexation is approximately 40 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 25%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: flat prairie.

5. Population Data

- a. The City of Luverne has been growing since 1970 at the rate of 1% per year and has a present population of 5,100 with a projected population of 6,300 by 2000.
- b. The area subject to annexation
 - 1) Past population growth: 3 persons
 - 2) Present population: 15 to 25 persons
 - 3) Projected population: 150 persons

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? Residential development is consistent with Luverne's Comprehensive Plan.
- 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 - Comprehensive Plan, Planning and Zoning Commission
 - 2) In the area to be annexed: Unknown.
- c. The present pattern of physical development is:
 - 1) In the City of Luverne:

- a) Residential - development concentrated in the northwest and northeast portions of the city.
- b) Industrial - concentrated in the southern portion of the city, with an industrial park planned in the extreme southwest.
- c) Commercial - development concentrated in the central business district.
- d) Institutional - development adjoins the commercial area to the North.

2) In the area subject to annexation:

- a) Residential - Yes
- b) Industrial - No
- c) Commercial - No
- d) Institutional - No

7. Governmental Services

a. Presently, the Township of Luverne provides the area subject to annexation with no services.

b. Presently, the City of Luverne 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 - electricity, refuse collection |

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

- | | |
|---------------------------|-----------------------------|
| 1) Water - Yes | 5) Street Improvements - No |
| 2) Sewer - Yes | 6) Street Maintenance - No |
| 3) Fire Protection - Yes | 7) Recreational - Unknown |
| 4) Police Protection - No | 8) Other - electricity |

d. Plans to extend municipal services to the area subject to annexation include the following: all services can be extended within a reasonable time.

e. There are no existing or potential pollution problems.

f. 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 years.

8. Fiscal Data

a. In the City of Luverne, the assessed valuation is \$12,314,773, the mill rate is 24.45 and the present bonded indebtedness is approximately \$2,000,000.

b. In the area subject to annexation, the assessed valuation is \$14,063, the mill rate is 2.88 and the present bonded indebtedness is 0.

c. 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 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-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 had originally been made a part thereof:

Beginning at a point on the East one/quarter corner of Section Three (Sec. 3), Township One Hundred Two North (T102N), Range Forty-five West (R45W) of the Fifth Principal Meridian (5th P.M.), Rock County, Minnesota; thence Northerly One Thousand Three Hundred Twenty feet (1,320') to the East/West 40 acre line of the Northeast (NE) one/quarter of said Sec. 3; thence Westerly along said East/West line One Thousand Three Hundred and Thirty-four feet (1,334'); thence Southerly One Thousand Three Hundred and Twenty feet (1,320') to the East/West quarter line of said Sec. 3; thence Easterly along the East/West quarter line One Thousand Three Hundred and Thirty-four feet (1,334') to the point of beginning.

IT IS FURTHER ORDERED: That the mill levy of the City of Luverne 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.

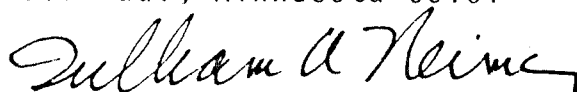
IT IS FURTHER ORDERED: That the population of the City of Luverne be and the same hereby is increased by 20 persons to 5,120 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Luverne be and the same hereby is decreased by 20 persons to 442 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is June 22, 1978.

Dated this 22nd day of June, 1978.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101



William A. Neiman
Executive Director