

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Alfred Gloege	Ex-Officio Member
Lyle Hanson	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on September 28, 1979, at Madison, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was Alfred Gloege, County Commissioner and ex-officio member of the Board. The City of Madison appeared by and through Robert Hansen, the Township of Madison appeared by and through Ralph Roggenbuck, and the petitioners appeared by and through Robert Hansen. 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

I. That a joint resolution for orderly annexation was adopted by the City of Madison and the Township of Madison and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Madison, on July 12, 1979 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:

Lot Eleven (11), less the West One Hundred Fifty (150') feet thereof, Evergreen Addition to the City of Madison, according to the plat thereof on file and of record in the office of the County Recorder in and for Lac qui Parle County, Minnesota.

III. Due, timely and adequate legal notice of the hearing was published, served and filed.

IV. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Madison.
- B. The total area of the City of Madison is 593 acres. The total area of the territory subject to annexation is 4.26 acres.
- C. The perimeter of the area to be annexed is approximately 50% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: open rolling land

V. Population Data

- A. The City of Madison
 - 1. In 1970 there were 2,242 residents.
 - 2. In 1976 there were 2,263 residents.
- B. The area subject to annexation:
 - 1. The present population is zero.
- C. The Township of Madison:
 - 1. In 1970 there were 427 residents.
 - 2. In 1976 there were 406 residents.

VI. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.
 - 1. Area in Use
 - a. In the area subject to annexation
 - 1. Agricultural: being developed for residential use
- B. Transportation
 - 1. The present transportation network is:
 - a. In the City of Madison: Federal, State and City Roads
 - b. In the area subject to annexation: Federal, State and Township Roads

- C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:
1. In the City of Madison:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: yes
 - d. Official Map: yes
 - e. Capital Improvements Program: combined with comprehensive plan
 - f. Fire Code: yes
 - g. Building Inspector: yes
 - h. Planning Commission: yes
 2. In the Township of Madison:
 - a. Zoning (County Zoning)
 - b. Subdivision Regulations: proposed
 - c. Building Inspector: through the County
 - d. Planning Commission: through the County
 3. In the County of Lac Qui Parle:
 - a. Zoning: yes
 - b. Building Inspector: yes
 - c. Planning Commission: yes
 4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VII. Governmental Services

- A. The Town of Madison provides the area subject to annexation with the following services:
1. Water: no
 2. Sewer: no
 3. Fire protection and rating: contract with the City of Madison
 4. Police protection: sheriff
 5. Street improvements: yes, though no roads in the area proposed for annexation
 6. Street maintenance: yes, though no roads in the area proposed for annexation
- B. The City of Madison provides its residents with the following services:
1. Water: yes
 2. Sewer: yes
 3. Fire protection and rating: yes
 4. Police protection: yes
 5. Street improvements: yes
 6. Street maintenance: yes
 7. Recreational: yes
 8. Administrative services: yes
- C. The City of Madison provides the area subject to annexation with the following services:
1. Water: no
 2. Sewer: no
 3. Fire protection and rating: no
 4. Police protection: yes
 5. Street improvements: yes (access to the area is through the City)
 6. Street maintenance: yes (access to the area is through the City)
 7. Recreational: no
 8. Administrative services: no

- D. There are no existing or potential environmental problems.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: The delivery of sewer and water, together with fire and police protection.
- F. The following services will be available to the annexed area within three years: sewer and water.

VIII. Tax Base

- A. In the City of Madison, the tax base includes the following:

Residential property, commercial property, industrial property, agricultural property, and vacant land.
- B. In the Township of Madison, the tax base includes the following:

Residential property, commercial property, industrial property, agricultural land, and vacant land.
- C. In the area subject to annexation, the tax base includes the following:
 - 1. Agricultural property in 1979 was assessed valued at \$723.

IX. Tax Data

- A. In the City of Madison:
 - 1. Mill rate in 1979 is 35.53.
- B. In the Township of Madison
 - 1. Mill rate in 1979 is 3.63.
- C. In the area subject to annexation:
 - 1. Mill rate in 1979 is 3.63.
- D. Mill rate in
 - 1. County in 1979 is 13.69.
 - 2. School district in 1979 is 47.23.
 - 3. Township in 1979 is 3.63.

X. Annexation to the City of Madison is the best alternative.

- A. There is no effect on area school districts and on adjacent communities, if the proposed annexation is approved.
- B. The town government is inadequate to deliver the needed services to the area proposed for annexation.
- C. The necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
- D. Present assessed valuation of proposed annexation area: \$723.
- E. Madison Township can continue to function without the area subject to annexation.

XI. The annexation is consistent with the joint agreement.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect the public health, safety, and welfare.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation does not conflict with terms of the joint agreement.

VI. Three years will be required to effectively provide full municipal services to the annexed area.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Lac Qui Parle, State of Minnesota, be and the same is hereby annexed to the City of Madison, Minnesota, the same as if it had been originally made a part thereof:

Lot Eleven (11), less the West One Hundred Fifty (150') feet thereof, Evergreen Addition to the City of Madison, according to the plat thereof on file and of record in the office of the County Recorder in and for Lac Qui Parle County, Minnesota.

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

III. IT IS FURTHER ORDERED: That the effective date of this order is October 11, 1979.

Dated this 11th day of October, 1979

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director