

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

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

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 28, 1978, at Blue Earth, 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 Chester Christenson and Paul Beyer, ex-officio members of the Board. The City of Blue Earth appeared by and through Vernon Eriksen, the petitioners appeared by and through Victor Johnson, and the Township was represented by Quintin Strack. 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. A joint resolution for orderly annexation was adopted by the City of Blue Earth and the Township of Blue Earth on January 24, 1977, and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, Blue Earth, on May 22, 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:

That part of the East Half of the Northeast Quarter of Section 19, Township 102 North, Range 27 West in Faribault County, Minnesota described as follows:

A tract of land commencing at the Southwest corner of the Northeast Quarter of Section 19; thence North 90 degrees 00 minutes East along the South line of the Northeast Quarter of Section 19 (said line also being the centerline of County State Aid Highway No. 6) a distance of 1130.8 feet; thence North 57 degrees 58 minutes East a distance of 398.2 feet to the Southwest corner of Valley Highlands Subdivision according to the plat thereof on file and of record in the office of the Faribault County Recorder; . thence North 1 degree 16 minutes East along the west line of Valley Highlands Subdivision a distance of 323.50 feet to the point of beginning; thence continuing North 1 degree 16 minutes East along the West line of Valley Highlands

Subdivision a distance of 46.00 feet; thence North 89 degrees 01 minutes West a distance of 148.4 feet to the West line of the East Half of the Northeast Quarter of Section 19; thence South along the West line of the East Half of the Northeast Quarter of Section 19 a distance of 46.00 feet; thence South 89 degrees 01 minutes East a distance of 148.4 feet to the point of beginning.

Together with the East 650.00 feet of the West Half of the Northeast Quarter of Section 19, Township 102 North, Range 27 West in Faribault County, Minnesota excepting therefrom the following:

That portion lying southerly of the centerline of County State Aid Highway No 6

And also excepting that portion of the following described tract lying westerly of the East line of the West Half of the Northeast Quarter of Section 19;

Commencing at the Southwest corner of the Northeast Quarter of Section 19; thence North 90 degrees 00 minutes 00 seconds East (Assumed bearing) along the South line of the Northeast Quarter of Section 19 (said line also being the centerline and centerline tangent of County State Aid Highway No. 6) a distance of 1130.8 feet to the point of intersection of the tangents of the circular curve therebeing ($I=32^{\circ}02'$ LT., $D=8^{\circ}00'$, $T=205.86'$, $L=400.63'$); thence North 57 degrees 58 minutes 00 seconds East along the centerline tangent a distance of 187.14 feet to the point of beginning; thence continuing North 57 degrees 58 minutes 00 seconds East along the highway centerline and tangent thereto a distance of 211.06 feet to the Southwest corner of Valley Highlands Subdivision according to the plat thereof, on file and of record in the office of the Register of Deeds, Faribault County, Minnesota; thence North 1 degree 16 minutes 00 seconds East along the West line of Valley Highlands Subdivision a distance of 323.50 feet; thence North 89 degrees 01 minutes 00 seconds West a distance of 176.40 feet; thence South 1 degree 16 minutes 00 seconds West parallel with the West line of Valley Highlands Subdivision a distance of 438.51 feet to the point of beginning.

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 Blue Earth.
- B. The total area of the City of Blue Earth is 1,815 acres. The total area of the territory subject to annexation is approximately 30 acres.
- C. The perimeter of the area to be annexed is approximately 44% bordered by the municipality.

V. Population Data

- A. The City of Blue Earth:
 - 1. In 1970, there were 3,695 residents.
 - 2. The present estimated population is 4,200.
 - 3. By 1980, the projected population is 4,300.
- B. The area subject to annexation:
 - 1. In 1970, there were 0 residents.
 - 2. The present estimated population is 0.
 - 3. By 1980, the projected population is 75.

C. The Township of Blue Earth:

1. In 1970, there were 605 residents.
2. The present estimated population is 590.
3. By 1980, the projected population is 585.

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 City of Blue Earth:

- | | |
|-----------------------------|----------------------------|
| 1) Residential: 995 acres | 4) Industrial: 101 acres |
| 2) Institutional: 150 acres | 5) Agricultural: 220 acres |
| 3) Commercial: 80 acres | 6) Vacant land: Unknown |

b. In the area subject to annexation:

- | | |
|---------------------------|---------------------------|
| 1) Residential: 0 acres | 4) Industrial: 0 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 30 acres |
| 3) Commercial: 0 acres | 6) Vacant land: 0 acres |

c. In the Township of Blue Earth: Unknown.

2. Area Being Developed

a. In the City of Blue Earth:

- | | |
|---------------------------|--------------------------|
| 1) Residential: 10 acres | 4) Industrial: 0 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 100 acres | |

b. In the area subject to annexation:

- | | |
|---------------------------|--------------------------|
| 1) Residential: 30 acres | 4) Industrial: 0 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 0 acres | |

c. In the Township of Blue Earth: unknown.

3. Area Remaining for Various Uses

a. In the City of Blue Earth:

- | | |
|---------------------------|--------------------------|
| 1) Residential: 0 acres | 4) Industrial: 40 acres |
| 2) Institutional: 0 acres | 5) Agricultural: 0 acres |
| 3) Commercial: 120 acres | |

b. In the area subject to annexation: unknown.

c. In the Township of Blue Earth: unknown.

B. Transportation:

1. The present transportation network is:

- a) In the City of Blue Earth: local, county, state roads and federal highway.
- b) In the area subject to annexation: none.

2. Potential transportation issues include: repair and replacement of existing network.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation.

1. In the City of Blue Earth:

- a. Zoning - Yes
 - b. Subdivision regulations - Yes
 - c. Comprehensive Plan - Yes
 - d. Official Map - No
 - e. Capital Improvements Program - No
 - f. Fire Code - Yes
 - g. Building Inspector - Yes
 - h. Planning Commission - Yes
2. In the Township of Blue Earth: unknown.
3. In the County of Faribault:
- a. Zoning - Yes
 - b. Subdivision Regulations - Yes
 - c. Comprehensive Plan - No
 - d. Official Map - No
 - e. Capital Improvements Program - No
 - f. Fire Code - No
 - g. Building Inspector - No
 - h. Planning Commission - Yes
4. The Metropolitan Council provides the following planning and land use services: not applicable.
5. If there is an inconsistency between the proposed development and the planning and land use controls for the area, what is the reason for said inconsistency? None.

VII. Governmental Services

- A. The Town of Blue Earth provides the area subject to annexation with the following services:
1. Water - No
 2. Sewer - Yes
 3. Fire protection and rating - No
 4. Police protection - No
 5. Street improvements - No
 6. Street maintenance - No
 7. Recreational - No
 8. Administrative services - No
- B. The City of Blue Earth provides its residents with the following services:
1. Water - Yes
 2. Sewer - Yes
 3. Fire protection and rating - Yes, 6
 4. Police protection - Yes
 5. Street improvements - Yes
 6. Street maintenance - Yes
 7. Recreational - Yes
 8. Administrative services - Yes
- C. The City of Blue Earth provides the area subject to annexation with the following services:
1. Water - No
 2. Sewer - No
 3. Fire protection - Yes
 4. Police protection - No
 5. Street improvements - No
 6. Street maintenance - No
 7. Recreational - No
 8. Administrative services - No
- D. Existing or potential environmental problems and the need for additional services to resolve these problems: none.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: extension of sanitary sewer.

F. Services will be available to the annexed area within 5 years.

VIII. Tax Base

A. In the City of Blue Earth, the tax base includes the following:

1. Residential property in 1977 was valued at \$5,546,925, generating \$192,000 in taxes or 64% of the total.
2. Commercial and industrial property in 1977 was valued at 2,800,172, generating \$96,000 in taxes or 32% of the total.
3. Agricultural property in 1977 was valued at \$43,025, generating \$15,000 in taxes or .5% of the total.
4. Vacant land: unknown.
5. Non-taxable property
 - a. Institutional use in 1977 included unknown acres worth, as developed, \$3,423,166.
 - b. Other non-taxable uses (such as roadways, parks) were unknown.

B. In the Township of Blue Earth, the tax base includes the following:

1. Residential property in 1977 was valued at \$211,643, generating \$1,272 in taxes or 6% of the total.
2. Commercial and industrial property in 1977 was valued at \$130,579, generating \$848 in taxes or 4% of the total.
3. Agricultural land in 1977 was valued at \$3,242,632, generating \$19,076 in taxes or 90% of the total.
4. Vacant land: unknown.
5. Non-taxable property
 - a. Institutional use in 1977 included unknown acres worth, as developed, \$79.
 - b. Other non-taxable uses (such as roadways, parks) were unknown.

C. In the area subject to annexation, the tax base includes the following:

1. Residential property in 1977 was valued at \$0, generating \$0 in taxes or 0% of the total.
2. Commercial property in 1977 was valued at \$0, generating \$0 in taxes or 0% of the total.
3. Industrial property in 1977 was valued at \$0, generating \$0 in taxes or 0% of the total.
4. Agricultural property in 1977 was valued at \$2,043.70, generating \$217.21 in taxes or 100% of the total.
5. Vacant land in 1977 was valued at \$0, generating \$0 in taxes or 0% of the total.
6. Non-taxable property
 - a. Institutional use in 1977 included 0 acres worth, as developed, \$0.
 - b. Other non-taxable uses (such as roadways, parks) in 1977 included 0 acres.

IX. Tax Data

A. In the City of Blue Earth:

1. Mill rate in 1977 was 34.63.
2. Bonded indebtedness in 1977 was 12.76 mills.

- B. In the Township of Blue Earth:
1. Mill rate in 1977 was 5.90.
 2. Bonded indebtedness is unknown.
- C. In the area subject to annexation:
1. Mill rate in 1977 was 5.90.
 2. Bonded indebtedness is unknown.
- D. Mill rate in:
1. County in 1977 was 19.72.
 2. School District in 1977 was 49.87
 3. Township in 1977 was 5.90.
- X. Is annexation to the City of Blue Earth the best alternative?
- A. Relationship and effect of the proposed annexation on area school districts and on adjacent communities: none.
- B. Adequacy of town government to deliver services to the area proposed for annexation: unable to provide public utilities.
- C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? No.
- D. Present assessed valuation of the Town of Blue Earth: \$13,592,466.
Present assessed valuation of the proposed annexation area: \$2,043.69
New valuation of the Town of Blue Earth if entire area is annexed:
\$13,590,422.31.
- E. Can Blue Earth Township continue to function without the area subject to annexation? Yes.

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 a term of the joint agreement.

VI. Five years will be required to effectively provide 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 Faribault, State of Minnesota, be and the same hereby is annexed to the City of Blue Earth, Minnesota the same as if it had been originally made a part thereof.

That part of the East Half of the Northeast Quarter of Section 19, Township 102 North, Range 27 West in Faribault County, Minnesota described as follows:

A tract of land commencing at the Southwest corner of the Northeast Quarter of Section 19; thence North 90 degrees 00 minutes East along the South line of the Northeast Quarter of Section 19 (said line also being the centerline of County State Aid Highway No. 6) a distance of 1130.8 feet; thence North 57 degrees 58 minutes East a distance of 398.2 feet to the Southwest corner of Valley Highlands Subdivision according to the plat thereof on file and of record in the office of the Faribault County Recorder; thence North 1 degree 16 minutes East along the west line of Valley Highlands Subdivision a distance of 323.50 feet to the point of beginning; thence continuing North 1 degree 16 minutes East along the West line of Valley Highlands Subdivision a distance of 46.00 feet; thence North 89 degrees 01 minutes West a distance of 148.4 feet to the West line of the East Half of the Northeast Quarter of Section 19; thence South along the West line of the East Half of the Northeast Quarter of Section 19 a distance of 46.00 feet; thence South 89 degrees 01 minutes East a distance of 148.4 feet to the point of beginning.

Together with the East 650.00 feet of the West Half of the Northeast Quarter of Section 19, Township 102 North, Range 27 West in Faribault County, Minnesota excepting therefrom the following:

That portion lying southerly of the centerline of County State Aid Highway No 6

And also excepting that portion of the following described tract lying westerly of the East line of the West Half of the Northeast Quarter of Section 19;

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II. IT IS FURTHER ORDERED: That the mill levy of the City of Blue Earth on the property herein ordered annexed shall be increased in substantially equal proportions over a period of five 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 August 9, 1978

Dated this 9th day of August, 1978

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

A handwritten signature in blue ink, reading "William A. Neiman". The signature is written in a cursive style with a large, stylized 'W' and 'N'.

William A. Neiman
Executive Director