

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Wallace Fjone	Ex-Officio Member
Gordon Register	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION )  
BETWEEN THE CITY OF ALBERT LEA DND THE )  
TOWN OF ALBERT LEA FOR THE ORDERLY )  
ANNEXATION OF CERTAIN LAND TO THE CITY )  
OF ALBERT LEA PURSUANT TO MINNESOTA )  
STATUTES 414 )  
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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 June 19, 1980 at Albert Lea, Minnesota. The hearing was conducted by Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Wallace Fjone and Gordon Register, ex-officio members of the Board. The City of Albert Lea appeared by and through Kurt Fisher. 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 Albert Lea and the Township of Albert Lea 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 Albert Lea, on March 21, 1980 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 :

Beginning at the NE corner of the NW $\frac{1}{4}$  of Section 21, Township 102, R21W, the south 367.5 ft; the west 837 ft; the south 400 ft; the east 420.5 ft; the south 499.2 ft; the east 416.5 ft to the east line of the NW $\frac{1}{4}$  of said Sec. 21; the south to the south line of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 21; the west to the east right-of-way line of South Broadway (CSAH No. 18); the south along the east right-of-way of South Broadway to a point 1653.2 ft south of the north line of said Section 21; the west 462 ft the north 330 ft the west 98 ft along south line Lot 8, Block 5 Way-Lor Subd. the north 132 ft along west line of said Lot 8, Block 5 the east 196 ft along north line Lots 8 & 9, Block 5 Way-Lor Subd. the north 9 ft along west line Lot 7, Block 1 Way-Lor Subd.; the E 150 ft along north line of Lots 6 & 7, Block 1 of Way-Lor Subd.; the north 487.6 ft

along east line of Lot 2, Block 1 and Lots 1 & 4, Block 2 of Way-Lor Subd.; the west 159 ft along north line of Lot 9, Block 3 of Way-Lor Subd.; the north 358.6 ft on line parallel to and 342 ft west of east line of Section 20; the west 19.5 ft the north 303 ft to south line of Eleventh Street the W 55.5 ft along south line of Eleventh Street; the north 454 ft to south line of Hillcrest Road; the west 496.6 ft along south line Hillcrest Road and Hillcrest Road extended; the north 359 ft; the west to east right-of-way line of the Chicago, Rock Island and Pacific railway; the northeasterly along east right-of-way line of the Chicago, Rock Island and Pacific railway to the north line of W 9th Street; the east to the east line of said Section 17; the south 33 ft; the east along the south line of Armstrong's Subdivision to the SW right-of-way line of the T.H. 65 (S.E. Broadway); the southeasterly along said right-of-way line to the east line of the SW $\frac{1}{2}$  of Section 16, Twp. 102, R21W; the south along said east line to the NE corner of the NW $\frac{1}{2}$  of Section 21, Township 102, Range 21 W. (168 acres more or less)

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 Albert Lea.
- B. The total area of the City of Albert Lea is 5,177 acres. The total area of the territory subject to annexation is approximately 168 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: Generally level with an average slope, with no major bluffs.

#### V. Population Data

- A. The City of Albert Lea:
  - 1. The present estimated population is 21,077 (S.P.A. est. Jan. 1, 1980)
  - 2. By 2000, the projected population is 25,330.
- B. The area subject to annexation:
  - 1. In 1979, there were 230 residents.
  - 2. The present estimated population is 245.
  - 3. By 2000, the projected population is 400.
- C. The Township of Albert Lea:
  - 1. In 1970 the population was 2,327.
  - 2. In 1975, there were 2,369 residents.
  - 3. The present estimated population is 2,369.

#### 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 Albert Lea:

- |                                |                             |
|--------------------------------|-----------------------------|
| 1. Residential: 1604.39 acres  | 4. Industrial: 147.87 acres |
| 2. Institutional: 161.63 acres | 5. Agricultural and Vacant  |
| 3. Commercial: 298.23 acres    | Land: 785.75 acres          |

b. In the area subject to annexation:

1. Residential some commercial and agricultural acres.

c. In the township of Albert Lea: the land is used for industrial, commercial, vacant, residential and agricultural.

2. Area Being Developed

a. In the City of Albert Lea:

1. Residential: 391.7 acres
2. Commercial: 178 acres
3. Industrial: 182 acres

3. Area Remaining for Various Uses

a. In the City of Albert Lea:

1. Residential: 35.8 acres
2. Commercial: 25 acres

B. Transportation:

1. The present transportation network is:

- a. In the City of Albert Lea: Railroads and highways
- b. In the area subject to annexation: township roads and county state aid highway.

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

1. In the City of Albert Lea:

- a. Zoning: yes, updating
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes, recently revised
- d. Official Map: yes
- e. Fire Code: yes
- f. Building Inspector: yes
- g. Planning Commission: 12 members
- h. Other: planning department

2. In the Township of Albert Lea: the county does the town's land use planning for it.

3. In the County of Freeborn:

- a. Zoning: yes
- b. Subdivision Regulations: no
- c. Comprehensive Plan: Developing one now
- d. Official Map: yes
- e. Fire Code: no
- f. Building Inspector: yes
- g. Planning Commission: yes

5. 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 Albert Lea 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 Albert Lea,

B. The City of Albert Lea 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 Albert Lea provides the area subject to annexation with the following services: water to several homes in the annexation area.

D. Existing or potential environmental problems and the need for additional services to resolve these problems: the area has been investigated by the M.P.C.A. and sewage has been found in drain tiles within the area proposed for annexation. The M.P.C.A. has instructed the City of Albert Lea to provide sanitary sewer and water to the area proposed for annexation as the City of Albert Lea has the capacity to service the area.

E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the extension of sewer and water into the area.

F. The following services will be available to the annexed area within three years: sewer, water, fire and police protection, street improvements and maintenance.

#### VIII. Tax Base

A. In the City of Albert Lea, the tax base with a present real estate market value of \$218,567,305 includes the following: residential, commercial, industrial, institutional, and agricultural lands.

B. In the Township of Albert Lea, the tax base with a present market value of \$36,831,761 includes the following: residential property, commercial property, industrial property, agricultural and vacant land.

C. In the area subject to annexation, the tax base includes: residential property, commercial, and agricultural property.

#### IX. Tax Data

A. In the City of Albert Lea:

1. Mill rate in 1980 is 23.54.
2. Bonded indebtedness in 1979 is \$8,395,000.

B. In the Township of Albert Lea:

1. Mill rate in 1980 is 2.79.
2. Bonded indebtedness in 1979 is 0.

C. In the area subject to annexation:

1. Mill rate in 1980 is 2.79.

D. Other governmental mill rates:

1. County in 1980 is 19.64 for the township and 19.13 for the city.
2. School district #241 in 1980 is 46.53.
3. Region 10 in 1980 is .07.

X. Annexation to the City of Albert Lea is the best alternative.

- A. There is no effect on area school districts or on adjacent communities if the proposed area is annexed.
- B. The town government is not adequate to deliver the services needed for the area proposed for annexation.
- C. Governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
- D. Present assessed valuation of the Town of Albert Lea: \$7,990,657.00.
- E. Albert Lea Township can continue to function without the area subject to annexation.

XI. 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 as well as avoiding the hardship of splitting a farm structure that occurred in the original description of the area proposed for annexation; the new description of the area to be annexed is as follows:

Beginning at the NE corner of the NW $\frac{1}{4}$  of Section 21, Township 102, R21W, the south 367.5 ft; the west 837 ft; the south 400 ft; the east 420.5 ft; the south 499.2 ft; the east 416.5 ft to the east line of the NW $\frac{1}{4}$  of said Sec. 21 the south to the south line of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Sec. 21; the west to the east right-of-way line of South Broadway (CSAH No. 18); the south along the east right-of-way of South Broadway to a point 1653.2 ft south of the north line of said Sec. 21; the west 462 ft the north 330 ft the west 98 ft along south line of Lot 8, Block 5 Way-Lor Subd; the north 132 ft along west line of said Lot 8, Block 5 the east 196 ft along north line Lots 8 & 9, Block 5 Way-Lor Subd. the north 9 ft along west line Lot 7, Block 1 of Way-Lor Subd.; the east 150 ft along north line of Lots 6 & 7, Block 1 of Way-Lor Subd.; the north 487.6 ft along east line of Lot 2, Block 1 and Lots 1 & 4, Block 2 of Way-Lor Subd.; the west 159 ft along north line of Lot 9, Block 3 of Way-Lor Subd.; the north 358.6 ft on line parallel to and 342 ft west of east line of Sec. 20; the east 103 ft north 163 ft; thence west 122 ft, thence north 140 ft to south line of Eleventh Street the west 55.5 ft along south line of Eleventh Street; the north 454 ft to south line of Hillcrest Road; the west 496.6 ft along south line Hillcrest Road and Hillcrest Road extended; the north 359 ft; the west to east right-of-way line of the Chicago, Rock Island and Pacific Railway; the north-easterly along east right-of-way line of the Chicago, Rock Island and Pacific Railway of the north line of West 9th Street; the east to the east line of said Sec. 17; the south 33 ft; the east along the south line of Armstrong's Subdivision to the SW right-of-way line of the T.H. 65 (S.E. Broadway); the southeasterly along said right-of-way line to the east line of the SW $\frac{1}{4}$  of Sec. 16, Township 102, R21W; the south along said east line to the NE corner of the NW $\frac{1}{4}$  of Sec. 21, Township 102, Range 21W

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 or is in need of municipal services 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 is consistent with terms of the joint agreement.

VII. Two years will be required to effectively provide full municipal services to the annexed area.

VIII. 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 Freeborn, State of Minnesota, be and the same is hereby annexed to the City of Albert Lea, Minnesota, the same as if it had been originally made a part thereof:

Beginning at the NE corner of the NW $\frac{1}{4}$  of Section 21, Township 102, R21W, the south 367.5 ft; the west 837 ft; the south 400 ft; the east 420.5 ft; the south 499.2 ft; the east 416.5 ft to the east line of the NW $\frac{1}{4}$  of said Sec. 21 the south to the south line of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Sec. 21; the west to the east right-of-way line of South Broadway (CSAH No. 18); the south along the east right-of-way of South Broadway to a point 1653.2 ft south of the north line of said Sec. 21; the west 462 ft the north 330 ft the west 98 ft along south line of Lot 8, Block 5 Way-Lor Subd; the north 132 ft along west line of said Lot 8, Block 5 the east 196 ft along north line Lots 8 & 9, Block 5 Way-Lor Subd. the north 9 ft along west line Lot 7, Block 1 of Way-Lor Subd.; the east 150 ft along north line of Lots 6 & 7, Block 1 of Way-Lor Subd.; the north 487.6 ft along east line of Lot 2, Block 1 and Lots 1 & 4, Block 2 of Way-Lor Subd.; the west 159 ft along north line of Lot 9, Block 3 of Way-Lor Subd.; the north 358.6 ft on line parallel to and 342 ft west of east line of Sec. 20; the east 103 ft north 163 ft; thence west 122 ft, thence north 140 ft to south line of Eleventh Street the west 55.5 ft along south line of Eleventh Street; the north 454 ft to south line of Hillcrest Road; the west 496.6 ft along south line Hillcrest Road and Hillcrest Road extended; the north 359 ft; the west to east right-of-way line of the Chicago, Rock Island and Pacific Railway; the north-easterly along east right-of-way line of the Chicago, Rock Island and Pacific Railway of the north line of West 9th Street; the east to the east line of said Sec. 17; the south 33 ft; the east along the south line of Armstrong's Subdivision to the SW right-of-way line of the T.H. 65 (S.E. Broadway); the southeasterly along said right-of-way line to the east line of the SW $\frac{1}{4}$  of Sec. 16, Township 102, R21W; the south along said east line to the NE corner of the NW $\frac{1}{4}$  of Sec. 21, Township 102, Range 21W

III. IT IS FURTHER ORDERED: That the population of the City of Albert Lea has increased by 245 persons to 21,322 persons for all purposes until the next Federal Census.

IV. IT IS FURTHER ORDERED: That the population of the Township of Albert Lea has decreased by 245 persons to 2,124 persons for all purposes until the next Federal Census.



IV. IT IS FURTHER ORDERED: That the mill levy of the City of Albert Lea on the property herein ordered annexed shall be increased in substantially equal proportions over a period of two years to equality with the mill levy of the property already within the City.

V. IT IS FURTHER ORDERED: That the effective date of this order is July 23, 1980.

Dated this 23rd day of July, 1980

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt  
Executive Director