

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Member
Harold J. Leary	Ex-Officio Member
Robert J. Lewis	Ex-Officio Member

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

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 2, 1983, at La Crescent, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Harold J. Leary and Robert J. Lewis, Ex-Officio Members of the Board. The City of La Crescent appeared by and through Steve Jilk, City Clerk, and the Town of La Crescent appeared by and through Ruth Miller and Robert McCurdy, Town Supervisors. 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. A joint resolution for orderly annexation was adopted by the City of La Crescent and the Town of La Crescent and duly accepted by the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, the City of La Crescent, on July 13, 1983, requesting the annexation of certain

property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to annexation which is as follows:

A parcel of land located in the E $\frac{1}{2}$  of the NE $\frac{1}{4}$ , Section 16, Township 104 North, Range 4 West, described as follows: Commencing at the Northeast corner of said Section 16; thence South along the section line 2561.0 feet to the point of beginning of the line to be described; thence North 20° 35' 30" West a distance of 170.86 feet; thence North 52° 22' 30" West a distance of 99.7 feet; thence North 3° 22' 30" West a distance of 532.0 feet; thence North 57° 01' West a distance of 448.3 feet; thence North 10° 02' East a distance of 53.4 feet; thence North 79° 58' West a distance of 495.0 feet; thence North 88° West a distance of 142.0 feet; thence South 22° West a distance of 77.0 feet; thence West a distance of 133.0 feet more or less to the West line of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 16 and the place of beginning; thence East a distance of 133 feet; thence North 22° East a distance of 77 feet; thence North 0° 1' East 83.61 feet; thence West 161.82 feet; thence continuing West to the West line of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 16; thence South along said West line to the place of beginning, except land taken for public street and highway purposes.

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

4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately one acre in size and abuts the City of La Crescent by approximately 50%.

5. The soils in the area proposed for annexation are loam, sand and clay base.

6. In 1970, the city had a population of 3,296, its population in 1980 was 3,674, and its current population is 3,750.

7. In 1970, the Town of La Crescent had a population of 1,332, its population in 1980 was 1,441, and its current population is 1,500.

8. The area proposed for annexation had a population of 3 in 1970, and in 1980 and currently its population is 4.

9. The area proposed for annexation has been developed for residential use.

10. The city has a planning commission, subdivision ordinance, comprehensive plan, and a zoning ordinance.

11. The city zoning anticipates residential use in the area proposed for annexation. The annexation will not require a change in the city zoning ordinance.

12. The City of La Crescent provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services and recreational opportunities.

13. Presently the City of La Crescent provides the annexation area with recreational opportunities.

14. If the area proposed for annexation is annexed, the city is willing to provide water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services and recreational opportunities to the area. Sewer and water trunk lines capable of servicing the annexation area are presently in place in Skunk Hollow Road.

15. Presently the Town of La Crescent provides the area with storm sewer, fire protection through a contract with the City of La Crescent, street improvements and maintenance and administrative services.

16. If the area is annexed, the city will allow the private well to continue in use. The city will require the area proposed for annexation to hook up to city sanitary sewer.

17. Presently the annexation area has a failing septic system.

18. In 1983 the City of La Crescent had an assessed valuation of \$11,565,000. The city's bonded indebtedness was \$1,180. The mill levy for the City of La Crescent in 1983 is 22.127. The mill rate for the county for land located within the City of La Crescent is 28.787.

19. In 1983 the Town of La Crescent had an assessed valuation of \$5,136,535. Its mill levy is 10.432. The township has no present bonded indebtedness.

20. The area proposed for annexation has an assessed valuation of \$8,474.

21. In 1983 the mill levy for the school district serving the City of La Crescent and the area proposed for annexation is 41.359.

22. The fire insurance rating for the Town of La Crescent, the City of

La Crescent and the annexation area in 1983 is 7.

23. The township does not have the ability to provide public sewer and water to the area proposed for annexation.

24. The City of La Crescent is the only municipality adjacent to the area proposed for annexation.

25. The annexation is consistent with the joint resolution for orderly annexation between the Town of La Crescent and the City of La Crescent.

#### 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 and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the area proposed for annexation.

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

5. The annexation is consistent with the terms of the joint resolution for orderly annexation.

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

#### O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be and the same hereby is annexed to the City of La Crescent, Minnesota, the same as if it had been originally a part thereof.


2. IT IS FURTHER ORDERED: That the population of the City of La Crescent is increased by 4.

3. IT IS FURTHER ORDERED: That the population of the Town of La Crescent is decreased by 4.

4. IT IS FURTHER ORDERED: That the effective date of this order is November 14, 1983.

Dated this 14th day of November, 1983.

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

A handwritten signature in black ink that reads "Terrence A. Merritt". The signature is written in a cursive style with a horizontal line above the first name.

Terrence A. Merritt  
Executive Director