

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Joe F. Neaton	Ex-Officio Member
Wallace E. Ess	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 10, 1985, at Young America, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chairman, Robert J. Ferderer, then Commissioner, and County Commissioners Joe F. Neaton and Wallace E. Ess, Ex-Officio Members of the Board. The City of Young America appeared by and through Robert A. Nicklaus and the Town of Young America appeared by and through Lothar Wolter, Jr., Town Clerk. 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 Young America and the Town of Young America 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 Young America, on April 1, 1985, 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:

Commencing at the NW corner of the Northwest Quarter of the Northeast Quarter of Section 14, Township 115, Range 26, thence east along the north line of said Section 14 to a point 409 feet west of the NE corner of said Section 14; thence turning at a right angle and running South, parallel to the East line of said Section 14 a distance of 362 feet to a point; thence turning at a right angle and running East parallel to the North line of said Section 14 a distance of 242 feet to a point; thence turning at a right angle and running South parallel to the East line of said Section 14 a distance of 288 feet to a point; thence turning at a right angle and running East parallel to the North line of said Section a distance of 167 feet to the east line of said Section 14; thence running south along the said East line, said line being also the center line of County Road No. 134, to the NE corner of the S 1/2 of the NE 1/4 of said Section 14; thence continuing South along the said East line a distance of 1039.83 feet to a point; thence South 90° 00' 00" West for a distance of 33 feet; thence South 55° 37' 20" West to a point on the North Right of Way line of Trunk Highway No. 212 thence West along the North Right of Way line of Trunk Highway No. 212 to a point where the North Right of Way line intersects the westerly Right of Way line of the Chicago and Northwestern Railroad; thence northerly along the westerly Right of Way line of the Chicago and Northwestern Railroad to the south line of the North 846.20 feet of the NW 1/4 of the NE 1/4 of said Section 14; thence west along the south line of the North 846.20 feet of the said NW 1/4 of the NE 1/4 to the west line of the NW 1/4 of the NE 1/4 of said Section 14; thence north along said west line to the point of beginning, excepting therefrom Oakridge Addition as platted according to the following description:

That part of the South Half of the Northeast Quarter of Section 14 - T115 N - R26W described as follows: Beginning at the NE corner of the South Half of the Northeast Quarter of said section; thence S89° 27' W along the North line of the South Half of the Northeast Quarter of said Section, 1153.00 feet; thence South parallel to the East line of the South Half of the Northeast Quarter of said section 284.00 feet; thence N 89° 27' E, 18.30 feet; thence S 21° 16' W, 388.13 feet to the Northerly right of way line of U.S. Trunk Highway No. 212; thence S68° 44' E along the Northerly line of said highway, 66.00 feet; thence N21° 16' E, 343.46 feet to a point 350.00 feet South of the North line of the South half of the Northeast Quarter of said section; thence N 89° 27' E, 337.03 feet; thence on a tangential

curve, concave to the left, with a radius of 592.30 feet a distance of 81.15 feet; thence N81° 36' E, 70.52 feet; thence on a tangential curve, concave to the right, with a radius of 214.70 feet, a distance of 75.70 feet; thence S 78° 12' E, 52.59 feet; thence on a tangential curve, concave to the right, with a radius of 136.81 feet, a distance of 90.93 feet; thence S40° 07' E, 290.15 feet; thence on a tangential curve, concave to the left, with a radius of 102.55 feet, a distance of 89.28 feet; thence East 133.00 feet to the East line of the South half of the Northeast Quarter of said Section; thence North along the East line of the South half of the Northeast Quarter of said section, 657.75 feet to the point of beginning and containing 11.9 acres of land more or less,

and also excepting therefrom the following described tract of land: That part of the South Half of the Northeast Quarter of Section 14, Township 115 North, Range 26 West, described as follows:

Beginning at the Southeast corner of Oakridge being a subdivision in part of the South Half of the Northeast Quarter, Section 14, Township 115 North, Range 26 West, Carver County, Minnesota, according to the recorded plat thereof; thence on an assumed bearing of North 90 degrees 00 minutes 00 seconds West along the south line of Oak Lane as platted on said OAKRIDGE 133.00 feet; thence Northwesterly along a tangential curve, concave to the Northeast, having a radius of 102.55 feet; a central angle of 49 degrees 53 minutes 00 seconds 89.28 feet along said Southerly line of Oak Lane; thence North 40 degrees 07 minutes 00 seconds West along tangent and along the Southwesterly line of said Oak Lane 42.41 feet; thence South 00 degrees 00 minutes 00 seconds East 287.71 feet; thence South 90 degrees 00 minutes 00 seconds East 243.00 feet to the East line of said South Half of the Northeast Quarter; thence North 00 degrees 00 minutes 00 seconds West along said East line of the South Half of the Northeast Quarter 200.00 feet to the point of beginning.

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

4. At a deliberation meeting on October 15, 1985, the Minnesota Municipal Board moved to reduce the area approved for annexation to the following described property, which is the subject of the remaining Findings of Fact, Conclusions of Law, and Order:

W 1/2 of the NE 1/4 lying northerly of Trunk Highway 212 except portions previously annexed to Norwood and Young America, Section 14, Township 115, Range 26.

5. The area subject to annexation is unincorporated, within the orderly

annexation agreement area, approximately 56.63 acres in size, and abuts the City of Young America by approximately 45% of its perimeter. The City of Young America is approximately 390 acres in size.

6. The area proposed for annexation has generally level terrain, and there is a swampy area in the northeastern portion of the area.

7. In 1970 the City of Young America had a population of 611 and its population in 1980 was 1,237.

8. The area proposed for annexation has a present population of zero.

9. The city proposes the area will develop with medium density residential use in the northwestern portion, south of which will be commercial offices and businesses and south of that will be business and light industrial type development.

Presently the city has insufficient commercial and industrial area for future development.

10. The area proposed for annexation presently has no development on it.

11. The proposed development of the land is consistent with land adjacent to it located either in the City of Norwood or the City of Young America.

12. The City of Young America has a comprehensive plan and a Planning Commission.

13. This annexation is consistent with the local comprehensive plans.

14. The area proposed for annexation is presently zoned agricultural.

If the area proposed for annexation is annexed, the northwesternmost portion would be zoned for medium density development. The area immediately south of that would be zoned for general commercial, and the area southwest of that would be zoned for commercial/industrial use.

15. The City of Young America provides its residents with water, sanitary

sewer, storm sewer, fire protection, police protection through a contract with the County Sheriff's Department, street improvements and maintenance, and administrative services.

16. The city is willing to provide the area proposed for annexation with all of the services it presently provides residents of the City of Young America.

17. Access to the area proposed for annexation is from Faxon Road and State Highway #212.

18. In 1985 the assessed valuation of the City of Young America is \$4,173,782.

19. In 1985 the assessed valuation of the Town of Young America is \$9,021,815.

20. The mill rates in 1983 for the local governmental units are as follows: City of Young America 27.598; and Town of Young America 10.014.

21. The bonded indebtedness for the City of Young America, as of 1984, is \$1,231,000.

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

23. The City of Young America is adjacent also to the City of Norwood. The terms of the orderly annexation agreement, signed by the City of Young America, the City of Norwood and the Town of Young America, designate the area proposed for annexation within the orderly annexation area of the City of Young America. Further, the delivery of service to the area is adequately provided for by the City of Young America and there was no evidence to indicate that the City of Norwood could provide superior service to the area proposed for annexation.

24. The annexation is consistent with the joint resolution for orderly annexation between the Town of Young America and the City of Young America.

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. Three years will be required to effectively provide full municipal services to the annexed area or to comply with terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

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

ORDER

1. IT IS HEREBY ORDERED: That the property described hereinafter be, and the same is hereby annexed to the City of Young America, Minnesota, the same as if it had been originally a part thereof.

W 1/2 of the NE 1/4 lying northerly of Trunk Highway 212 except portions previously annexed to Norwood and Young America, Section 14, Township 115, Range 26.

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

America 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.

3. IT IS FURTHER ORDERED: That the effective date of this order is November 26, 1985.

Dated this 26th day of November, 1985.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt". The signature is written in black ink and is positioned above the printed name and title.

Terrence A. Merritt
Executive Director

M E M O R A N D U M

The Municipal Board in dealing with the proposed annexation, notes that the city does not have plans to initially extend service to the eastern portion of the originally proposed annexation area. The board also notes with grave concern the irregular configuration that would have resulted had the board unilaterally approved the originally petitioned area proposed for annexation.

The board anticipates that when the city determines it appropriate to petition for the annexation of the area which was presently not approved for annexation in this order, it will petition not only for that land, but also for all of the land up to County Road #134, so that islands of township property are not left within the city, absent a significant change in either the city's comprehensive plan or the area as it presently stands today.

The board urges the parties to work together to maintain the spirit of cooperation that led to the orderly annexation agreement and to the generally positive working relationship that the parties have had in the past.

JAM
11-26-85