

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Paul Knoblauch	Ex-Officio Member
Dr. William Merritt	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION OF)	
THE CITY OF MARSHALL AND THE TOWN OF LAKE)	
MARSHALL FOR THE ORDERLY ANNEXATION OF)	<u>FINDINGS OF FACT,</u>
CERTAIN LAND TO THE CITY OF MARSHALL)	<u>CONCLUSIONS OF LAW,</u>
PURSUANT TO MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 30th, 1982, at Marshall, 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 Dr. William Merritt and Paul Knoblauch, Ex-Officio Members of the Board. The City of Marshall appeared by and through Duane Aden, City Engineer and the Town of Lake Marshall was represented by its Chairman, Carl Fuhrmann. 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 of orderly annexation was adopted by the City of Marshall and the Town of Lake Marshall 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 Marshall, on March 29th, 1982, requesting the annexation of certain property within the orderly annexation area. The resolution contained all the information required by Statute including a description of the property subject to annexation which is as follows:

That part of the Southwest Quarter of Section 9, Township 111 North, Range 41 West described as follows:

Beginning at a point 886.95 feet South and 33 feet East of the West one Quarter corner of Section 9, Township 111 North, Range 41 West; thence North 90°00'00" East for a distance of 569.35 feet; thence South 00°00'00" East for a distance of 78.00 feet; thence South 90°00'00" East for a distance of 66.00 feet; thence South 00°00'00" East for a distance of 343.05 feet; thence North 90°00'00" West for a distance of 625.35 feet; thence North 00°00'00" East for a distance of 425.05 feet to the point of beginning. (Proposed Nielsen's 9th Add.) (containing 5.92 acres, more or less)

The North 124 feet of the Northeast Quarter of the Southwest one Quarter of Section 9, Township 111 North, Range 41 West and that part of the Southeast Quarter of the Northwest Quarter of Section 9, Township 111 North, Range 41 West described as follows:

Beginning at the Southeast corner of the Northwest Quarter of Section 9, Township 111 North, Range 41 West; thence North $00^{\circ}16'27''$ West for a distance of 1,009.17 feet; thence North $89^{\circ}48'00''$ West for a distance of 811.79 feet; thence South $00^{\circ}06'00''$ West for a distance of 560 feet; thence North $89^{\circ}48'00''$ West for a distance of 135 feet; thence South $00^{\circ}06'00''$ West for a distance of 48 feet; thence North $89^{\circ}48'00''$ West for a distance of 390 feet to the West line of the Southeast Quarter of the Northwest Quarter of said Section 9; thence South $00^{\circ}06'00''$ West on the West line of said Southeast Quarter of the Northwest Quarter of Section 9 to the Southwest corner of said Southeast Quarter of the Northwest Quarter of Section 9; thence South $89^{\circ}48'00''$ East on the South line of the Southeast Quarter of the Northwest Quarter of Section 9 to the point of beginning.

(containing 27.60 acres, more or less)

All of Viking Addition Plat #3

(containing 6.57 acres, more or less)

All that part of Trunk Highway No. 23 Right of Way lying within the Northeast Quarter of the Southeast Quarter of Section 9, Township 111 North, Range 41 West.

and

All that part of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 9, Township 111 North Range 41 West lying Northeasterly of the Southwesterly Right of Way Line of the Chicago and Northwestern Railroad and Northwesterly of the Northwesterly Right of Way Line of Trunk Highway No. 23.

All that part of the Northeast Quarter of the Southeast Quarter of Section 9, in Township 111 North, of Range 41 West, of the Fifth Principal Meridian, lying Southeasterly of southeasterly right-of-way line of Minnesota Trunk Highway No. 23, as said Highway right-of-way is now located,

and

That part of the Southwest Quarter of Section 10, Township 111 North, Range 41 West, Lyon County, Minnesota, described as follows:

Beginning at a Lyon County monument in place at the southwest corner of said Section 10; thence easterly along the south line of said southwest Quarter 1094.00 feet; thence northerly deflecting to the left $90^{\circ}24'00''$ parallel with the west line of said southwest Quarter 140.00 feet; thence easterly deflecting to the left $90^{\circ}24'00''$ parallel with said south line of the southwest Quarter 81.00 feet; thence northerly deflecting to the left $90^{\circ}24'00''$ parallel with said west line of the southwest Quarter 100.00 feet; thence westerly deflecting to the left $89^{\circ}36'00''$ parallel with said south line of the southwest Quarter 127.00 feet; thence northwesterly deflecting to the right $58^{\circ}30'30''$ 76.00 feet; thence southwesterly deflecting to the left $62^{\circ}25'30''$ 354.45 feet; thence northerly deflecting to the right $93^{\circ}51'00''$ 227.40 feet; thence easterly deflecting

to the right $91^{\circ}56'00''$ 237.20 feet; thence easterly deflecting to the left $02^{\circ}43'00''$ 81.27 feet; thence northwesterly deflecting to the left $123^{\circ}49'25''$ 103.33 feet; thence northwesterly deflecting to the left $01^{\circ}26'50''$ 202.40 feet; thence at right angles in a southwesterly direction 120 feet; thence at right angles in a northwesterly direction 210 feet; thence at right angles in a northeasterly direction 220 feet; thence at right angles in a northwesterly direction 65 feet; thence at right angles in a northeasterly direction 160 feet, more or less, to the northeasterly right-of-way line of the abandoned Chicago and Northwestern Railroad; thence northwesterly along the northeasterly right-of-way line of said abandoned Chicago and Northwestern Railroad to its intersection with said west line of the southwest Quarter; thence deflecting to the left $140^{\circ}15'00''$ along said west line of the southwest Quarter 2280.80 feet to the point of beginning.

(containing 61.35 acres, more or less)

All of the South Half of the Southeast Quarter of Section 3, Township 111 North, Range 41 West, County of Lyon, State of Minnesota, lying east of the easterly Right-of-Way line of Minnesota Trunk Highway No. 23.

(containing 15.92 acres, more or less)

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

IV. The area subject to annexation is unincorporated, within the orderly annexation area, approximately 117.36 acres in size and abuts the City of Marshall by approximately 50% of its total border. The City of Marshall is 4,452.67 acres in size.

V. The area proposed for annexation has flat, rolling terrain with clay silt type soil and fair soil drainage characteristically. Approximately 40 acres of the area is prime agricultural land, with that determination being made by on-site inspection of the present use.

VI. In 1970 the City of Marshall had 9,886 people, in 1980 its population was 11,161, its current population is over 11,200, and it is projected that in five years it will have a population of approximately 11,350.

VII. The Town of Lake Marshall had a population of 759 in 1970, 570 in 1980, a current population of 570, and it is projected that in five years its population will remain at 570.

VIII. Population of the area subject to annexation is presently two, it was two in 1980 and 1970, and it is projected that in five years the population will be 75.

IX. The City of Marshall has approximately 627 acres in residential use, 1,768 acres in institutional use, 150 acres in commercial use, 307 acres in industrial use, 898 acres in agricultural use, and 348 acres in vacant land.

The City of Marshall has approximately 450 acres zoned for or planned for residential use, 75 acres for institutional use, 180 acres for commercial use, and 540 acres for industrial use. The land is presently undeveloped.

X. The Town of Lake Marshall has approximately 40 acres in residential use, 10 acres in commercial use, 100 acres in industrial use, and 19,401 acres in agricultural use.

XI. The area proposed for annexation has 1 acre in residential use, 43.52 acres in agricultural use, and 61.35 acres in vacant land.

In the area proposed for annexation the remaining undeveloped land is either zoned for or planned for having 96.94 acres in residential use, 3.5 acres in institutional use, and 15.92 acres in commercial use.

XII. In the last five years the City of Marshall has issued 292 one- or two-family residential building permits, 21 multi-family residential building permits, 63 commercial building permits, and 10 industrial building permits. The City has also issued 873 remodeling permits.

XIII. In the past five years the Town of Lake Marshall has issued 9 one- or two-family residential building permits, 48 commercial-agricultural building permits, and 1 industrial building permit. The Township has issued 8 remodeling permits.

XIV. The City of Marshall has completed its comprehensive plan and the adoption of the plan is pending. The Township and the County have no existing comprehensive plan.

XV. The annexation of the area proposed for annexation is consistent with local and regional comprehensive plans.

XVI. The City of Marshall has a zoning ordinance, subdivision regulations, official map, capital improvements program and budgets, fire code, Minnesota building code, Minnesota plumbing code, and flood plain ordinance.

XVII. The Township of Lake Marshall does not have any zoning or subdivision regulations.

XVIII. Lyon County has a zoning ordinance, subdivision regulations, an official map, a flood plain ordinance, and a sanitation ordinance.

XIX. The City of Marshall provides its residents water, sanitary sewer, storm sewer, fire protection, police protection, street improvements, street maintenance, administrative services, recreational opportunities, health inspection, library and ambulance service.

XX. The City presently provides the area proposed for annexation with fire protection under a fire protection service agreement with the Town of Lake Marshall, and the area further receives ambulance service from the City and is able to use the joint City/County library.

XXI. The City is willing to provide all of the services it presently provides to its residents, to the area proposed for annexation if it is annexed.

XXII. The Town of Lake Marshall provides its residents with street maintenance, administrative services, fire protection under an agreement with the City of Marshall, and ambulance service provided by the City of Marshall.

XXIII. The City of Marshall presently has 10.8 miles of highways, and 48.3 miles of streets within its boundaries.

XXIV. The Town of Lake Marshall has 26 miles of highways, and 22 miles of roads within its boundaries.

XXV. The area proposed for annexation has two-tenths of a mile of streets, and one-quarter mile of roads within its present boundaries.

XXVI. The assessed valuation in 1982 for the City of Marshall is \$46,150,299.00.

XXVII. The assessed valuation of the Town of Lake Marshall in 1982 is \$6,137,932.00.

XXVIII. The assessed value of the area proposed for annexation in 1982 was approximately \$88,395.00.

XXIX. The County mill rate in 1982 is 18.76. The City of Marshall's mill rate in 1982 is 21.60. The Town of Lake Marshall's mill rate in 1982 is zero. The school district's mill levy in 1982 is 45.03. The special taxing district's mill levy in 1982 is .09.

XXX. The total bonded indebtedness for the City of Marshall is \$13,043,000.00. The Town of Lake Marshall has no bonded indebtedness.

XXXI. The fire rating for the Town of Lake Marshall is 10, and for the City of Marshall it is 5.

XXXII. The annexation of the area proposed for annexation will not adversely impact Lake Marshall Township. It is anticipated that the school district will suffer no impact from the annexation.

XXXIII. The City of Marshall is the only municipality adjacent to the area proposed for annexation.

XXXIV. The annexation is consistent with the joint resolution for orderly annexation between the Town of Lake Marshall and the City of Rochester.

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 of the area proposed for annexation.

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

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

VI. 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.

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 in Findings of Fact II be and the same hereby is annexed to the City of Marshall, Minnesota, the same as if it had been originally a part thereof.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Marshall 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 population of the City of Marshall is increased by two.

IV. IT IS FURTHER ORDERED: That the population of the Town of Lake Marshall is decreased by two.

V. IT IS FURTHER ORDERED: That the effective date of this order is September 7, 1982.

Dated this 7th day of September, 1982.

MINNESOTA MUNICIPAL BOARD


Terrence A. Merritt
Executive Director