

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

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IN THE MATTER OF THE JOINT RESOLUTION OF )	
THE CITY OF MARSHALL AND THE TOWN OF )	
FAIRVIEW 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>

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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 October 13, 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.

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 Fairview 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 September 7, 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:

The North Seventh Street (Township Road) Right of Way as now located within the Northeast Quarter of Section 33, T112N, R41W

and

The Easterly half of the North Seventh Street (Township Road) Right of Way as now located within the Northwest Quarter of the Southeast Quarter of Section 33, T112N, R41W and within the North 1743.4 feet of the East Quarter of the Southwest Quarter of Section 33, T112N, R41W.

(Containing 6.09 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 6 acres in size and abuts the City of Marshall by approximately 52% of its total border. The City of Marshall is approximately 4,570.03 acres in size.

V. The area proposed for annexation has flat, rolling terrain with clay silt type soils. The property is presently an existing township road right-of-way which is proposed for future city street right-of-way.

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 Fairview had a population of 680 in 1970, 560 in 1980, a current population of approximately 561, and it is projected that in five years its population will remain at 561.

VIII. Presently there is no population in the area proposed for annexation, there was none in 1970 or 1980, and it is projected to have no population within five years.

IX. The City of Marshall has land in residential use, institutional use, commercial use, industrial use, agricultural use, and has vacant land.

X. The entire use of the area proposed for annexation is presently a township road right-of-way.

XI. 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.

XII. 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.

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

XIV. 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.

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

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

XVII. The City of Marshall presently provides the area proposed for annexation with water, fire protection under an agreement with the Township, police protection, street improvements, street maintenance, administrative services and ambulance service under a contractual agreement between the Town and City.

XVIII. The City of Marshall is willing to provide the area proposed for annexation with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities and ambulance service.

XIX. The Town of Fairview provides the area proposed for annexation with fire protection under a contractual arrangement with the City of Marshall, street improvements, administrative services and ambulance service under an agreement with the City of Marshall.

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

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

XXII. The assessed valuation of the Town of Fairview in 1982 is \$5,690,483.

XXIII. There is no assessed valuation of the area proposed for annexation.

XXIV. The County mill rate in 1982 is 18.76. The City of Marshall's mill rate in 1982 is 21.60. The Town of Fairview's mill rate in 1982 is 2.81. The school district's mill levy in 1982 is 45.03. The special taxing district's mill levy in 1982 is .09.

XXV. The total bonded indebtedness for the City of Marshall is \$13,043,000.00. The total bonded indebtedness for the Town of Fairview is 0.

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

XXVII. The annexation of the area proposed for annexation will not adversely impact Fairview Township.

XXVIII. It is anticipated that the school district will suffer no impact from the annexation.

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

XXX. The annexation is consistent with the joint resolution for orderly annexation between the Town of Fairview and the City of Marshall.

#### 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 effective date of this order is December 3, 1982.

Dated this 3rd day of December, 1982.

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

  
Terrence A. Merritt  
Executive Director