

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	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)	<u>FINDINGS OF FACT,</u>
FAIRVIEW FOR THE ORDERLY ANNEXATION OF)	<u>CONCLUSIONS OF LAW,</u>
CERTAIN LAND TO THE CITY OF MARSHALL)	<u>AND ORDER</u>
PURSUANT TO MINNESOTA STATUTES 414)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 9, 1983, 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

1. A joint resolution for orderly annexation was adopted by the City of Marshall and the Town of Fairview 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 Marshall, on September 19, 1983, 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 440.00 feet of the South 525.00 feet of the West 433.00 feet of the Southwest Quarter of Section 34, Township 112 North, Range 41 West;

and

The East 33.00 feet of the Southeast Quarter of Section 33, Township 112 North, Range 41 West lying Southerly of the North 4th Street (Country Road No. 67) Right of Way.

Said parcels containing 4.77 acres more or less.

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 area, approximately 4.77 acres in size and abuts the City of Marshall by approximately 75% of its total border.

5. The area proposed for annexation has flat to rolling terrain with clay and silt type soils.

6. In 1970 the City of Marshall had 9,886 people, in 1980 the population was 11,161 and its current population is estimated at 11,200.

7. The Town of Fairview had a population of 680 in 1970, 560 in 1980 and its current estimated population is 561.

8. Population in the area proposed for annexation was two in 1970, 1980, and presently, and it is projected that in five years the population will be 44.

9. The area proposed for annexation consists of an existing road right-of-way, which is projected for future street right-of-way, an existing farmstead area presently platted for multiple-family residential dwellings, and farmland to be used for church use or residential development.

10. The City of Marshall has a comprehensive plan.

11. The annexation of the area proposed for annexation is consistent with the City of Marshall's comprehensive plan.

12. 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.

13. The City of Marshall presently provides the annexation area with street maintenance, recreational opportunities and by contract sells fire protection and ambulance service to the township.

14. The Town of Fairview presently provides the annexation area with street improvements, administrative services and by contract purchases fire protection and ambulance service.

15. The city is willing to provide the annexation area, if it is annexed, with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities and ambulance service.

16. Presently the city has contracted for the extension of water and sanitary sewer into the annexation area as well as the construction of new streets in the annexation area.

17. The assessed valuation of the City of Marshall in 1983 is \$50,884,294. The city's mill levy is 22.58. The city has a total bonded indebtedness of \$15,920,000.

18. In 1983 the Town of Fairview had an assessed valuation of \$6,614,197. The township mill levy is 2.42. The township has no bonded indebtedness.

19. In 1983 the County mill levy was 16.96, the mill levy for the school district is 42.97, and the special taxing district had a mill levy of .07.

20. The school district which serves the annexation area and the City of Marshall is the same.

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

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

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

24. The City of Marshall 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 Fairview and the City of Marshall.

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 Marshall, Minnesota, the same as if it had been originally a part thereof.

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

3. IT IS FURTHER ORDERED: That the population of the Town of Fairview is decreased by two.

4. IT IS FURTHER ORDERED: That the effective date of this order is November 17, 1983.

Dated this 17th day of November, 1983.

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

A handwritten signature in black ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a large, sweeping initial 'T'.

Terrence A. Merritt
Executive Director