

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Art Olson	Ex-Officio Member
John Wreath	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION	)	
OF THE CITY OF MARSHALL AND THE TOWN OF	)	<u>FINDINGS OF FACT</u>
LAKE MARSHALL FOR THE ORDERLY ANNEXATION	)	<u>CONCLUSIONS OF LAW</u>
OF 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 on May 2, 1984 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 John Wreath and Art Olson, Ex-Officio Members of the Board. The City of Marshall appeared by and through Duane Aden, City Engineer. The Town of Lake Marshall made no appearance. 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. That a joint resolution for orderly annexation was adopted by the City of Marshall and the Town of Lake Marshall 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 March 15, 1984, 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 South Fourth Street Right of Way as now located and lying between Eatros 5th Addition and Trunk Highway No. 23 Right of Way, and described as the East 33.00 feet of the Northeast Quarter, except the South 247.35 feet and the North 1,308.00 feet thereof, of Section 8, Township 111 North, Range 41 West and the West 33.00 feet of the Northwest Quarter, except the South 247.35 feet and the North 1,308.00 feet thereof, of Section 9, Township 111 North, Range 41 West. Containing 1.64 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 1.64 acres in size, and abuts the City of Marshall by approximately 3% of its total border. The City of Marshall is approximately 4,574.8 acres in size.

5. The area proposed for annexation is generally flat with clay silt type soils.

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

7. The Town of Lake Marshall had a population of 759 in 1970, 570 in 1980, and a current population of approximately 570.

8. The area subject to annexation has not had any population on it since 1970.

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

10. The Town of Lake Marshall has land in residential use, commercial use, agricultural use, and vacant land.

11. Land in the area proposed for annexation is presently used as a public roadway. It is anticipated that the property will remain in this use if it is annexed.

12. The City of Marshall has a zoning ordinance, subdivision regulations, and a comprehensive plan. The annexation of the area under consideration is consistent with these ordinances and plans.

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

14. The City of Marshall presently provides the area under consideration with street improvements and maintenance and administrative services.

15. The city is willing to provide the area proposed for annexation with all of the services it presently provides residents of the City of Marshall, which it is not presently providing the area under consideration, if it is annexed.

16. The Town of Lake Marshall presently provides the area under consideration with fire protection, pursuant to a contract with the City of Marshall, as well as street improvements and maintenance and administrative services.

17. The area proposed for annexation is a roadway access connecting a large residential area of the City of Marshall to the existing Trunk Highway #23 bypass.

18. The City of Marshall intends to upgrade and improve the

roadway if the property is annexed.

19. There are no existing or potential environmental problems in the area proposed for annexation. The city hopes that by upgrading the road, the dust created by traffic on the road will be abated.

20. The assessed valuation in 1983/84 of the City of Marshall is \$50,303,918.

21. The assessed valuation of the Town of Lake Marshall in 1984 is \$7,438,522.

22. The assessed valuation of the area proposed for annexation in 1983 was \$1,600.

23. The county mill rate for 1983/84 is 18.88. The City of Marshall mill rate for 1983/84 25.38. The Town of Lake Marshall has no mill rate for 1984. The mill rate for the school district for 1983/84 is 44.65. The mill rate for the Special Taxing District in 1983/84 is .06.

24. The total bonded indebtedness of the City of Marshall is \$16,000,000. The Town of Lake Marshall has no bonded indebtedness.

25. The fire rating for the Town of Lake Marshall is 10 and for the City of Marshall is 5.

26. The annexation of the area proposed for annexation will not adversely impact Lake Marshall Township.

27. The school district which services the City of Marshall and the area proposed for annexation will not be adversely impacted because of the proposed annexation.

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

29. The annexation is consistent with the joint resolution for orderly annexation between the Town of Lake Marshall 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. 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.

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 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.

3. IT IS FURTHER ORDERED: That the effective date of this order is May 24, 1984.

Dated this 24th day of May, 1984.

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


Terrence A. Merritt
Executive Director