

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE JOINT RESOLUTION)
OF THE CITY OF MARSHALL AND THE TOWN)
OF FAIRVIEW FOR THE ORDERLY ANNEXATION)
OF CERTAIN LAND TO THE CITY OF MARSHALL)
PURSUANT TO MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414 on May 1, 1985, at Marshall, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance was County Commissioner Paul Knoblauch Ex-Officio Member of the Board. The City of Marshall appeared by and through Duane Aden, City Engineer. The Town of Fairview appeared by and through Bruce DeVos, 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. That 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 February 22, 1985, 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 Southeast Quarter of the Southeast Quarter of Section 33, Township 112N, Range 41W described as follows:

Beginning at a point 33.0 feet West of the Southeast Corner of said Southeast Quarter of Section 33; thence North 552.0 feet more or less to the point of intersection with the Southeasterly Right of Way line of North 4th Street; thence South 44°20'00" West along the Southeasterly Right of Way line of North 4th Street for a distance of 183.3 feet; thence North 45°40'00" West for a distance of 66 feet; thence South 44°20'00" West along the Northwesterly Right of Way line of North 4th Street for a distance of approximately 750 feet to the point of intersection with the South line of said Southeast Quarter of Section 33; thence East on the South line of the said Southeast Quarter of Section 33 for a distance of Approximately 680 feet to the point of beginning.

Said parcels contain 5.07 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 5.07 acres in size, and abuts the City of Marshall by approximately 65% of its total border. The City of Marshall is approximately 4,576.44 acres in size.

5. The area proposed for annexation is rolling terrain with clay silt type soils.

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

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

8. The area subject to annexation has not had any population on it since 1970. It is projected that in five years the area subject to annexation will have a population of 30.

9. The City of Marshall has land in residential use, institutional use,

commercial use, agricultural use, and vacant land.

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

11. Land in the area proposed for annexation is presently in either agricultural use or vacant land.

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. In addition to the services the city presently provides the annexation area, 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 the area is annexed.

16. The Town of Fairview 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 vacant land, as well as a portion of North Fourth Street, which is also C.A.R. No. 67. It is anticipated that the vacant land which is a part of a larger tract already located within the City of Marshall will be developed for residential use.

18. There are no existing or potential environmental problems in the area proposed for annexation.

19. The assessed valuation in 1984/85 of the City of Marshall is

\$51,299,295.

20. The assessed valuation of the Town of Fairview in 1984/85 is \$7,142,915.

21. The assessed valuation of the area proposed for annexation in 1984 was \$4,200.

22. The county mill rate for 1984/85 is 18.636 for the city and 19.390 for the township. The City of Marshall mill rate for 1984/85 is 27.680. The Town of Fairview mill rate for 1984/85 is 2.520. The mill rate for the school district for 1984/85 is 44.960. The mill rate for the Special Taxing District in 1984/85 is .070.

23. The total bonded indebtedness of the City of Marshall is \$16,571,000. The Town of Fairview has no bonded indebtedness.

24. The fire rating for the Town of Fairview is 10 and for the City of Marshall is 5.

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

26. The school district which services the City of Marshall and the area proposed for annexation will not be adversely impacted if the proposed annexation are is annexed.

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

28. 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. 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

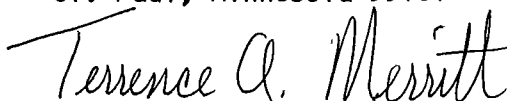
1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2, be and the same hereby is annexed to the City of Marshall, Minnesota, the same as if it had been originally a part thereof.

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 July 26, 1985.

Dated this 26th day of July, 1985.

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


Terrence A. Merritt
Executive Director