

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Paul Knoblauch	Ex-Officio Member
John Wreath	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 CERTAIN LAND TO THE CITY OF MARSHALL   )  
PURSUANT TO MINNESOTA STATUTES 414        )

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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 July 1, 1987, 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 John W. Carey, Commissioner, and 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 made no formal 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 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 April 2 1987, 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:

All that part of the Northwest Quarter (NW 1/4) of Section Thirty-Three (33), Township One Hundred Twelve (112), Range Forty-one (41), lying West of the right of way of the Willmar and Sioux Falls Railway Company described as follows, to-wit: Commencing at a point 1317 feet South of the Northwest corner of the said Northwest corner of the said Northwest Quarter of Section 33, and running thence North along said section line, a distance of 240 feet, thence East at right angles, a distance of 300 feet, thence South at right angles, a distance of 240 feet, thence West at right angles, a distance of 300 feet to the point of beginning.

Said parcel contains 1.65 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 1.65 acres in size, and abuts the City of Marshall by approximately 72% of its total border. The City of Marshall is approximately 4,583.51 acres in size.

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

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

7. In 1970 the Town of Fairview had a population of 680, in 1980 its population was 560, its current population is approximately 561, and it is projected that in five years it will have a population of approximately 561.

8. The area subject to annexation has no population.

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

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

11. The property proposed for annexation is presently zoned for agricultural use and proposed for industrial type development, if annexed.

The annexation area is adjacent to the Marshall Industrial Park.

12. The City of Marshall has a zoning ordinance, subdivision regulations, an official map, capital improvements and budget, fire code, floodplain ordinance, sanitation ordinance, 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 water, sanitary sewer, street improvements and maintenance and administrative services.

15. If annexed, the City of Marshall is willing to provide the area proposed for annexation with all of the services that it presently provides its residents and is not presently providing the annexation area.

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 located east of Trunk Highway No. 59.

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

19. The 1987 assessed valuation for the City of Marshall is \$53,701,644.

20. The 1987 assessed valuation for the Town of Fairview is \$4,903,275.

21. The 1987 assessed valuation for the area proposed for annexation is \$6,372.

22. The county mill rate for 1987 is 26.822 for the city and 28.123 for the town. The City of Marshall's mill rate for 1987 is 28.727. The Town of Fairview's mill rate for 1987 is 3.671. The mill rate for the school district for 1987 is 47.709. The mill rate for the Special Taxing District in 1987 is .109.

23. The total bonded indebtedness of the City of Marshall is \$20,352,000. The Town of Fairview has no bonded indebtedness.

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

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

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 area 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 August 14, 1987.

Dated this 14th day of August, 1987.

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

  
Terrence A. Merritt  
Executive Director