

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE JOINT RESOLUTION)
OF THE CITY OF COTTONWOOD AND THE TOWN)
OF LUCAS FOR THE ORDERLY ANNEXATION OF)
CERTAIN LAND TO THE CITY OF COTTONWOOD)
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 on February 8, 1984 at Cottonwood, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414, Subdivision 12. Also in attendance were County Commissioners John Wreath and Dr. William Merritt, Ex-Officio Members of the Board. The City of Cottonwood was represented by Greg Isaackson, City Clerk, and the Town of Lucas was represented by Jim Boerboom, Town Board Chairman. 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 Cottonwood and the Town of Lucas 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 Cottonwood, on November 22, 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:

Lakeview Estates Second Addition and Idso First Addition, Lucas Township, Lyon County, Minnesota.

3. Due, timely and adequate legal notice of the hearing was published, served, and filed.

4. The area subject to annexation is unincorporated, approximately 29 acres in size, and abuts the City of Cottonwood by approximately 4.5% of its total border.

5. The area proposed for annexation has long, gently sloping terrain ranging from a high elevation of 1082 feet on the north end of Lakeview Estates Second Addition to 1064 feet on the east end of Lakeview Estates Second Addition. The area is adjacent to Cottonwood Lake on its east and north sides. There is a pond located on the northeast corner of the area. A private drainage ditch runs north to south on the east end of the area proposed for annexation.

6. In 1970, the City of Cottonwood had a population of 794, in 1980 its population was 924, and its current population is 917.

7. The Town of Lucas had a population of 335 in 1970, in 1980 its population was 321, and its current population is 307.

8. The area proposed for annexation had a population of 5 in 1970, 36 in 1980, and its current population is 44.

9. The City of Cottonwood has a zoning ordinance enforced throughout its existing boundaries.

10. Pursuant to the joint orderly annexation agreement, the City of Cottonwood's planning and zoning regulations have been extended to all areas

designated for orderly annexation effective December, 1983.

11. The area proposed for annexation will be zoned for single-family residential purposes.

12. The present pattern of physical development in the area proposed for annexation is single-family residential development.

13. The City of Cottonwood provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and ambulance service.

14. The city presently provides the area proposed for annexation with water, sanitary sewer and wastewater treatment to that portion of the area proposed for annexation described as Lakeview Estates Second Addition, fire protection, street maintenance, recreational opportunities, and ambulance service.

15. The City of Cottonwood is willing to provide the area proposed for annexation with all of the services it presently provides residents of the City of Cottonwood.

16. The Town of Lucas provides the area proposed for annexation with street improvements and maintenance and administrative services.

17. Presently cable t.v. and natural gas are provided to the area proposed for annexation through the city's system.

18. The road in the area proposed for annexation would be improved with a bituminous surface if annexed to the City of Cottonwood.

19. The city is presently hired by the township to provide snowplowing and grading to the area proposed for annexation..

20. The assessed valuation of the City of Cottonwood in 1984 is \$3,533,854. The city mill levy is 39.69. The city has a total bonded

Indebtedness of \$626,417.30.

21. The Town of Lucas has an assessed valuation in 1984 of \$6,284,500. The town has a mill levy in 1984 of 2.87. The town has no bonded indebtedness.

22. The area proposed for annexation has an assessed valuation in 1984 of \$137,882. The County of Lyon has a 1984 mill levy of 19.96. The school district has a mill levy of 37.54 for 1984. The Special Taxing District in the area proposed for annexation, as well as the town and the city, has a mill levy of .64 for 1984.

23. The fire insurance rating for the city, township, and the area proposed for annexation is 8.

24. The City of Cottonwood is the only municipality adjacent to the area proposed for annexation.

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

26. The annexation is consistent with the joint resolution for orderly annexation between the Town of Lucas and the City of Cottonwood.

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. Six 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 Cottonwood, 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 Cottonwood on the property herein ordered annexed shall be increased in substantially equal proportions over a period of six years to equality with the mill levy of the property already within the city.


3. IT IS FURTHER ORDERED: That the population of the City of Cottonwood is increased by 44 people.

4. IT IS FURTHER ORDERED: That the population of the Town of Lucas is decreased by 44 people.

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

Dated this 3rd day of August, 1984.

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

A handwritten signature in black ink, reading "Terrence A. Merritt". The signature is stylized with a large, looped initial "T" and a circular flourish at the end.

Terrence A. Merritt
Executive Director