

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Dr. 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 pursuant to Minnesota Statutes 414 on June 6, 1985, at Cottonwood, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chairman, and 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 Sherry Anderson, Town Board 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 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 April 15, 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 portion of Section 10, Township 113, Range 40, that is located west of the State Highway 23 right-of-way, except the following described parcel:

The following described real estate, situated in the County of Lyon, and State of Minnesota, to wit: That part of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) of Section Ten (10), Township One Hundred Thirteen (113) North, Range Forty (40) West of the Fifth Principal Meridian, Lyon County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 10; thence South 1 degree 06 minutes 13 seconds West (bearing orientated to the Minnesota State Plan Coordinate System South Zone) along the West line of said Section 10 a distance of 300.01 feet to the point of beginning of the tract to be described; thence continue South 1 degree 06 minutes 13 seconds west along the west line of said Section 10 a distance of 200.00 feet; thence South 88 degrees 13 minutes 56 seconds East 381.95 feet to the westerly right-of-way line of Trunk Highway 23 as shown on State Highway Plat No. 42=3 on file with the Lyon County Recorder; thence northerly a distance of 200.79 feet along a non-tangential curve (the westerly right-of-way line of said T.H. 23) concave to the west, having a radius of 5629.58 feet, a central angle of 2 degrees 02 minutes 37 seconds, and the chord of said curve is 200.77 feet in length and bears North 6 degrees 51 minutes 00 seconds East from the point of beginning of said curve; thence North 88 degrees 13 minutes 56 seconds West not tangent to said curve a distance of 402.06 feet to the point of beginning. Containing 1.81 acres, more or less, subject to County Road 75 right-of-way, as presently located and constructed, which lies westerly of the following described line:

Beginning at a point on the north line of the above described tract which is 24.66 feet easterly of the northwest corner thereof to a point on the south line of said tract which is 23.77 feet easterly of the southwest corner thereof.

All that part of Government Lot 5, located East of the Railway right-of-way, in Section Three (3), Township One Hundred Thirteen (113), Range Forty (40), West of the Fifth Principal Meridian, except easements of record, and except all that part of said Lot 5 taken by the State of Minnesota through Eminent Domain proceedings.

3. Due, timely and adequate legal notice of the hearing was published, served, and filed.
4. The area subject to annexation is unincorporated, approximately 41

acres in size, and abuts the City of Cottonwood by approximately 35% of its total border.

5. The area proposed for annexation has soils made up of canisteo clay loam, ves loam, with one to four percent slopes, and normania loam with one to three percent slopes. The area has generally long but gently sloping terrain.

6. In 1970, the City of Cottonwood had a population of 794, in 1980 its population was 924, its current population is 977, and it is projected that in five years it will have a population of 1,000.

7. The Town of Lucas had a population of 335 in 1970, in 1980 its population was 321, its current population is 279, and it is projected that in five years it will have a population of 279.

8. The area proposed for annexation had a population of 4 in 1970, 8 in 1980, its current population is 8, and it is projected that in five years it will have a population of 15.

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 highway/commercial and medium density industrial usage. The area proposed for annexation presently includes four single-family residences, which are two mobile homes, one conventional house, and one conventional house on an old farm site. The remaining land is presently being farmed.

12. The City of Cottonwood has land in residential use, institutional use, commercial use, agricultural use, and vacant land.

13. The Town of Lucas has land in residential use, institutional use,

agricultural use, and vacant land.

14. The area proposed for annexation is bordered on the east by State Highway 23 and County Road 75 on the west.

It is anticipated that County Highway 75 will be covered with a bituminous surface during this summer.

15. 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.

16. The city presently provides the area proposed for annexation with water, sanitary sewer, fire protection through a contract with the Town of Lucas, recreational opportunities, and ambulance service.

17. 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.

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

19. Presently two to three residences receive natural gas service and cable t.v. service. This is a service which the city generally provides only to those residences within the city.

20. The assessed valuation of the City of Cottonwood in 1985 is \$3,800,120. The city mill levy is 42.10. The city has a total bonded indebtedness of \$597,760.

21. The Town of Lucas has an assessed valuation in 1985 of \$5,946,749. The town has a mill levy in 1985 of 3.30. The town has no bonded indebtedness.

22. The area proposed for annexation has an assessed valuation in 1985 of \$25,021.

23. The County of Lyon has a 1985 mill levy of 19.39. The school district has a mill levy of 32.44 for 1985. The Special Taxing District in the area proposed for annexation, as well as the town and the city, has a mill levy of .71 for 1985.

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

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

26. 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.

27. 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 8 people.

4. IT IS FURTHER ORDERED: That the population of the Town of Lucas is decreased by 8 people.

5. IT IS FURTHER ORDERED: That the effective date of this order is September 5, 1985.

Dated this 5th day of September, 1985.

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


Terrence A. Merritt
Executive Director