

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Gerald Hollenkamp	Ex-Officio Member
Russell Streefland	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF HASTINGS AND THE)
TOWN OF MARSHAN FOR THE ORDERLY)
ANNEXATION OF CERTAIN LAND TO THE CITY)
OF HASTINGS)

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, as amended, on August 12, 1985, at Hastings, Minnesota. The hearing was conducted by Kenneth F. Sette, Chairman of the Municipal Board, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Russell Streefland and Gerald Hollenkamp, Ex-Officio Members of the Board. The City of Hastings appeared by and through Shawn Moynihan, Assistant City Attorney, the Town of Marshan appeared by and through Tim Wermager, Attorney at Law, and the petitioners appeared by and through Michael Ring, Attorney at Law. 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. A joint resolution for orderly annexation was adopted by the City of Hastings and the Town of Marshan 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 Hastings, on July 5, 1985, requesting the annexation of certain property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to annexation, which is as follows:

Parcel No. 1: Lot Six (6), Block (2), Sieben's 1st Addition, together with that portion of LeRoy Avenue and 162nd Street adjacent thereto, according to the plat thereof on file and of record in the office of the Dakota County Recorder.

Parcel No. 2: Outlot A, Sieben's 1st Addition, together with that portion of 162nd Street adjacent thereto, according to the plat thereof on file and of record in the office of the Dakota County Recorder.

Parcel No. 3: Lot Two (2), Powers Place, together with that portion of Upper 160th Street adjacent thereto and that portion of Cannon Street (a/k/a Levi Avenue) adjacent thereto, according to the plat thereof on file and of record in the office of the Dakota County Recorder.

Parcel No. 4: All of the vacated 1st Street and the vacated North 140 feet of Lester Avenue (f/k/a Williamson Street) and Lot One (1), except the South 48 feet thereof, and Lot Nine (9), except the South 86 feet thereof all in Powers Place, together with that portion of Upper 160th Street adjacent thereto, according to the plat thereof on file and of record in the office of the Dakota County Recorder.

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 agreement area, approximately 4.02 acres in size, and abuts the City of Hastings by approximately 26% of its perimeter.

5. The area proposed for annexation is relatively flat, well-drained terrain with soils having no significant constraints.

6. In 1970 the City of Hastings had a population of 12,179, its population in 1980 was 12,827, its current population is 13,430, and it is

projected that in five years it will have a population of 16,300.

7. The Town of Marshan had a population of 1,186 in 1970, a population of 1,655 in 1980, and its current population is 1,827.

8. The area proposed for annexation has a current population of approximately 65.

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

10. The area proposed for annexation has residential use and vacant land.

11. The Town of Marshan has land in residential use, institutional use, commercial use, and agricultural use.

12. The City of Hastings has a Comprehensive Plan and Zoning and Subdivision Regulations.

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

14. The city and the township presently share in providing the area proposed for annexation with fire protection through a Mutual Fire Protection Contract.

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 Hastings if the area is annexed. City sewer and water lines have been installed immediately adjacent to the residentially developed land in the annexation area. These lines have adequate capacity to serve the annexation area. The city will provide the annexation area with water and sewer within one year if the area is annexed.

16. Marshan Township provides the area proposed for annexation with solid waste collection and disposal, police protection, and street improvements and maintenance.

17. The area proposed for annexation has a single family dwelling, two eight-plexes, a four-plex, some undeveloped land and small portions of adjacent streets. (LeRoy Avenue, 162nd Street, 160th Street, and Levi/Cannon.) There are tentative plans to use the undeveloped area for parkland.

18. The buildings on the area proposed for annexation are served by privately-owned wells and septic systems.

19. There are existing and potential environmental problems in the annexation area. Tests have shown high nitrate levels in wells in the annexation area. Extension of city services could resolve this problem.

20. In 1985 the assessed valuation of the City of Hastings is \$59,074,783.

21. In 1985 the assessed valuation of the Town of Marshan is \$10,345,532.

22. The assessed valuation of the area proposed for annexation in 1985 is \$146,740.

23. The mill rates for 1985 are: Dakota County 21.043, City of Hastings 30.125, Town of Marshan 8.400.

24. The school district has a 1985 mill levy of 54.839. The mill rate for the Special Taxing District in 1985 is 1.403.

25. The bonded indebtedness for the City of Hastings, as of 1985, is \$9,475,000. The Town of Marshan has no bonded indebtedness.

26. The fire insurance rating is 5 for the City of Hastings and the Town of Marshan.

27. The proposed annexation will not impact on the school district.

28. The City of Hastings 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 Marshan and the City of Hastings.

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 annexation would be in the best interests of the area proposed for annexation.

4. The annexation is consistent with the terms of the joint resolution for orderly annexation.

5. Four 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 for the mill levy step up.

6. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same is hereby annexed to the City of Hastings, 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 Hastings on the property herein ordered annexed shall be increased in substantially equal proportions over a period of four 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 Hastings is increased by 65 persons.

4. IT IS FURTHER ORDERED: That the population of the Town of Marshan is decreased by 65 persons.

5. IT IS FURTHER ORDERED: That the effective date of this order is September 30, 1985.

Dated this 30th day of September, 1985.

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


Patricia D. Lundy
Assistant Director

M E M O R A N D U M

The annexation meets the statutory criterion of M.S. 414.0325, Subdivision 3. There was no dispute at the hearing that the annexation area is urban or suburban in character. Additionally, the testimony at the hearing demonstrated to the board existing and potential environmental pollution problems and the need for city services to resolve them. The water in the wells contain a high nitrate level. Some of the septic systems are 20 years old. The petitioner is paying approximately \$500.00 per month to pump the septic systems.

The welfare of the 65 people in the annexation area was of primary concern to the board in approving the annexation.

Another significant concern of the board is that all parties are not continuing to work together as the joint orderly annexation agreement anticipated. To that end, the board encourages all parties and property owners to work together to resolve issues of mutual concern, not only in this annexation, but for future annexations, for the benefit of the entire community.

A handwritten signature in cursive script, appearing to be "J. A. L.", located at the bottom right of the page.