

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Richard A. Sand	Vice Chair
Shirley J. Mihelich	Commissioner
Steve Loeding	Ex-Officio Member
John Voss	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 February 26, 1986, at Hastings, 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, Chair, Richard A. Sand, then Vice Chair, Shirley J. Mihelich, Commissioner, and County Commissioner John Voss, Ex-Officio Member of the Board. The City of Hastings appeared by and through Gary Brown, City Administrator, and the Town of Marshan 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. 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 November 27, 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:

"All that property fronting on Malcolm Avenue between 160th St. and Trunk Highway 316 more particularly described as:

Lots 1 - 11, Block 1; Lots 1 - 14 Block 2; Lots 1 - 7, Block 3; all of Block 4; the metes and bounds parcel immediately south of Block 4 said parcel being 150' x 150'; Lots 1 - 6 Block 5; and Lots 1 - 7 Block 6, all in Sunny Acres Addition to Marshan Township, being a part of the NE 1/4 of Section 3, T114N, R17W."

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 22.2 acres in size, and abuts the City of Hastings by approximately 90% of its perimeter. The City of Hastings is approximately 6,650 acres in size.

5. The area proposed for annexation is generally flat or gently rolling terrain. The topsoil includes silty sand, in varying depths of 2 to 4 feet. Underlying the topsoil is silty sand or sand of medium to fine grain.

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 13,600.

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 1,770.

8. The area proposed for annexation had a population of 90 in 1970, a population of 95 in 1980, and its current population is 95.

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 some 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.

The city has included proposed extension of sewer and water to the annexation area along Malcolm Avenue within its 1986 capital improvements program. Presently sewer and water mains lie north of the area proposed for annexation along 160th Street. These mains have sufficient capacity to service the area proposed for annexation. 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, fire protection, street improvements and

maintenance, administrative services, and recreational opportunities.

17. The area proposed for annexation has single-family residences thereon. There is some undeveloped land. Malcolm Avenue, the street serving the residences, is also within the area.

18. The buildings in 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 some wells in the annexation area. Extension of city services could resolve this problem.

20. In 1986 the assessed valuation of the City of Hastings is \$65,546,764.

21. In 1986 the assessed valuation of the Town of Marshan is \$10,820,240.

22. The assessed valuation of the area proposed for annexation in 1986 is \$479,717.

23. The mill rates for 1986 are: Dakota County 21.936, City of Hastings 31.081, Town of Marshan 8.423.

24. The school district has a 1986 mill levy of 64.743. The mill rate for the Special Taxing District in 1986 is 1.389.

25. The bonded indebtedness for the City of Hastings, as of 1986, is \$11,500,000. The Town of Marshan has no bonded indebtedness.

26. The fire insurance rating is 5 for the City of Hastings and 9 for the Town of Marshan.

27. The proposed annexation will not impact on the school district. The area proposed for annexation and the City of Hastings are within the same 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 95 persons.

4. IT IS FURTHER ORDERED: That the population of the Town of Marshan is decreased by 95 persons.

5. IT IS FURTHER ORDERED: That the effective date of this order is March 28, 1986.

Dated this 28th day of March, 1986.

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

A handwritten signature in black ink that reads "Terrence A. Merritt". The signature is written in a cursive style with a large, sweeping initial "T".

Terrence A. Merritt
Executive Director