

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Russell Streefland	Ex-Officio Member
Donald Maher	Ex-Officio Member

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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 )  
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FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on January 15, 1987, 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, Shirley J. Mihelich, Vice Chair, and County Commissioners Donald Maher and Russell Streefland, Ex-Officio Members of the Board. The City of Hastings appeared by and through Gary Brown, City Administrator, and the Town of Marshan appeared by and through Pat Farrell, 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 December 8, 1986, 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:

Lots 2 thru 14 Bernard Acres; also a strip of land 200' in depth lying adjacent to and immediately west of the westerly right of way of Trunk Highway 316 bounded on the north by the westerly extension of the center line of 31st Street (160th St.) and bounded on the south by a line parallel with the centerline of 31st St. and 1270 feet southerly thereof. Also included is the right of way of Trunk Highway 316 between the centerline of 31st St. and a line 1270 feet southerly thereof. All of the above property lies in the NE 1/4 of the Northwest One Quarter of Section 3, T114N, R17W, located in Marshan Township, Dakota 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, within the orderly annexation agreement area, approximately 14.71 acres in size, and abuts the City of Hastings by approximately 25% of its perimeter. The City of Hastings is approximately 6,627 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 13,837, and it is projected that in five years it will have a population of 14,200.

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 1,610.

8. The area proposed for annexation had a population of 34 in 1970, a

population of 34 in 1980, and its current population is 34.

9. The City of Hastings has approximately 1,984 acres in residential use, approximately 2,042 acres in institutional use, approximately 114 acres in commercial use, approximately 160 acres in industrial use, and approximately 2,327 acres in agricultural use.

10. The area proposed for annexation has approximately 5.96 acres in residential use, approximately 3.15 acres in institutional use, and approximately 5.60 acres of vacant land.

11. The Town of Marshan has approximately 639 acres in residential use, approximately 895 acres in institutional use, approximately 40 acres in commercial use, approximately 8 acres in industrial use, and approximately 21,026 acres in agricultural use.

12. The City of Hastings has a Comprehensive Plan, zoning and subdivision regulations, an official map, capital improvements program and budget, fire code, floodplain ordinance, and sanitation ordinance.

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. Fire protection to the annexation area is presently provided by the town through a contract with the city.

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.

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, which are the same services the town provides the rest of the township.

17. The annexation area east of T.H. 316 is developed with single-family residences and several vacant lots. The land west of T.H. 316 is presently vacant. It is anticipated that the vacant land west of T.H. 316 will be developed commercially or multi-family residential.

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 1987 the assessed valuation of the City of Hastings is \$61,959,196.

21. In 1987 the assessed valuation of the Town of Marshan is \$9,008,965.

22. The assessed valuation of the area proposed for annexation in 1987 is approximately \$212,375.

23. The mill rates for 1987 are: Dakota County 23.793, City of Hastings 32.062, Town of Marshan 10.179.

24. The school district has a 1987 mill levy of 68.024. The mill rate for the Special Taxing District in 1987 is 1.570.

25. The bonded indebtedness for the City of Hastings in 1987 is \$22,120,000. 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.

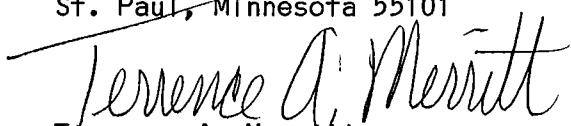
3. IT IS FURTHER ORDERED: That the population of the City of Hastings is increased by 34 persons.

4. IT IS FURTHER ORDERED: That the population of the Town of Marshan is decreased by 34 persons.

5. IT IS FURTHER ORDERED: That the effective date of this order is March 16, 1987.

Dated this 16th day of March, 1987.

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



Terrence A. Merritt  
Executive Director

M E M O R A N D U M

In approving the proposed annexation, the board focuses upon the need of the residences in the area proposed for annexation to receive city sanitary sewer and water to address the high nitrate problem found in some of the wells. While approving the annexation, the board takes this opportunity to express concerns in two specific areas.

First, the board hopes that the City of Hastings is able to develop some form of deferral for any assessments for the sanitary sewer and water for the land west of T.H. 316 until 1988 . The parties agree that the area is developable and will be annexed into the city by 1988. The board hopes the city will look at some form of limited deferral for a little more than a year. Thus, the necessary sanitary sewer and water can be extended to resolve the pollution problem without unnecessarily burdening those property owners presently not in immediate need of the services.

Secondly, the board is mindful that the orderly annexation agreement called for a majority of petitioners to initiate this proceeding. The proposed area left a peninsula of township property east of the area presently approved for annexation. If the board expanded the area before it to include the peninsula, another hearing would be required. The additional hearing would delay the extension of needed sewer and water into the originally proposed area. The board determined that such a delay in this instance wasn't merited given the existing health problem. The board hopes that future proposals will not create such issues or problems.

JAM 3-16-87