

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 11, 1988, 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 Shirley J. Mihelich, Chair, John W. Carey, Vice Chair, and Kenneth F. Sette, Commissioner. The City of Hastings appeared by and through Tom Harmening, City Planner. 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 April 6, 1988, 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:

1. Lots 1 - 8, Blk 1 Siebens 1st Addition
2. Lots 1 - 5 and Lots 8 - 10, Blk 2 Siebens 1st Addition
3. Lots 3 - 9 and Outlots A, B, C & D Powers Place
4. Lots 1 - 6 and 9 - 13 Sunset View Addition
5. Lot 1, Lots 15 - 17, and Outlot A Bernard Acres
6. Lots 1 - 9 and Outlot A Windy Acres
7. Lots 1 - 6, Blk 1; Lots 1 - 7 Blk 2; Lots 1 - 8, Blk 3 Green Plains
8. The unplatted areas of the NW 1/4 of Section 3 T114N R17W more particularly described as follows:

Beginning on the north line of said Section 3 at its intersection with the centerline of T.H. 61; thence southwesterly and south along the centerline of T.H. 61 to the south line of the NW 1/4 of said Section 3; thence east along the south line of the NW 1/4 of said Section 3 to the southeast corner of the NW 1/4 of said Section 3; thence north along east line of the NW 1/4 of said Section 3 to the centerline of T.H. 316; thence northwesterly along the centerline of T.H. 316 to the north line of said Section 3; thence west along the north line of said Section 3 to the centerline of T.H. 61 and the point of beginning, excepting therefrom 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 centerline 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.

9. The unplatted areas of the NE 1/4 of Section 3, T114N, R17W currently outside the City Limits of Hastings more particularly described as follows:

A. Beginning on the west line of the NE 1/4 of said Section 3 at its intersection with the easterly line of Lots 2 thru 9 Bernard Acres; thence northerly along the west line of NE 1/4 of Section 3 T114N R17W to the center of 31st St. (160th St.); thence east along the center of 31st St. to the west line of Sunny Acres No. 2; thence south along the west line of Sunny Acres No. 2 and No. 3

and along its southerly extension thereof to a point on a line, said line being the easterly extension of the south line of Outlot A Windy Acres; thence southwesterly along a line, said line being the easterly extension of the south line of Outlot A Windy Acres, to the southeast corner of Outlot A Windy Acres; thence northwesterly along the easterly line of said Outlot A to the northeast corner of Outlot A and the point of beginning.

B. Beginning at the southwest corner of the NE 1/4 of said Section 3, thence northerly on the west line of the NE 1/4 of said Section 3 to the centerline of TH 316, thence southeasterly along the centerline of TH 316 to the south line of the NE 1/4 of Section 3, thence westerly along the south line of the NE 1/4 of Section 3 to the point of beginning, except that part platted as Green Plains Addition.

Also the street rights of way and Trunk Highway rights of way adjacent to the above properties shall be included in the properties to be annexed.

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 211 acres in size, and abuts the City of Hastings by approximately 75% of its perimeter. The City of Hastings is approximately 6,670 acres in size.

5. The Town of Marshan is approximately 22,593 acres in size.

6. 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.

7. In 1970 the City of Hastings had a population of approximately 12,179, its population in 1980 was approximately 12,827, its current population is approximately 14,167, and it is projected that in five years it will have a population of approximately 15,300.

8. The Town of Marshan had a population of approximately 1,186 in 1970, a population of approximately 1,655 in 1980, its current population is approximately 1,678, and it is projected that in five years it will have a

population of approximately 1,900.

9. The area proposed for annexation had a population of approximately 225 in 1970, a population of approximately 265 in 1980, its current population is approximately 265, and it is projected that in five years it will have a population greater than 265.

10. The City of Hastings has approximately 1,568 acres in residential use, approximately 2,343 acres in institutional use, approximately 140 acres in commercial use, approximately 188 acres in industrial use, and approximately 2,431 acres in agricultural use.

11. The area proposed for annexation has approximately 53 acres in residential use, approximately 22 acres in institutional use, approximately 17 acres in commercial use, approximately 100 acres in agricultural use, and approximately 19 acres vacant land.

12. The Town of Marshan has approximately 633 acres in residential use, approximately 892 acres in institutional use, approximately 40 acres in commercial use, approximately 8 acres in industrial use, and approximately 21,020 acres in agricultural use.

13. 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.

14. The Town of Marshan has zoning and subdivision regulations, an official map, capital improvements program and budget, fire code, and a comprehensive plan.

15. Dakota County has an official map, capital improvements program and budget, shoreland ordinance, floodplain ordinance, wild and scenic rivers ordinance, a sanitation ordinance, and a comprehensive plan.

16. 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.

17. 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.

18. The Town of Marshan provides the area proposed for annexation with solid waste collection and disposal, fire protection through a contract with the City of Hastings, street improvements and maintenance, administrative services, and recreational opportunities, which are the same services the town provides the rest of the township.

19. The City of Hastings has 79 miles of highways, streets, and roads.

20. If annexed, the area proposed for annexation will have some parcels zoned commercial and some parcels zoned residential.

21. The buildings in the area proposed for annexation are presently served by privately owned wells and septic systems.

22. If the area proposed for annexation is annexed, the City of Hastings will extend water and sewer to that area in 1989 and will require hookup within one year.

23. 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.

24. In 1988 the assessed valuation of the City of Hastings is \$79,731,990.

25. In 1988 the assessed valuation of the Town of Marshan is \$9,749,986.

26. The assessed valuation of the area proposed for annexation in 1988 is

approximately \$2,005,555.

27. The mill rates for 1988 are: Dakota County 23.990, City of Hastings 29.696, Town of Marshan 10.197.

28. The school district has a 1988 mill levy of 58.611. The mill rate for the Special Taxing District in 1988 is 6.990.

29. The bonded indebtedness for the City of Hastings in 1988 is \$20,424,891. The Town of Marshan has no bonded indebtedness.

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

31. 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.

32. The City of Hastings is the only municipality adjacent to the area proposed for annexation.

33. 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 residential portion of the annexed area or to comply with terms and conditions of the orderly annexation agreement for the mill levy step up as it relates to residential property.

6. 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 is hereby annexed effective July 1, 1988, 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 residential 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.

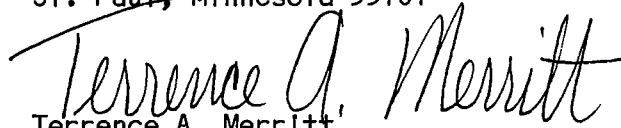
3. IT IS FURTHER ORDERED: That the population of the City of Hastings is increased by 265 persons, at the time of the annexation.

4. IT IS FURTHER ORDERED: That the population of the Town of Marshan is decreased by 265 persons, at the time of the annexation.

5. IT IS FURTHER ORDERED: That the effective date of this order is June 24, 1988.

Dated this 24th day of June, 1988.

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

The board notes that there was no opposition at the hearing on the land proposed for annexation. While the annexation will result in the loss of assessed valuation to the town, the board notes that the Orderly Annexation Agreement provides for reimbursement over a four-year period for lost taxes from the city to the town. The board praises the cooperation of all of the parties. The board is confident that this spirit of cooperation will continue. JAM 6-24-88