

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Robert N. Hodapp	Ex-Officio Member
Bill Maher	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
OF THE CITY OF AMBOY AND THE TOWN OF)
SHELBY FOR THE ORDERLY ANNEXATION OF)
CERTAIN LAND TO THE CITY OF AMBOY)
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 August 13, 1986, at Amboy, 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 Bill Maher and Robert N. Hodapp, Ex-Officio Members of the Board. The City of Amboy was represented by Linda Thorson, City Administrator Clerk-Treasurer, and the Town of Shelby 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. That a joint resolution for orderly annexation was adopted by the

City of Amboy and the Town of Shelby 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 Amboy, on June 18, 1986. The resolution contained all of the Information required by statute including a description of the property subject to annexation, which is as follows:

(a). An undivided one-half interest in and to:

A tract of land in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Five (105), Range Twenty-eight (28) described as follows: Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23), thence East along the South line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23), a distance of 555.05 feet to the point of beginning; thence continuing East along the said South line of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23) to a point 104.31 feet West of the Southeast corner thereof, thence North parallel with the East line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23) a distance of 208.8 feet, thence West parallel with the said South line of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23) to a point 555.05 feet East of the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section twenty-three (23), thence south parallel with the West line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section twenty-three (23) a distance of 208.8 feet to the point of beginning. Subject to an easement for Minnesota Trunk Highway No. 30 right-of-way described as follows: Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23), thence East along the South line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23) a distance of 555.05 feet to the point of beginning; thence continuing along the said South line of the Northeast Quarter of the Northeast Quarter of Section twenty-three (23) to a point 104.31 feet West of the Southeast corner thereof, thence North parallel with the east line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23) a distance of 44.7 feet to the Northerly right-of-way line of Minnesota Trunk Highway No. 30, thence West along the said Northerly highway right-of-way line to a point 555.05 feet East of the West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23), thence South parallel with the West line of the said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-three (23) a distance of 48.2 feet to the point of beginning;

(b). Beginning at a point 555.05 feet east of the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Five (105) North, Range Twenty-eight (28), thence North 264 feet, thence West 143.29 feet, thence South 264 feet, and thence East 143.29 feet to place of beginning, Blue Earth County, Minnesota;

(c). The East 100 feet of the following described tract of land; A tract of land in the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Five (105) North, Range Twenty-eight (28) West, described as follows: Commencing at a point 182.5 feet East of the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty-three (23), thence North 264 feet, thence East 229.26 feet, thence South 264 feet, thence West on the South line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section twenty-three (23), to the place of beginning;

(d). That certain tract of land commencing at a point 182.5 feet east of the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 23, Township 105, Range 28, thence North 264 feet, thence East 229.26 feet, thence South 264 feet, thence West on the South line of said Northeast Quarter of the Northeast Quarter of said Section 23 to the place of beginning, save and except the East 100 feet thereof;

(e). Commencing 148 $\frac{1}{2}$ feet East of the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-three (23), Township One Hundred Five (105), Range Twenty-eight (28) West, thence North 108 feet, thence West 14 feet, thence North 156 feet, thence East 48 feet, thence South 264 feet, thence West 34 feet to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Blue Earth 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, approximately 4.573 acres in size and abuts the City of Amboy by approximately 30%.

5. The area proposed for annexation has generally black soil with slightly sloped terrain.

6. The City of Amboy had a population of 571 in 1970, a population in of 606 in 1980, and its current population is 608. It is projected that in five years the City of Amboy's population will be 630.

7. The Town of Shelby had a population of 409 in 1970, a population in of 357 in 1980, and its current population is 362. It is projected that in five years the Town of Shelby's population will be 370.

8. In the area proposed for annexation, the current population is 4. It is projected that in five years it will have a population of 8.

9. The City of Amboy has a zoning ordinance.

10. The area is planned for both residential and industrial development.

11. The City of Amboy has land in residential use, institutional use, commercial use, and agricultural use.

12. The Town of Shelby has land in residential use, institutional use, commercial use, and agricultural use.

13. The area proposed for annexation has land in residential use. The area proposed for annexation is bordered by Highway 30.

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

15. The City of Amboy presently provides the area proposed for annexation with water, sanitary sewer, storm sewer, solid waste collection and disposal, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

The property owner's well had failed and he requested the city to

extend water, which was done, as well as the placing of a fire hydrant on that water line.

16. The Town of Shelby provides the area proposed for annexation with fire protection, street improvements and maintenance, and administrative services.

17. The home in the area proposed for annexation presently receives city water. Sanitary sewer lines are adjacent to the property and available for the property owner's use should the land be annexed and the service is needed.

18. The assessed valuation of the City of Amboy in 1985 was \$1,767,874.00. The city mill levy is 52.46. The city has a total bonded indebtedness of \$61,000.00.

19. The assessed valuation of the Town of Shelby in 1985 was \$7,520,429.00. The town mill levy is 5.06. The town has no bonded indebtedness.

20. The area proposed for annexation has an assessed valuation in 1985 of \$20,694.00.

21. The County of Blue Earth has a 1985 mill levy of 28.41. The school district's mill levy is 40.86. The Special Taxing District's mill levy is .14.

22. The City of Amboy is the only municipality adjacent to the area proposed for annexation.

23. The school district which services the City of Amboy and the area proposed for annexation will not be adversely impacted because of the proposed annexation.

24. The annexation is consistent with the joint resolution for orderly annexation between the Town of Shelby and the City of Amboy.

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.

ORDER

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 Amboy, 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 Amboy 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.

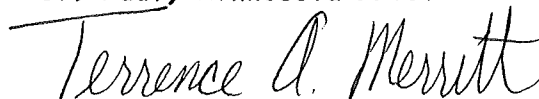
3. IT IS FURTHER ORDERED: That the population of the City of Amboy is increased by 4 people.

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

5. IT IS FURTHER ORDERED: That the effective date of this order is October 8, 1986.

Dated this 8th day of October, 1986.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt". The signature is written in dark ink and is positioned above the printed name and title.

Terrence A. Merritt
Executive Director

M E M O R A N D U M

The board takes this opportunity to commend both the Town of Shelby and the City of Amboy for their work on this annexation. The spirit of cooperation between the city and the town is very visible and led to an efficient presentation of evidence to the board. Further, the board is certain that the citizens of the community as a whole are benefited by your cooperation, and the board hopes the spirit of cooperation will continue to grow. TAM 10-8-86