

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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| Thomas J. Simmons | Chairman |
| Robert W. Johnson | Vice Chairman |
| Gerald J. Isaacs | Member |
| Roland Boegeman | Ex-Officio Member |
| Marvin Oldenburg | Ex-Officio Member |

 IN THE MATTER OF THE RESOLUTION)
 FOR ANNEXATION OF CERTAIN LAND)
 TO THE CITY OF JORDAN)

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 June 28, 1976 at Jordan, Minnesota and was continued from time to time. The hearing was conducted by Chairman Thomas Simmons. Also in attendance were County Commissioners Roland Boegeman and Marvin Oldenburg, ex-officio members of the Board. The City of Jordan appeared by and through Lee Labore and the Township of Sand Creek appeared by and through Lou Moriarity. 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. On May 3, 1976, a copy of a Notice of Intent to annex was filed with the Minnesota Municipal Board by the City of Jordan. Further procedural discussion is contained within the accompanying memorandum which is hereby incorporated by reference. The Notice of Intent contained all the information required by statute including a statement that the area proposed for annexation is 60 percent or more bordered by the city and a description of the territory subject to annexation which is as follows:

That part of the Southeast quarter of Section 18, Township 114, Range 23, described as follows: Commencing at the Southeast corner of the Southeast quarter of said Section 18; thence West along the South line of said Southeast quarter to its intersection with the Westerly right-of-way line of the Chicago and Northwestern Railway Company; thence Northeasterly along said Westerly right-of-way line of said railway to its

intersection with the East line of said Southeast quarter thence South along said East line to the point of beginning, all in Sand Creek Township, Scott County, Minnesota.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Sand Creek Township on March 30, 1976. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, Subds. 3 & 4 as required by M.S. 414.033, Subd. 3.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Jordan.
- b. The total area of the City of Jordan is 1,260 acres. The total area of the territory subject to annexation is 33 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 60%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Land is cut off from the rest of the city by a highway, a railway, and a stream. Also, the topography is irregular and the above mentioned highway divides the area under consideration.

4. Population Data

- a. The City of Jordan
 - 1) Past population growth: Slow growth through 1960 (1,479 pop.)
 - 2) Present population: In 1970, 1,836 persons.
 - 3) Projected population: By 1980, 2,500 persons.
- b. The area subject to annexation has approximately 7 families

5. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the Metropolitan Council. Annexation conforms to Scott

County's plan of development near urban centers. City plans include residential for this area. City is considering a comprehensive plan and expects this area to remain residential.

b. What land use controls are presently being employed.

1) In the City of Jordan

- a. Zoning - Yes
- b. Subdivision Regulations - Yes
- c. Housing and Building Codes - State Building Code
- d. Other - Building Inspector, State Plumbing Code

2) In the area to be annexed:

- a. Zoning - Sand Creek has zoning
- b. Subdivision Regulations - Yes
- c. Other - Sand Creek has a Planning Commission

c. Does the city require future growth space? Yes, Metropolitan Council projects approximately 125 more households in Jordan by 1980. The growth will further accelerate by 1990. If so, will the area subject to annexation provide the City of Jordan with necessary growth space? Yes, it is projected that this area can provide 13 residential units in addition to those already situated there. However, given alternative, better situated, residential land in Jordan, it is not clear that these units are required.

d. The present pattern of physical development is:

1) In the City of Jordan

- a) Residential - Yes
- b) Industrial - Yes
- c) Commercial - Yes
- d) Institutional - Yes

2) In the area subject to annexation: There is some residential development.

e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

a. Presently, the Township of Sand Creek provides the area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - No, contracts with Jordan
- 4) Police Protection - A constable
- 5) Street Improvements - Unknown
- 6) Street Maintenance - Yes
- 7) Recreational - Unknown

b. Presently, the City of Jordan provides its citizens with the following services:

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - 27 person, volunteer force, three pumpers, other vehicles, including new rescue unit.
- 4) Police Protection - 4 full-time officers, 24 hour service, 2 cars
- 5) Street Improvements - Yes
- 6) Street Maintenance - Various equipment, 2 full-time persons
- 7) Recreational - Year around recreational program, 2 parks another being developed.

c. Presently, the City of Jordan provides the area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract with Sand Creek, including entire township for over 20 years.
- 4) Police Protection - Informal assistance
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - All programs and facilities available.

d. Plans to extend municipal services to the area subject to annexation include the following: Property can be serviced for sewer by lateral extensions from present system. System designed to service 8,000 people. Jordan's water supply is also sufficient to service this area and existing lines are nearby. Street Department can service area; however, many services would be extremely difficult to provide because of Highway #169, a railroad track, and a creek.

e. There are existing or potential pollution problems which are: It is likely that the area has a sandy gravel, soil condition, increasing the likelihood that private system will pollute. The following additional services will help resolve this situation: City sewer; Jordan's treatment pond has not functioned properly but the capacity is sufficient and a study is underway to investigate the flaw.

7. Fiscal Data

- a. In the City of Jordan, the assessed valuation trend is rising, the mill rate garnered \$2.89 per \$100 valuation and the bonded indebtedness as of December 31, 1975 is \$1,173,000, \$715,000 being retired through special assessments.
- b. In the area subject to annexation, the assessed valuation of all five (5) parcels is \$90,000 (over 3 million in the entire township).
- c. The mill rate trends in the following units of government are:
 - 1) County - In 1974, \$3.43 per \$100 valuation
 - 2) School Districts - In 1974, \$4.90 per \$100 valuation
 - 3) Sand Creek Township - In 1976, 2.73 mills
- d. Will the annexation have any effect upon area school districts? No.

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 not about to become urban or suburban in character.
- 3. Municipal government is not required to protect the public health, safety, and welfare in the area subject to annexation.
- 4. The best interest of the City of Jordan and the area subject to annexation will not be furthered by annexation.
- 5. An order should be issued by the Minnesota Municipal Board denying the annexation proposal.

ORDER

IT IS HEREBY ORDERED: That the annexation proposal described herein is denied.

IT IS FURTHER ORDERED: That the effective date of this order is January 13, 1977.

Dated this 20th day of January, 1977

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101

William A. Neiman
William A. Neiman
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
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Secretary of State