

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC - 8 1982

Gerald J. Isaacs Chairman
Robert W. Johnson Vice Chairman
Thomas J. Simmons Member
Chet Rewerts Ex-Officio Member
William Merritt Ex-Officio Member

Jean Anderson House
Secretary of State

34272

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF MARSHALL AND THE)
TOWNSHIP OF LAKE MARSHALL FOR THE)
ORDERLY ANNEXATION OF CERTAIN LAND TO)
THE CITY OF MARSHALL)

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 1, 1978, at Marshall, Minnesota. The hearing was conducted by William A. Neiman, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Chet Rewerts and Dr. William Merritt, ex-officio members of the board. The City of Marshall appeared by and through Joseph Bott, and Lake Marshall Township was represented by Carl Fuhrmann. 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 Marshall and the Township of Lake Marshall and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, the City of Marshall, on March 16, 1978, requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

A parcel of land located in the Southeast Quarter of Section 8, T 111 N, R 41W; being more particularly described as follows: Beginning at the Northwest corner of Lot 1, Block 1, 7th Addition to Eatros Place, an Addition to the City of Marshall, MN according to the recorded plat thereof; Thence South assumed bearing along the West line of said 7th Addition 742.00 feet; Thence South 89° 56' 20" West along a prolongation of a line 10.00 feet South and parallel to the South line of the 5th Addition to Eatros Place, an Addition to the City of Marshall, 868.41 feet to a point on the West line of said Southeast Quarter; Thence North 00° 05' 00" West along said West line 696.86 feet to a point on the Southerly

right of way line of Country Club Drive; Thence North 53° 02' 34" East along said Southerly right of way line 329.66 feet; Thence South 152.13 feet; Thence East 606.00 feet to the point of beginning; (Except the Easterly 324.5 feet thereof); said tract of land contains 9.60 acres, more or less, and is subject to any right of way or easements now on record.

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Marshall.
- b. The total area of the City of Marshall is 4,164 acres. The total area of the territory subject to annexation is 9.6 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: 50%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: flat agricultural land with clay-loam type soils.

5. Population Data

- a. The City of Marshall
 - 1) Past population growth: 9,886 (1970)
 - 2) Present population: 10,215
 - 3) Projected population: 14,880 by 2000
- b. The area subject to annexation
 - 1) Past population growth: 0
 - 2) Present population: 0
 - 3) Projected population: Upon complete development, substantial growth.

6. 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 State Planning Agency? Marshall's Comprehensive Plan calls for residential development.
- b. What land use controls are presently being employed.
 - 1) In the City of Marshall:
 - a) Zoning - Yes
 - b) Subdivision regulations - Yes
 - c) Housing and building codes - Yes
 - 2) In the area to be annexed:
 - a) Zoning - Yes
 - b) Subdivision regulations - Yes
- d. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Marshall with necessary growth space? Yes.
 - 1) In the City of Marshall:
 - a) Residential - Yes
 - b) Industrial - Yes
 - c) Commercial - Yes
 - d) Institutional - Yes

2) In the area subject to annexation:

- a) Residential - Yes
- b) Industrial - No
- c) Commercial - No
- d) Institutional - No

7. Governmental Services

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

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract.
- 4) Police Protection - No
- 5) Street Improvements - No
- 6) Street Maintenance - Yes
- 7) Recreational - No

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

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - Yes
- 4) Police Protection - Yes
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Yes

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

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract.
- 4) Police Protection - No
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - No

d. Plans to extend municipal services to the area subject to annexation include the following: All services can be extended within a reasonable time.

e. There are no existing or potential pollution problems.

f. The City of Marshall is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next 3 years.

8. Fiscal Data

a. In the City of Marshall, the assessed valuation is \$30,727,605, the mill rate is 22.48, and the present bonded indebtedness is \$14,080,000.

b. In the area subject to annexation, the assessed valuation is \$51,100.

c. The mill rates in the following units of government are:

- 1) County - 19.73
- 2) School Districts - 47.12

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 now or is about to become urban or suburban in nature.

3. The City of Marshall is capable of providing the services

required by the area described herein within a reasonable time.

4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a three-year period.

5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of Lake Marshall, County of Lyon, State of Minnesota, be and the same hereby is annexed to the City of Marshall the same as if it had originally been made a part thereof:

A parcel of land located in the Southeast Quarter of Section 8, T 111 N, R 41W; being more particularly described as follows: Beginning at the Northwest corner of Lot 1, Block 1, 7th Addition to Eatros Place, an Addition to the City of Marshall, MN according to the recorded plat thereof; Thence South assumed bearing along the West line of said 7th Addition 742.00 feet; Thence South $89^{\circ} 56' 20''$ West along a prolongation of a line 10.00 feet South and parallel to the South line of the 5th Addition to Eatros Place, an Addition to the City of Marshall, 868.41 feet to a point on the West line of said Southeast Quarter; Thence North $00^{\circ} 05' 00''$ West along said West line 696.86 feet to a point on the Southerly right of way line of Country Club Drive; Thence North $53^{\circ} 02' 34''$ East along said Southerly right of way line 329.66 feet; Thence South 152.13 feet; Thence East 606.00 feet to the point of beginning; (Except the Easterly 324.5 feet thereof); said tract of land contains 9.60 acres, more or less, and is subject to any right of way or easements now on record.

IT IS FURTHER ORDERED: That the mill levy of the City of Marshall on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the effective date of this order is June 28, 1978.

Dated this 28th day of June, 1978.

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

William A. Neiman
William A. Neiman
Executive Director

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O.D.