

CHAPTER 414

INCORPORATION, DETACHMENT, ANNEXATION

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414.01 CREATION OF THE MINNESOTA MUNICIPAL BOARD.

[For text of subd 1, see M.S.1982]

Subd. 2. The board shall be composed of three members appointed by the governor, at least one of whom shall be learned in the law, and at least one of whom shall be a resident from outside of the metropolitan area as defined in section 473.02, subdivision 5. The board shall select from its members a chairman who shall have the powers and duties prescribed by the general law applicable to the heads of departments and agencies of the state. In proceedings before the board for the incorporation of a statutory city, consolidation of two or more municipalities, or annexation of unincorporated land to a municipality, two county commissioners of the board of the county in which all or a majority of the affected land is located shall serve on the board during such time as the board shall have under consideration said matter. The executive director of the board shall upon initiation of a proceeding for such incorporation, consolidation, or annexation notify the county auditor of the county in which the majority of the affected property is situated of the need for the appointment of the two county commissioners to the board. At the next succeeding meeting of the county board the commissioners shall designate the two appointed and shall thereupon immediately notify the Minnesota municipal board executive director of their action. The county commissioners shall represent districts which do not contain any of the affected territory. If commissioners from the unaffected districts are unavailable, commissioners from the affected district may serve.

[For text of subds 3 to 15, see M.S.1982]

History: 1983 c 305 s 24

414.0325 ORDERLY ANNEXATIONS WITHIN A DESIGNATED AREA.

Subdivision 1. **Initiating the proceeding.** One or more townships and one or more municipalities, by joint resolution, may designate an unincorporated area as in need of orderly annexation and may confer jurisdiction on the board over annexations in the designated area and over the various provisions in said agreement by submission of said joint resolution to the executive director. The resolution shall include a description of the designated area. Thereafter, an annexation of any part of the designated area may be initiated by submitting to the executive director a resolution of any signatory to the joint resolution or by the board of its own motion. Whenever the pollution control agency or other state agency pursuant to sections 115.03, 115.071, 115.49, or any law giving a state agency similar powers, orders a municipality to extend a municipal service to a designated unincorporated area, such an order will confer jurisdiction on the Minnesota municipal board to consider designation of the area for orderly annexation.

If a joint resolution designates an area as in need of orderly annexation and states that no alteration of its stated boundaries is appropriate, the board may review and comment, but may not alter the boundaries.

If a joint resolution designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by the board is necessary, the board may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.

[For text of subs 2 to 5, see M.S.1982]

History: 1983 c 18 s 1

414.07 APPEALS.

[For text of subd 1, see M.S.1982]

Subd. 2. **Grounds for appeal.** Any person aggrieved by any order of the board may appeal to the district court upon the following grounds:

- (a) that the board had no jurisdiction to act;
- (b) that the board exceeded its jurisdiction;
- (c) that the order of the board is arbitrary, fraudulent, capricious or oppressive or in unreasonable disregard of the best interests of the territory affected; or
- (d) that the order is based upon an erroneous theory of law.

The appeal shall be taken in the district court in the county in which the majority of the area affected is located. The appeal shall not stay the effect of the order. All notices and other documents shall be served on both the executive director and the attorney general's assistant assigned to the board.

If the court determines that the action of the board involved is unlawful or unreasonable or is not warranted by the evidence in case an issue of fact is involved, the court may vacate or suspend the action of the board involved, in whole or in part, as the case requires. The matter shall then be remanded to the board for further action in conformity with the decision of the court.

To render a review of a board order effectual, the aggrieved person shall file with the clerk of the district court of the county in which the majority of the area is located, within 30 days of the order, an application for review together with the grounds upon which the review is sought.

An appeal lies from the district court as in other civil cases.

History: 1983 c 247 s 150

414.08 APPEALS FROM DISTRICT COURT.

An appeal may be taken under the rules of civil appellate procedure by the Minnesota municipal board from a final order or judgment made or rendered by the district court when the board determines that the final order or judgment adversely affects the public interest.

History: 1983 c 247 s 151