

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Lawrence Fiecke	Ex-Officio Member
Earl Mathews	Ex-Officio Member

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

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 25, 1979, at Hutchinson, Minnesota. The hearing was conducted by the Executive Director, Terrence A. Merritt, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Lawrence Fiecke and Earl Mathews, ex-officio members of the Board. The City of Hutchinson appeared by and through M. D. Schantzen, City Attorney. No one appeared in opposition to the proposed annexation. 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, Conclusion of Law and Order.

FINDINGS OF FACT

I. That a joint resolution for orderly annexation was adopted by the City of Hutchinson and the Township of Lynn and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Hutchinson, on March 8, 1979 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:

North one-half of the Southeast Quarter of the Northeast Quarter
 of Section 12, Township 116 North, Range 30 West, McLeod County, MN.

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

IV. Geographic Features

A. The area subject to annexation is unincorporated and abuts the City of Hutchinson.

- B. The total area of the territory subject to annexation is approximately 20 acres.
- C. The perimeter of the area to be annexed is approximately 35% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluff is: open flat land.

V. Population Data

- A. The area subject to annexation:
 - 1. The present population is 0.

VI. Development Issues

- A. The pattern of physical development; including land already in use, in the process of being developed, and remaining for various uses.

- 1. Area in Use

- a. The City of Hutchinson contains residential, institutional, commercial, industrial, agricultural, and vacant land the exact proportion of each is not readily ascertainable.
- b. The Township of Lynn contains residential, institutional, commercial, agricultural, and vacant land the exact proportion of each is not readily ascertainable.

- 2. Area Remaining for Various Uses

- a. In the area subject to annexation:
 - 1. Testimony at the hearing that the area when annexed is proposed to be zoned commercial.

- B. Transportation:

- 1. The present transportation network is:
 - a. In the City of Hutchinson: State, County and City roads.
 - b. In the area subject to annexation: State and County roads.
- 2. There are no potential transportation issues.

VII. Governmental Services

- A. No evidence was given to show the services for the Town of Lynn.
- B. The City of Hutchinson provides its residents with the following services:
 - 1. Water: yes
 - 2. Sewer: yes
 - 3. Fire protection and rating: yes
 - 4. Police protection: yes
 - 5. Street improvements: yes
 - 6. Street maintenance: yes
 - 7. Recreational: yes
 - 8. Administrative services: yes
 - 9. Other: gas, yes

- C. The City of Hutchinson provides the area subject to annexation with the no services presently.
- D. The following services will be available to the annexed area within five years: sewer, water, police, fire, street maintenance, and improvements.

VIII. Tax Base

- A. In the City of Hutchinson, the tax base includes the following: residential property, commercial property, industrial property, agricultural property, vacant land and non-taxable property.
- B. In the Township of Lynn, the tax base includes the following: residential property, commercial property, agricultural land, vacant land, and non-taxable property.
- C. In the area subject to annexation, the tax base includes the following: Agricultural property in 1979 was valued at \$3122.00

IX. Tax Data

- A. In the City of Hutchinson:
 - 1. Mill rate in 1979 is 29.48.
- B. In the Township of Lynn:
 - 1. Mill rate in 1978 was 4.95.
- C. In the area subject to annexation:
 - 1. Mill rate in 1978 was 4.95.
- D. Mill rate in 1978:
 - 1. The County was 26.38.
 - 2. The School district was 53.13.
 - 3. The Township was 4.95.

X. Annexation to the City of Hutchinson is the best alternative.

- A. There is no relationship or effect on area school districts and on adjacent communities resulting from the annexation.
- B. The town government is inadequate to deliver services to the area proposed for annexation.
- C. The necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
- D. Present assessed valuation of proposed annexation area: \$3122.00.
- E. Lynn Township can continue to function without the area subject to annexation.

XI. The annexation is consistent with the joint agreement.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. 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.

III. The existing township form of government is not adequate to protect the public health, safety, and welfare.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation does not conflict with terms of the joint agreement.

VI. Five years will be required to effectively provide full municipal services to the annexed area.

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

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of McLeod, State of Minnesota, be and the same is hereby annexed to the City of Hutchinson, Minnesota, the same as if it had been originally made a part thereof:

North one-half of the Southeast Quarter of the Northeast Quarter of Section 12, Township 116 North, Range 30 West, McLeod County, MN.

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

VII. IT IS FURTHER ORDERED: That the effective date of this order is September 11, 1979.

Dated this 11th day of September, 1979

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director