

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

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IN THE MATTER OF THE JOINT RESOLUTION )	<u>FINDINGS OF FACT,</u> <u>CONCLUSIONS OF LAW,</u> <u>AND ORDER</u>
BETWEEN THE CITY OF HUTCHINSON AND THE )	
TOWN OF ACOMA FOR THE ORDERLY ANNEXATION )	
OF CERTAIN LAND TO THE CITY OF HUTCHINSON )	

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on September 26, 1979, at Hutchinson, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Municipal Board Members Robert J. Ferderer and County Commissioners Lawrence Fiecke and Earl Mathews, ex-officio members of the Board. The City of Hutchinson appeared by and through Mr. M. D. Schantzen, the Township of Acoma made no appearance. Testimony was heard, and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, file and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions 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 Acoma 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 July 16, 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:

The South 3/4 of the Northwest Quarter of the Southeast Quarter of Section 36, Township 117 North, Range 30 West, McLeod County, Minnesota. (Described in Book 120 of Deeds, Page 123, in the Office of the County Recorder, McLeod County, Minnesota, as the South Half of the South 60 Acres of the North 120 Acres of the West Half of the East Half of Section 36, Township 117 North, Range 30 West) Except the Westerly 20.00 Feet thereof.

Lying Northerly of a line parallel with and 300 Feet Northerly of, as measured at right angles to, the centerline of Trunk Highway No. 7 and 22.

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 25.3 acres.
- C. The perimeter of the area to be annexed is approximately 52% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: open rolling land.

V. Population Data

- A. The City of Hutchinson:
  - 1. In 1975, there were 9,360 residents.
  - 2. The present estimated population is 9569.
  - 3. By 1980, the projected population is 10,500.
- B. The area subject to annexation:
  - 1. The present estimated population is 0.
- C. The Township of Acoma:
  - 1. In 1975, there were approximately 693.
  - 2. The present estimated population is 693.

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 has residential, institutional, commercial, industrial, agricultural, and vacant land.
    - b. The area subject to annexation has residential and vacant land.
    - c. The Township of Acoma has residential, institutional, commercial, industrial, agricultural and vacant land.
- B. Transportation:
  - 1. The present transportation network is:
    - a. In the City of Hutchinson: State, County and City Streets
    - b. In the area subject to annexation: State, County, Township and City

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Hutchinson:
  - a. Zoning: yes
  - b. Subdivision Regulations: yes
  - c. Comprehensive Plan: yes
  - d. Fire Code: yes
  - e. Planning Commission: yes

VII. Governmental Services

A. The Town of Acoma provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection and rating: yes
4. Police protection: no
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: no
8. Administrative services: no

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

C. The City of Hutchinson provides the area subject to annexation with no services.

D. There are no existing or potential environmental problems.

E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the extension of sewer and water.

F. 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, and vacant land.

B. In the Township of Acoma, the tax base includes the following: residential property, commercial property, industrial property, agricultural land and vacant land.

C. In the area subject to annexation, the tax base includes the following: residential, agricultural and vacant land,

IX. Tax Data

A. In the City of Hutchinson:

1. Mill rate in 1979 is 29.48.

- B. In the Township of Acoma:
  - 1. Mill rate in 1979 is 4.19.
- C. In the area subject to annexation:
  - 1. Mill rate in 1979 is 4.9.
- D. Mill rate in the following jurisdictions:
  - 1. County in 1979 is 26.38.
  - 2. School district in 1979 is 53.13.
  - 3. Township in 1979 is 4.19.
- X. Annexation to the City of Hutchinson is the best alternative.
  - A. There is no relationship or effect on area school districts or on adjacent communities if the area is annexed.
  - B. The town government is inadequate to deliver services to the area proposed for annexation.
  - C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
  - D. Present assessed valuation of proposed annexation area: \$4,467.00
  - E. Acoma 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 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 there of:

The South 3/4 of the Northwest Quarter of the Southeast Quarter of Section 36, Township 117 North, Range 30 West, McLeod County, Minnesota. (Described in Book 120 of Deeds, Page 123, in the Office of the County Recorder, McLeod County, Minnesota, as the South Half of the South 60 Acres of the North 120 Acres of the West Half of the East Half of Section 36, Township 117 North, Range 30 West) Except the Westerly 20.00 Feet thereof.

Lying Northerly of a line parallel with and 300 Feet Northerly of, as measured at right angles to, the centerline of Trunk Highway No. 7 and 22.

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.

III. IT IS FURTHER ORDERED: That the effective date of this order is November 19, 1979.

Dated this 19th day of November, 1979

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



Terrence A. Merritt  
Executive Director