

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 TOWN OF HASSAN VALLEY 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 July 2, 1980 and January 28th, 1981 at Hutchinson, Minnesota. The hearings were conducted by Terrence A. Merritt, Executive Director and Thomas Simmons 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, the Township of Hassan Valley appeared by and through Kerry Olson and the petitioners appeared by and through M. D. Schantzen. 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

I. That a joint resolution for orderly annexation was adopted by the City of Hutchinson and the Township of Hassan Valley 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 May 19, 1980 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:

Tracts A, B, C, D and the North 732 feet of the West 120 feet of Tract E of Registered Land Survey No. 3 together with Tracts C, West 95 feet of Tract D, East 60.42 feet of Tracts E, F, G, H, I, J, K and L of Registered Land Survey No. 1 containing 35 Acres, Hassan Valley Township, McLeod County, Minnesota.

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

IV. The area subject to annexation is approximately 31.23 acres in size and abuts the City of Hutchinson along the property's northern boundary.

V. The area proposed for annexation is gently rolling with high ground in the western portion of the area and low ground in the center and eastern most sections of the area.

VI. The area proposed for annexation presently has no population.

VII. The present Hutchinson population is 9,558.

VIII. The City of Hutchinson's land is used for residential, institutional, commercial, industrial, some agricultural and vacant land uses.

In the south-eastern portion of the City of Hutchinson adjacent to the area proposed for annexation, there are presently two single family lots and three multiple dwelling lots available for development. Within this area of the City of Hutchinson, there is no other land for residential development.

IX. The Town of Hassan Valley, the land is used for residential, institutional, industrial, and agricultural purposes.

X. The area proposed for annexation is presently used for agricultural purposes with its intended use of single family and multiple family residential dwellings.

XI. The City of Hutchinson has a zoning ordinance, a subdivision regulation, a comprehensive plan that was updated in January of 1980 and a planning commission.

XII. The Town of Hassan Valley has a zoning ordinance, no subdivision regulations, no comprehensive plan and has a planning commission.

XIII. The proposed use of the area proposed for annexation is consistent with the zoning and comprehensive plan for the areas adjacent thereto within the City of Hutchinson. The area south of Century Avenue is projected by the Hutchinson Comprehensive Plan to have medium to high-density residential development, since that is near the vocational school, hospital, the 3M plant, an existing shopping center with 80,000 to 90,000 square feet, and a new shopping center under construction which will have approximately 200,000 square feet.

~~XXII~~ XIV. The City of Hutchinson provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements, street maintenance, recreational opportunities, administrative service, electricity and natural gas.

XV. The Town of Hassan Valley provides the area subject to annexation with fire protection, police protection, and street maintenance.

XVI. The City of Hutchinson provides street maintenance to the streets stubbed in adjacent to the area proposed for annexation.

XVII. The low spot on the eastern border of the area proposed for annexation will be filled in, and the City of Hutchinson plans to service that area with storm-water drainage which will take care of the runoff not only from the area proposed for annexation but also the area adjacent thereto lying east of the area proposed for annexation.

The City of Hutchinson would extend water, sanitary sewer, and storm sewer after the area has been leveled. If approval is received by June 1, 1981 from the City Council, the total installation of those utilities could be completed within 1981.

The City of Hutchinson will extend electrical service to the area as development occurs.

XVIII. The City of Hutchinson will extend gas service to the entire area with the major loop line being constructed over a period of approximately two to three years, unless residential construction demands require faster completion of the line. The City of Hutchinson does not intend to leave the major gas line deadended within the area proposed for annexation, as that could result in condensation within the line, the freezing of the condensation, and the potential cutoff of gas service to users thereof through the frozen condensation.

The extension of these services into the area proposed for annexation area can most economically be done at one time since Century Avenue, which all of the service must cross is an extremely difficult road to bore under. The area proposed for annexation will be serviced from one main trunk line extended underneath Century Avenue rather than several smaller trunk lines extended under Century Avenue over the course of a number of years, given the difficulty and the limited right of way available for all utilities.

XIX. The orderly annexation agreement between the City of Hutchinson and the Town of Hassan Valley states that the mill levy step up on the property within the orderly annexation area that is annexed to the City of Hutchinson should occur over a five year period. This time frame does not speak to the timing or availability of services to the area proposed for annexation.

XX. The tax base of the City of Hutchinson is its residential, commercial, industrial, vacant land, and agricultural property.

XXI. The Town of Hassan Valley tax base is its residential, industrial, agricultural, and vacant land.

XXII. The tax base in the area proposed for annexation is agricultural land.

XXIII. The mill rate, for the Town of Hassan Valley in 1980 was 4.94.

XXIV. The area proposed for annexation lies within the same school district as the City of Hutchinson, and its annexation thereto and does not adversely impact upon the school district.

XXV. There is no other municipality adjacent to the area proposed for annexation, so annexation to the City of Hutchinson is the only option.

XXVI. The Town of Hassan Valley cannot presently service the area proposed for annexation with sanitary sewer, storm sewer, water, electricity, and gas, which are needed if the area is to develop.

XXVII. The area proposed for annexation is too small to incorporate into its own governmental unit.

XXVIII. The present assessed valuation of the area proposed for annexation is: \$11,525.00.

XXIX. The Town of Hassan Valley will continue to function without the area proposed for annexation given its size and diversity of tax base.

XXX. 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 and the services provided thereunder are not adequate to protect the public health, safety, and welfare, the area proposed for annexation.

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

V. The annexation is consistent with the terms of the joint agreement.

VI. Five years will be required to effectively provide full municipal service to the annexed area, or to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up rate.

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:

Tracts A, B, C, D and the North 732 feet of the West 120 feet of Tract E of Registered Land Survey No. 3 together with Tracts C, West 95 feet of Tract D, East 60.42 feet of Tracts E, F, G, H, I, J, K and L of Registered Land Survey No. 1 containing 35 acres, Hassan Valley Township, McLeod County, Minnesota.

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 March 17, 1981.

Dated this 17th day of March, 1981

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



Terrence A. Merritt
Executive Director