

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on October 1, 1980, at Hutchinson City Hall, Hutchinson, Minnesota. The hearing was conducted by 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, the Township of Hutchinson appeared by and through the Town Supervisor, David Ondracek. 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 Hutchinson and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, City of Hutchinson, on July 29, 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:

Commencing at the Northwest corner of the South Half of the Southeast Quarter of Section 32, Township 117 North, Range 29 West; thence South 209 feet along the West line of said Southeast Quarter to the centerline of T.H. 7; thence Easterly along said centerline and extension thereof, a distance of 620 feet; thence South parallel to the said West line, a distance of 400 feet to the point of beginning; thence Easterly parallel to said centerline extension, a distance of 100 feet; thence South parallel to the said West line to the South line of said Section 32; then West along said South line to the East line of Clifton Heights Subdivision; thence North along said East line to a point West of the point of beginning; thence East parallel to the centerline of T.H. 7 to the point of beginning;

Together with Lots 1, 7, 8, 9, 10 and 11, except North 15 feet of Block 1, Lot 2 except West 25 feet, Lots 3, 4, 5, 6, 7, 8 and 9 in Block 2, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Block 3, Hilltop Drive except the West 100 feet, all of Mark Drive and Garden Road, all in Clifton Heights Subdivision.

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 16.16 acres.
- C. The perimeter of the area to be annexed is approximately 65% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: generally developed area with some rolling land.

V. Population Data

A. The City of Hutchinson:

- 1. The present estimated population is 9,360.

B. The area subject to annexation:

- 1. The present estimated population is approximately 72.

C. The Township of Hutchinson:

- 1. In 1970, there were 965 residents.
- 2. The present estimated population is 1,084.

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. In the City of Hutchinson: Residential, institutional, commercial, industrial, agricultural, and vacant land.
- b. In the area subject to annexation: residential approximately 16.16 acres with a portion of that property remaining to be developed but presently planned for residential development.
- c. In the Township of Hutchinson: Residential and agricultural.

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: City and township roads

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

1. In the City of Hutchinson:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Public Works and Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes

2. In the Township of Hutchinson:

- a. Zoning: yes
- b. Official Map: yes
- c. Building Inspector: yes

3. In the County of McLeod:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Official Map: yes
- d. Planning Commission: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VII. Governmental Services

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

- 1. Fire protection and rating: yes
- 2. Police protection: yes
- 3. Street maintenance: yes

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

C. There was no testimony as to existing environmental problems. All of the houses in the developed portion of the property which is approximately 7.5 acres in size, have their own on-site septic systems and receive their water through wells located within the area. Development of the presently undeveloped portion of the area proposed for annexation would require sanitary sewer and water as the development will be of multiple family units and not easily served by on-site septic systems. In the spring there is standing water located throughout the developed area proposed for annexation as there is no storm sewer to remove the runoff.

D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: extension of sanitary sewer, storm sewer, and water, as requested by the property owners.

- E. The following services will be available to the annexed area within two years: sanitary sewer, water, and storm sewer. The orderly annexation agreement between the City of Hutchinson and the Town of Hutchinson states that the mill levy step-up should occur over a five year period and does not speak to the availability of services.

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 Hutchinson, the tax base includes the following: property with a value of \$4,819,017 which generated \$33,443.98 in taxes: Residential property and agricultural land.
- C. In the area subject to annexation, the tax base includes the following:
 - 1. Residential property in 1980 was valued at \$179,102.00 generating \$7,941.14 in taxes or 100% of the total.

IX. Tax Data

- A. In the City of Hutchinson:
 - 1. Mill rate in 1980 is 32.25.
- B. In the Township of Hutchinson:
 - 1. Mill rate in 1980 is 6.94.
- C. In the area subject to annexation:
 - 1. Mill rate in 1980 is 6.94.
- D. Mill rate in the respective governmental units:
 - 1. County in 1980 is 26.26.
 - 2. School district in 1980 is 49.02.
 - 3. Township in 1980 is 6.94.
- X. Annexation to the City of Hutchinson is the best alternative.
 - A. There is no effect on area school districts and on adjacent communities if the proposed annexation is granted.
 - B. The town government is not adequate to deliver municipal services to the area proposed for annexation.
 - C. Necessary governmental services could not best be provided by incorporation or annexation of the proposed property to a municipality other than Hutchinson.
 - D. Present assessed valuation of the Town of Hutchinson: \$4,819,017.
Present assessed valuation of proposed annexation area: \$179,102.
New valuation of the Town of Hutchinson if entire area is annexed: \$4,639,497.
 - E. Hutchinson Township can continue to function without the area subject to annexation.

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 is consistent with terms of the joint agreement.

VI. Five years will be required to effectively provide full municipal services 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:

Commencing at the Northwest corner of the South Half of the Southeast Quarter of Section 32, Township 117 North, Range 29 West; thence South 209 feet along the West line of said Southeast Quarter to the centerline of T.H. 7; thence Easterly along said centerline and extension thereof, a distance of 620 feet; thence South parallel to the said West line, a distance of 400 feet to the point of beginning; thence Easterly parallel to said centerline extension, a distance of 100 feet; thence South parallel to the said West line to the South line of said Section 32; then West along said South line to the East line of Clifton Heights Subdivision; thence North along said East line to a point West of the point of beginning; thence East parallel to the centerline of T.H. 7 to the point of beginning;

Together with Lots 1, 7, 8, 9, 10 and 11, except North 15 feet of Block 1, Lot 2 except West 25 feet, Lots 3, 4, 5, 6; 7, 8 and 9 in Block 2, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Block 3, Hilltop Drive except the West 100 feet, all of Mark Drive and Garden Road, all in Clifton Heights Subdivision.

II. IT IS FURTHER ORDERED: That the population of the City of Hutchinson has increased by 72 persons for all purposes until the next Federal Census.

III. IT IS FURTHER ORDERED: That the population of the Township of Hutchinson has decreased by 72 persons for all purposes until the next Federal Census.

VI. 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.

V. IT IS FURTHER ORDERED: That the effective date of this order is January 1, 1981.

Dated this 18th day of December, 1980

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director