

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 )  
 BETWEEN THE CITY OF HUTCHINSON AND )  
 TOWN OF HASSAN VALLEY FOR THE ORDERLY )  
 ANNEXATION OF CERTAIN LAND TO THE )  
 CITY OF HUTCHINSON )

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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 October 1, 1980, at Hutchinson City Hall, Hutchinson, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director 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. 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, 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:

That part of Section 7, Township 116 North, Range 29 West described as follows:

Beginning at a point on the centerline of McLeod County S.A.R. No. 25 (formerly C.A.R. 62) said point being 710 feet Southerly from the intersection of the North line of said Section 7; thence Easterly at right angle to said centerline to the Crow River; thence Southwesterly along the Crow River to a point North 74° - 35' East of a point 1170.00 feet South 16° - 44' East of the intersection of the North line of said Section 7 and the centerline of S.A.R. No. 25; thence South 74° - 35' West to the centerline of said S.A.R. 25; thence North 16° - 44' West along said centerline to the point of beginning.

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 four acres.
- C. The perimeter of the area to be annexed is 100% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: adjacent to the Crow River, rolling land with a slight valley in the center of the property.

V. Population Data

- A. The City of Hutchinson:
  - 1. In 1970, there were 8,031 residents.(Census Bureau)
  - 2. The present estimated population is 9,569.
  - 3. By 1990, the projected population is 10,600.
- B. The area subject to annexation
  - 1. The present estimated population is nine.
- C. The Township of Hassan Valley:
  - 1. In 1970, there were 854 residents.(1970 Census Bureau)
  - 2. The present estimated population is 841.

VI. Development Issues

- A. The pattern of physical development.
  - 1. Area in Use
    - a. In the City of Hutchinson has the following land use types: residential, insitutional, commercial, industrial, agricultural, and vacant land.
    - b. In the area subject to annexation: residential: approximately four acres.
    - c. In the Township of Hassan Valley: residential, institutional, commercial, agricultural and vacant land.
- 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: county and city roads

C. Landuse 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. 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 Hassan Valley:

- a. Zoning: yes
- b. Subdivision Regulations: no
- c. Comprehensive Plan: no

3. In the County of McLeod: no evidence was presented as to the land use controls therein.

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 Hassan Valley 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: yes
- 5. 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; 6
- 4. Police protection: yes
- 5. Street improvements: yes
- 6. Street maintenance: yes
- 7. Recreational: yes
- 8. Administrative services: yes
- 9. Electricity and gas: yes

C. The City of Hutchinson provides the area subject to annexation with the following services:

- 1. Street maintenance

D. Since the area is adjacent to a river, the extension of sewer and water therein will avoid any potential environmental problems resulting from pollution of the river through on-site septic systems.

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

F. The following services will be available to the annexed area with two years: sewer and water. The orderly annexation agreement between the City of Hutchinson and the Town of Hassan Valley 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 Hassan Valley, the tax base includes the following: residential property, industrial property, agricultural land, non-taxable property and vacant land.
- C. In the area subject to annexation, the tax base includes the following: residential property with an assessed valuation of \$18,702.00.

IX. Tax Data:

- A. In the City of Hutchinson:
  - 1. Mill rate in 1980 is 32.25.
- B. In the Township of Hassan Valley:
  - 1. Mill rate in 1980 is 4.94.
- C. In the area subject to annexation:
  - 1. Mill rate in 1980 is 4.94.

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 approved.
- B. The town government is not adequate to deliver needed services to the area proposed for annexation.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality other than Hutchinson.
- D. Hassan Valley 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 is consistent with terms of the joint agreement.

VI. Five years will be required to effectively provide full municipal services to the annexed area and to comply with the orderly annexation agreement in the City of Hutchinson and Town of Hassan Valley.

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:

That part of Section 7, Township 116 North, Range 29 West described as follows:  
Beginning at a point on the centerline of McLeod County S.A.R. No. 25 (formerly C.A.R. 62) said point being 710 feet Southerly from the intersection of the North line of said Section 7; thence Easterly at right angle to said centerline to the Crow River; thence Southwesterly along the Crow River to a point North  $74^{\circ} - 35'$  East of a point 1170.00 feet South  $16^{\circ} - 44'$  East of the intersection of the North line of said Section 7 and the centerline of S.A.R. No. 25; thence South  $74^{\circ} - 35'$  West to the centerline of said S.A.R. 25; thence North  $16^{\circ} - 44'$  West along said centerline to the point of beginning.

II. IT IS FURTHER ORDERED: That the population of the City of Hutchinson has increased by nine persons.

III. IT IS FURTHER ORDERED: That the population of the Township of Hassan Valley Township has decreased by nine persons.

IV. 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 24th day of November, 1980

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



Terrence A. Merritt  
Executive Director