

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth Sette	Member
Milo Wacker	Ex-Officio Member
Larry Wendorff	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF HUTCHINSON AND)
TOWN OF HUTCHINSON 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 8, 1981, 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 Milo Wacker and Larry Wendorff, ex-officio members of the Board. The City of Hutchinson appeared by and through James H. Schaeffer, Assistant City Attorney. The Town of Hutchinson appeared by and through David Ondracek, Town Board Supervisor. 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. The joint resolution for orderly annexation was adopted by the City of Hutchinson and the Town of Hutchinson 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 June 3rd, 1981 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

Tract I

That part of Lots 7, 8 and 9 of Auditor's Plat of the S 1/2 of Section 30 and the N 1/2 of Section 31, Township 117 North, Range 29 West described as follows:

Beginning at the Northeast corner of Lot 8 of said Auditor's Plat;
thence West along the North line of said Lot 8 to the Southeasterly
right-of-way line of the public road, known as County Road No. 7;
thence Southwesterly along said Southeasterly right-of-way line to the
South line of Lot 8; thence West along the South line of Lot 8 and 9
to the Northwesterly right-of-way line of said County Road No. 7; thence

Northeasterly along said Northwesterly right-of-way line of County Road No. 7 to the East line of Lot 7, said line being the East line of the N 1/2 of Section 31; thence South along said East line to the point of beginning. Containing 0.42 acres and no population.

Tract 2

That part of Lot 3 of Auditor's Plat of the W 1/2 of Section 32, Township 117 North, Range 29 West, described as follows:

Commencing at the Southwest corner of said Lot 3, said corner being the West quarter corner of Section 32; thence North along the West line of Lot 3 to a point on the centerline of the public road, said road known as County Road No. 7, said point being the point of beginning; thence Northeasterly along the centerline of County Road No. 7, said centerline being the Northwesterly line of said Lot 3, to the North line of said Lot 3, thence East along said North line to a point 33 feet Southeasterly, as measured at right angles, to said road centerline; thence Southwesterly parallel to said centerline to the West line of Lot 3 (Section 32); thence North along said West line to the point of beginning. Containing 0.36 acres and no population.

Tract 3

That part of Lot 4 of Auditor's Plat of the W 1/2 of Section 32, Township 117 North, Range 29 West, described as follows:

Beginning at the Southwest corner of said Lot 4, said point being on the centerline of the public road, known as County Road No. 7; thence Northeasterly along the centerline of County Road No. 7, said line being the Northwesterly line of Lot 4, to the North line of Lot 4; thence East along said North line to the right-of-way line of County Road No. 7, said line being 33 feet Southeasterly of said centerline as measured at right angles to said centerline; thence Southwesterly along said right-of-way line and parallel to said centerline to the South line of Lot 4; thence West along said South line to the point of beginning. Containing 0.7 acres and no population.

Tract 4

Lot 2 of the Auditor's Plat of the West Half of Section 32, Township 117, Range 29. Containing 11 acres more or less, with population of 5 people.

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

IV. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 11.9 acres in size, and abuts the City of Hutchinson by approximately 400 feet.

V. The natural terrain of the area proposed for annexation is flat.

VI. In 1980 the City of Hutchinson had a population of 9,244, in 1970 its population was 8,031.

VII. The area proposed for annexation has a population of five.

VIII. The Town of Hutchinson in 1980 had a population of 1,090 and in 1970 its population was 965.

IX. The City of Hutchinson has land in residential use, commercial use, industrial use, parks and open space, agricultural use, and institutional use.

X. The Town of Hutchinson has land in residential use, agricultural use, and institutional use.

XI. Approximately 11.4 acres of the area proposed for annexation is land on which a church, a school, and a parsonage site are located. The remaining land is either road right-of-way or vacant land.

XII. The property owner, Our Saviour's Lutheran Church, intends to build an addition on to the church and school which will include four classrooms, a gymnasium, and a commons area.

XIII. The City of Hutchinson has a zoning ordinance, a subdivision regulation, a comprehensive plan, an official map, a public works and capital improvements program, a fire code, a building inspector, and a planning commission.

The Town of Hutchinson has a zoning ordinance, an official map, and a building inspector.

XIV. The County of McLeod has a zoning ordinance, subdivision regulations, an official map, and planning commission.

XV. The present zoning of the annexation area and use thereof is consistent with the City of Hutchinson's comprehensive plan. If the area proposed for annexation is annexed, it would come in zoned R-2 within which zone, its present use is acceptable.

XVI. The area around the area proposed for annexation is presently agricultural in nature, and it is projected to remain so for some time.

XVII. The area within the City of Hutchinson adjacent to the annexation area is residential in nature.

XVIII. The area proposed for annexation is presently serviced by a county road.

XIX. The annexation area includes all of the road right-of-way adjacent to the annexation area, so that jurisdiction thereof will be within the city, resulting in uniform application of laws and patrolling thereof.

XX. The city bus service will be available to the area proposed for annexation if annexed, thereby improving the transportation options available to the area.

XXI. The City of Hutchinson provides its residents with water, sewer, storm sewer, fire protection, police protection, street improvements, street maintenance, recreational opportunities and administrative services.

XXII. The Town of Hutchinson provides the area subject to annexation with fire protection under contract from the City of Hutchinson, police protection, and general street maintenance to the rest of the township though it does not need to maintain the county road.

XXIII. City water and sewer presently are located in the southwestern portion of the area proposed for annexation, and would be extended along the county road to service the remainder of the area proposed for annexation if the area is annexed.

XXIV. The mill levy for the Town of Hutchinson is 4.54, for the county is 26.19, for the City of Hutchinson is 36.08, for the school district is 40.45.

XXV. The assessed valuation of the church property proposed for annexation in 1980 was approximately \$392,266.00. The other half acre of the area proposed for annexation has an estimated market value of \$2,700.

XXVI. The area is located within School District #423 as is all of the City of Hutchinson.

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

XXVIII. Necessary governmental services could best be provided by annexation to the City of Hutchinson since it is the only adjacent municipality to the area proposed for annexation.

XXIX. The Town of Hutchinson does not intend to deliver water or sewer to the area proposed for annexation as the township does not have central water and sewer service.

XXX. The annexation is consistent with the joint resolution for orderly annexation between the Town of Hutchinson and the City of Hutchinson.

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 of 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 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:

Tract 1

That part of Lots 7, 8 and 9 of Auditor's Plat of the S 1/2 of Section 30 and the N 1/2 of Section 31, Township 117 North, Range 29 West described as follows:

Beginning at the Northeast corner of Lot 8 of said Auditor's Plat; thence West along the North line of said Lot 8 to the Southeasterly right-of-way line of the public road, known as County Road No. 7; thence Southwesterly along said Southeasterly right-of-way line to the South line of Lot 8; thence West along the South line of Lot 8 and 9 to the Northwesterly right-of-way line of said County Road No. 7; thence Northeasterly along said Northwesterly right-of-way line of County Road No. 7 to the East line of Lot 7, said line being the East line of the N 1/2 of Section 31; thence South along said East line to the point of beginning. Containing 0.42 acres and no population.

Tract 2

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Beginning at the Southwest corner of said Lot 4, said point being on the centerline of the public road, known as County Road No. 7; thence Northeasterly along the centerline of County Road No. 7, said line being the Northwesterly line of Lot 4, to the North line of Lot 4; thence East along said North line to the right-of-way line of County Road No. 7,

said line being 33 feet Southeasterly of said centerline as measured at right angles to said centerline; thence Southwesterly along said right-of-way line and parallel to said centerline to the South line of Lot 4; thence West along said South line to the point of beginning. Containing 0.7 acres and no population.

Tract 4

Lot 2 of the Auditor's Plat of the West Half of Section 32, Township 117, Range 29. Containing 11 acres more or less, with population of 5 people.

II. IT IS FURTHER ORDERED: That the population of the City of Hutchinson has increased by five persons for all purposes until the next federal census.

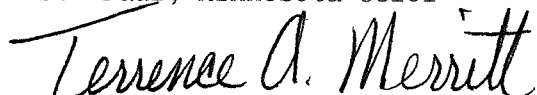
III. IT IS FURTHER ORDERED: That the population of the Town of Hutchinson has decreased by five persons for all purposes until the next federal census.

IV. IT IS FURTHER ORDERED: That the mill levy of the City of Hutchinson and 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 September 29, 1981.

Dated this 29th day of September, 1981

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


Terrence A. Merritt
Executive Director