

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Lawrence Fiecke	Ex-Officio Member
Milo Wacker	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF HUTCHINSON AND THE)
TOWN OF HUTCHINSON FOR THE ORDERLY)
ANNEXATION OF CERTAIN LAND TO THE CITY)
OF HUTCHINSON PURSUANT TO MINNESOTA)
STATUTES 414)

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 August 4, 1983, at Hutchinson, Minnesota. The hearing was conducted by Robert W. Johnson, Vice Chairman pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Milo Wacker and Lawrence Fiecke, Ex-Officio Members of the Board. The City of Hutchinson appeared by and through James H. Schaeffer, City Attorney. The Town of Hutchinson appeared by and through William Radzwill. 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

1. 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.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Hutchinson, on May 16, 1983 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:

Beginning ten (10) rods North and thirty (30) rods East of the Southwest corner of the East half of the Northeast Quarter of Section Thirty-one (31) Township One Hundred Seventeen (117) North of Range Twenty-nine (29) West; thence North Seventy-five (75) rods; thence East Fourteen and two-thirds ($14\frac{2}{3}$) rods; thence North Seventy-five (75) rods to Section line; thence East Thirty-five and one-third ($35\frac{1}{3}$) rods to the Northeast corner of said Section Thirty-one (31); thence South One Hundred Fifty (150) rods to a point Ten (10) rods North of the Southeast corner of said East half of Northeast Quarter of said Section Thirty-one (31); thence West Fifty (50) rods to point of beginning; now known as Lot Seven (7) of Auditor's Plat of the South half of Section 30 and the North half of Section 31, Township 117 North, Range 29 West, according to the plat thereof on file and of record in the office of the Register of Deeds of McLeod County, Minnesota; and that part of Lot 9 of Auditor's Plat of South half of Section 30 and North half of Section 31, Township 117 North, Range 29 West.

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

4. On August 4, 1983, the City of Hutchinson moved to decrease the area under consideration before the board. The motion was granted. The remaining Findings of Fact, Conclusions of Law and Order refer exclusively to the amended area proposed for annexation by the City of Hutchinson. The Town of Hutchinson supported the motion. The property is described as follows:

Parcel A - That part of Lot 9 of Auditor's Plat of South Half of Section 30 and North Half of Section 31, Township 117 North, Range 30 West, lying East of Hillcrest Addition and West of the right of way of County Road 7. Containing 1.0 Acres.

Parcel B - That part of Lot 7 of Auditor's Plat of South Half of Section 30 and North Half of Section 31, Township 117 North, Range 30 West described as follows:

Beginning at the Southwest corner of said Lot 7; thence Northerly along the West line of Lot 7, 1234.94 feet, thence Easterly, 845 feet more or less, to the East line of Lot 7; thence Southerly along said East line to the Northwesterly right of way line of County Road 7; thence Southwesterly along said right of way line to the South line of Lot 7; thence Westerly along said South line to the point of beginning. Containing 23.70 Acres.

Parcel C - That part of Lot 7 of Auditor's Plat of South Half of Section

30 and North Half of Section 31, Township 117 North, Range 30 West described as follows:

Beginning at the Southwest corner of said Lot 7; thence Northerly along the West line of Lot 7, 1234.94 feet; thence Easterly along the boundary line of Lot 7, 243.54 feet to the point of beginning; thence Northerly along the West boundary line of Lot 7, 317.50 feet; thence Easterly 274.39 feet; thence Southerly parallel to said West boundary line, 317.50 feet; thence Westerly 274.39 feet to the point of beginning. Containing 2.0 Acres. (Parkland)

5. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 26.70 acres in size, and abuts the City of Hutchinson by approximately 77% of its border.

6. The area proposed for annexation is gently rolling open land.

7. The area proposed for annexation has a population of two.

8. The City of Hutchinson has a population of approximately 9,300, which is approximately a 1,300 increase over the past ten years.

9. The area proposed for annexation is bordered on the west by residential land, on the south by residential land, and on the east by church property.

10. The City of Hutchinson's comprehensive plan and zoning ordinance designate the area proposed for annexation for a residential-type development.

11. The property owner intends to develop a majority of the area proposed for annexation for residential use. The remainder of the land proposed for annexation is a portion of property which is part of a lot already within the city.

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

13. Presently the annexation area receives fire protection through a rural section service.

14. The City of Hutchinson presently provides a portion of Lot 9 with city

sewer and water service, as the remainder of the Lot is located within the City of Hutchinson.

15. Access to the southeastern part of the area proposed for annexation is on a county road. Access to the remainder of the area proposed for annexation is through streets presently located within the City of Hutchinson.

16. The assessed valuation for the area proposed for annexation is approximately \$17,710.

17. The assessed valuation for the Town of Hutchinson is \$8,317,451.

18. The assessed valuation for the City of Hutchinson is \$41,651,727.

19. The City of Hutchinson has a bonded indebtedness of \$17,700,000.

20. The Town of Hutchinson has no present bonded indebtedness.

21. The mill levies for tax payable in 1983 are as follows: the City of Hutchinson 43.83; the Town of Hutchinson 4; School District 423 47.06; and McLeod County 24.47.

22. The area proposed for annexation is located within School District #423 as is all of the City of Hutchinson.

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

24. The Town of Hutchinson does not intend to deliver water or sewer to the area proposed for annexation.

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

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. 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.


3. The existing township form of government is not adequate to protect the public health, safety and welfare of the area proposed for annexation.
4. The annexation would be in the best interests of the area proposed for annexation.
5. The annexation is consistent with terms of the joint agreement.
6. 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.
7. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 4 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.
2. IT IS FURTHER ORDERED: That the population of the City of Hutchinson is increased by two persons for all purposes until the next federal census.
3. IT IS FURTHER ORDERED: That the population of the Town of Hutchinson is decreased by two persons for all purposes until the next federal census.
4. 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.
5. IT IS FURTHER ORDERED: That the effective date of this order is October 5, 1983.

Dated this 5th day of October, 1983.

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


Terrence A. Merritt
Executive Director