

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Member
Howard Christensen	Ex-Officio Member
Melvin Dose	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF HUTCHINSON AND THE)	
TOWN OF ACOMA FOR THE ORDERLY ANNEXATION)	<u>FINDINGS OF FACT,</u>
OF CERTAIN LAND TO THE CITY OF HUTCHINSON)	<u>CONCLUSIONS OF LAW,</u>
PURSUANT TO MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on September 14, 1983, at Hutchinson, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Howard Christensen and Melvin Dose, Ex-Officio Members of the Board. The City of Hutchinson appeared by and through Marlow Priebe, City Engineer. The Town of Acoma made no appearance. 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 Acoma 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 July 15, 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:

That part of the Northwest Quarter of Section 36, Township 117N, Range 30W, described as follows:

Commencing at the North Quarter corner of Section 36; thence along the North line of said NW $\frac{1}{4}$, on an assumed bearing of West, a distance of 565.92 feet to the point of beginning, said point being the SE corner of the Oakwood Addition; thence continuing West along said North line, a distance of 753.30 feet; thence South one (1) degree 53 minutes West, a distance of 279.65 feet; thence East 805.19 feet, to the center line of County Road No. 12 and the NE corner of the Green's View Addition; thence Northwesterly along said center line of County Road No. 12, a distance of 282.74 feet more or less to the point of beginning.

3. Due, timely and adequate legal notice of the hearing was published, served and filed.
4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 5 acres in size, and abuts the City of Hutchinson on its north, west, and southern sides.
5. The area proposed for annexation is gently rolling land with a grove on the western end.
6. The area proposed for annexation has a population of 3.
7. The area proposed for annexation is bordered on its west and a portion of its southerly border by the Crow River Country Club, on the remainder of its southern border by a townhouse development, and on its northern border by a single-family residential development. All of these lands are within the City of Hutchinson.
8. Residential development occurring in the annexation area is consistent with the City of Hutchinson's Comprehensive Plan and Zoning Ordinance. The areas within the city presently adjacent to the area proposed for annexation are zoned for residential type development.
9. Presently there is a single-family residence on the area proposed for annexation with some outbuildings.
10. The City of Hutchinson provides its residents with water, sewer, fire protection, police protection, street improvements and maintenance, administrative

services, and recreational facilities.

11. Presently the City of Hutchinson provides the area proposed for annexation with fire protection through the Rural Fire Section of the city's fire department.

12. The City of Hutchinson is willing and able to provide all of the services it provides the residents of the City of Hutchinson to the area proposed for annexation if it is annexed. The sanitary sewer line capable of servicing the area proposed for annexation is located along the southern boundary of the annexation area. A twelve inch water main capable of servicing the annexation area is located on the eastern side of the annexation area. It is anticipated that storm sewer lines capable of servicing the annexation area will be completed in 1983.

13. Access to the annexation area is through County Road 12, located on the eastern border of the annexation area.

14. The assessed valuation of the area proposed for annexation is approximately \$20,438.00.

15. The assessed valuation for the Town of Acoma is \$7,392,135.00.

16. The assessed valuation for the City of Hutchinson is \$41,651,727.00.

17. The assessed valuation for McLeod County is \$174,302,560.00.

18. The mill levies for taxes payable 1983 are as follows: the City of Hutchinson 43.83; the Town of Acoma 6.41; School District #423 47.06; and McLeod County 24.47.

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

20. 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.

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

22. The annexation is consistent with the joint resolution for orderly

annexation between the Town of Acoma 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 the 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 2 herein 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 three persons for all purposes.
3. IT IS FURTHER ORDERED: That the population of the Town of Acoma is decreased by three persons for all purposes.
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 December 8, 1983.

Dated this 8th day of December, 1983.

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


Terrence A. Merritt
Executive Director