

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Ernie Bullert	Ex-Officio Member
Lawrence Fiecke	Ex-Officio Member

-----

IN THE MATTER OF THE JOINT RESOLUTION )	
BETWEEN THE CITY OF HUTCHINSON AND )	
THE TOWNSHIP OF ACOMA FOR THE ORDERLY )	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE )	<u>CONCLUSIONS OF LAW,</u>
CITY OF HUTCHINSON )	<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 August 3, 1977, and September 30, 1977, at Hutchinson, Minnesota. The hearing was conducted by Board Member Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Lawrence Fiecke and Ernie Bullert, ex-officio members of the Board. The City of Hutchinson appeared by and through Milton Schantzen and the Township of Hutchinson was represented by Levi Tupa. 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. That a joint resolution for orderly annexation was adopted by the City of Hutchinson and the Township of Acoma and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, the City of Hutchinson, on June 21, 1977 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 the Southeast Quarter of Section 36, Township 117 North, Range 30 West, Acoma Township, McLeod County, Minnesota, described as follows:

Commencing at the southeasterly corner of Block 9 to the Townsite of Hutchinson, North Half, McLeod County, Minnesota, thence on an assumed bearing of North 14 degrees, 44 minutes, 00 seconds West along the Easterly Line of said Block 9 for a distance of 166.10 feet to a Judicial Landmark, thence on a bearing of South 84 degrees 54 minutes 30 seconds West for a distance of 141.37 feet, to a Judicial Landmark, thence on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 139.09 feet to the actual point of beginning of the tract to be described; thence continuing on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 359.75 feet to a point on the southwesterly right-of-way Line of County Road No. 12, thence on a bearing of North 78 degrees 49 minutes 20 seconds West along the southwest-erly right-of-way Line of said County Road No. 12 for a distance of 44.47 feet, thence South for a distance of 372.76 feet, thence on a bearing North 84 degrees 54 minutes 30 seconds East for a distance of 50.00 feet to the point of beginning. This tract contains 0.39 acres of land.

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

4. Geographic Features

a. The area subject to annexation is unincorporated and abuts the City of Hutchinson.

b. The total area of the City of Hutchinson is 3,020 acres. The total area of the territory subject to annexation is .39 acres.

c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 40%.

5. Population Data

a. The City of Hutchinson

1) Past population growth: 30% per decade.

2) Present population: 9,360 estimated - 1975.

3) Projected population: estimated 10,500 by 1980.

b. The area subject to annexation: 0 population but will have 4 families.

6. Development Issues

a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or

the annexing municipality, including development projected by the state planning agency. Area is planned for single-family residential.

b. What land use controls are presently being employed.

1) In the City of Hutchinson:

- a) Zoning - Yes
- b) Subdivision regulations - Yes
- c) Housing and building codes - Yes

2) In the area to be annexed:

- a) Zoning - Yes
- b) Subdivision regulations - No
- c) Housing and building codes - No

c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Hutchinson with necessary growth space? Yes.

d. The present pattern of physical development is:

1) In the City of Hutchinson:

- |                      |                     |
|----------------------|---------------------|
| a) Residential - Yes | c) Commercial - Yes |
| b) Industrial - Yes  | Institutional - Yes |

2) In the area subject to annexation:

- |                      |                       |
|----------------------|-----------------------|
| a) Residential - Yes | c) Commercial - No    |
| b) Industrial - No   | d) Institutional - No |

## 7. Governmental Services

a. Presently, the Township of Hutchinson provides the area subject to annexation with the following services:

- |   |  |
|---|--|
| 1) Water - No   | 5) Street Improvements -<br>By McLeod County |
| 2) Sewer - No   | 6) Street Maintenance -<br>By McLeod County  |
| 3) Fire Protection - No, contracts<br>with the City of Hutchinson | 7) Recreational - Unknown                    |
| 4) Police Protection - By McLeod<br>County                        |  |

b. Presently, the City of Hutchinson provides its citizens with the following services:

- |                            |                              |
|----------------------------|------------------------------|
| 1) Water - Yes             | 5) Street Improvements - Yes |
| 2) Sewer - Yes             | 6) Street Maintenance - Yes  |
| 3) Fire Protection - Yes   | 7) Recreational - Yes        |
| 4) Police Protection - Yes |                              |

c. Presently the City of Hutchinson provides the area subject to annexation with the following services:

- |  |                             |
|--|-----------------------------|
| 1) Water - No                            | 5) Street Improvements - No |
| 2) Sewer - No                            | 6) Street Maintenance - No  |
| 3) Fire Protection - Yes,<br>by contract | 7) Recreational - Unknown   |
| 4) Police Protection - No                |                             |

d. Plans to extend municipal services to the area subject to annexation include the following: All services, including water, sewer, and storm sewer, will be extended immediately or within a reasonable time.

e. That the City of Hutchinson is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the 3 years.

8. Fiscal Data

a. In the City of Hutchinson, the assessed valuation trend is about \$24 million, and the mill rate is 27.15 and the present bonded indebtedness is about \$9.5 million.

b. The mill rate trends in the following units of government are:

- |                                     |                             |
|-------------------------------------|-----------------------------|
| 1) Regional Development Comm. - .16 | 3) Township - 4.70          |
| 2) County - 22.62                   | 4) School Districts - 52.05 |

d. Will the annexation have any effect upon area school districts? No.

9. Alteration of Boundaries

a. The area subject to annexation should be increased in order to include all that property within the designated area which is in need of municipal services or will be in need of municipal services within a reasonable time; the new description of the area to be annexed is as follows:

---

That part of the Southeast Quarter of Section 36, Township 117 North, Range 30 West, Acoma Township, McLeod County, Minnesota, described as follows:

Commencing at the southeasterly corner of Block 9 to the Townsite of Hutchinson, North Half, McLeod County, Minnesota, thence on an assumed bearing of North 14 degrees, 44 minutes, 00 seconds West along the Easterly Line of said Block 9 for a distance of 166.10 feet to a Judicial Landmark, thence on a bearing of South 84 degrees 54 minutes 30 seconds West for a distance of 141.37 feet, to a Judicial Landmark, thence on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 139.09 feet to the actual point of beginning of the tract to be described; thence continuing on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 359.75 feet to a point on the southwesterly right-of-way Line of County Road No. 12, thence on a bearing of North 78 degrees 49 minutes 20 seconds West along the southwesterly right-of-way Line of said County Road No. 12 for a distance of 44.47 feet, thence South for a distance of 372.76 feet, thence on a bearing North 84 degrees 54 minutes 30 seconds East for a distance of 50.00 feet to the point of beginning. This tract contains 0.39 acres of land.

That part of the Southeast Quarter of Section 36, Township 117 North, Range 30 West described as follows:

Commencing at the Southeast Corner of Block 9 of the Townsite of Hutchinson, North Half, McLeod County, Minnesota; thence on an assumed bearing of North 14 degrees, 44 minutes, 00 seconds West along the Easterly line of said Block 9 for a distance of 166.10 feet to a judicial landmark; thence on a bearing of South 84 degrees 54 minutes 30 seconds West for a distance of 94.89 feet to the point of beginning; thence on a bearing of South 84 degrees 54 minutes 30 seconds West for a distance of 46.48 feet, to a Judicial landmark, said point being on the East line of the Southeast Quarter of Section 36; thence on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 483.90 feet, to the Westerly extension of the Southerly line of Fifth Avenue Northwest; which point is marked by a judicial landmark; thence Easterly along said extension a distance of 24.52 feet to a point on the Northwesternly extension of the Easterly line of said Block 9; which point is marked by a Judicial Landmark; thence Southerly along said Easterly line and its extension a distance of 122.30 feet to a point on the East line of the Southeast Quarter of Section 36; thence Southerly along said East line of the Southeast Quarter of Section 36 to the point of beginning except the Southerly 95.00 feet thereof.

This tract contains 0.41 acres of land.

#### 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.
3. The City of Hutchinson is capable of providing the services required by the area described herein within a reasonable time.
4. The mill levy of the annexing municipality on the area proposed

for annexation should be increased in substantially equal proportions over a five (5) year period.

5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of Hutchinson, County of McLeod, State of Minnesota, be and the same hereby is annexed to the City of Hutchinson the same as if it has originally been made a part thereof:

That part of the Southeast Quarter of Section 36, Township 117 North, Range 30 West, Acoma Township, McLeod County, Minnesota, described as follows:

Commencing at the southeasterly corner of Block 9 to the Townsite of Hutchinson, North Half, McLeod County, Minnesota, thence on an assumed bearing of North 14 degrees, 44 minutes, 00 seconds West along the Easterly Line of said Block 9 for a distance of 166.10 feet to a Judicial Landmark, thence on a bearing of South 84 degrees 54 minutes 30 seconds West for a distance of 141.37 feet, to a Judicial Landmark, thence on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 139.09 feet to the actual point of beginning of the tract to be described; thence continuing on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 359.75 feet to a point on the southwesterly right-of-way Line of County Road No. 12, thence on a bearing of North 78 degrees 49 minutes 20 seconds West along the southwesterly right-of-way Line of said County Road No. 12 for a distance of 44.47 feet, thence South for a distance of 372.76 feet, thence on a bearing North 84 degrees 54 minutes 30 seconds East for a distance of 50.00 feet to the point of beginning. This tract contains 0.39 acres of land.

That part of the Southeast Quarter of Section 36, Township 117 North, Range 30 West described as follows:

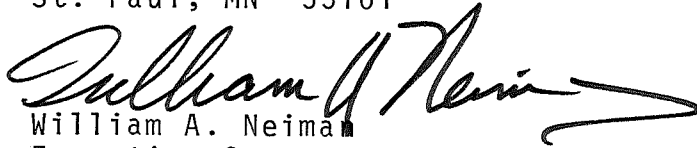
Commencing at the Southeast Corner of Block 9 of the Townsite of Hutchinson, North Half, McLeod County, Minnesota; thence on an assumed bearing of North 14 degrees, 44 minutes, 00 seconds West along the Easterly line of said Block 9 for a distance of 166.10 feet to a judicial landmark; thence on a bearing of South 84 degrees 54 minutes 30 seconds West for a distance of 94.89 feet to the point of beginning; thence on a bearing of South 84 degrees 54 minutes 30 seconds West for a distance of 46.48 feet, to a Judicial landmark, said point being on the East line of the Southeast Quarter of Section 36; thence on a bearing of North 0 degrees 59 minutes 00 seconds West for a distance of 483.90 feet, to the Westerly extension of the Southerly line of Fifth Avenue Northwest; which point is marked by a judicial landmark; thence Easterly along said extension a distance of 24.52 feet to a point on the Northwestern extension of the Easterly line of said Block 9; which point is marked by a Judicial Landmark; thence Southerly along said Easterly line and its extension a distance of 122.30 feet to a point on the East line of the Southeast Quarter of Section 36; thence Southerly along said East line of the Southeast Quarter of Section 36 to the point of beginning except the Southerly 95.00 feet thereof. This tract contains 0.41 acres of land.

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.

IT IS FURTHER ORDERED: That the effective date of this order is October 18, 1977.

Dated this 18th day of October, 1977.

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

  
William A. Neiman  
Executive Secretary