

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
James Youngbauer	Ex-Officio Member
Everette Koecher	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR )	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE )	<u>CONCLUSIONS OF LAW,</u>
CITY OF HINKLEY PURSUANT TO )	<u>AND ORDER</u>
MINNESOTA STATUTES 414 )	

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on April 28, 1980, at Hinckley, 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 James Youngbauer and Everette Koecher, ex-officio members of the Board. The City of Hinckley appeared by and through Howard N. Ledin, the Township of Barry appeared by and through Larry R. Maser, Supervisor, and the petitioners appeared by and through Howard N. Ledin. 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

On October 23, 1979, a copy of a petition for annexation by the sole property owner was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

North Half of Northwest Quarter of Northwest Quarter (N $\frac{1}{2}$  of NW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Thirty (30), Township Forty-one (41), Range Twenty (20), except that part thereof heretofore deeded to the Rose Hill Cemetery Association by Deed dated April 4, 1894, and recorded in Book Q of Deeds, page 638, and except rights acquired by the State of Minnesota by highway easement dated September 16, 1938, and recorded in Book 93 of Deeds, page 454, in the Office of the Register of Deeds of Pine County, Minnesota.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Barry Township on January 7, 1980. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

A resolution supporting the annexation was not received from the annexing municipality.

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

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Hinckley.
- B. The total area of the City of Hinckley is approximately 900 acres. The total area of the territory subject to annexation is 11.8 acres.
- C. The perimeter of the area to be annexed is 30% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: level agricultural land.

IV. Population Data:

- A. The City of Hinckley:
  - 1. In 1970 there were 885 residents.
  - 2. The present estimated population is 939.
  - 3. By 1980, the projected population is 950.
- B. The area subject to annexation:
  - 1. In 1979 there were 4 residents.
  - 2. The present estimated population is 0.
  - 3. By 1981, the projected population is 2.
- C. The Township of Barry:
  - 1. In 1970 there were 333 residents.
  - 2. The present estimated population is 430.
  - 3. By 1985, the projected population is 500.

V. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.
  - 1. Area in Use
    - a. In the City of Hinckley:

1. Residential: 440 acres	4. Industrial: 90 acres
2. Institutional: 210 acres	5. Agricultural: 60 acres
3. Commercial: 70 acres	6. Vacant land: 30 acres
    - b. In the area subject to annexation:

1. Residential: 1 acres	2. Vacant land: 10.8 acres
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    - c. In the Township of Barry:

1. Residential: 125 acres	3. Agricultural: 13,200 acres
2. Commercial: 1½ acres	4. Vacant land: 9,714 acres
  - 2. Area being developed:
    - a. In the area subject to annexation:
      - 1. Residential: 11.8 acres
  - 3. Area remaining for various uses.
    - a. In the City of Hinckley:

1. Residential: 50 acres	4. Industrial: 33 acres
2. Institutional: 0 acres	5. Agricultural: 100 acres
3. Commercial: 5 acres	

B. Transportation:

1. The present transportation network is:

- a. In the City of Hinckley: Federal, State, County and City Roads
- b. In the area subject to annexation: County roads

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Hinckley:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes

2. In the Township of Barry: There are no land use controls or planning, or comprehensive plans in the area subject to annexation.

3. In the County of Pine:

- a. Subdivision Regulations: yes
- b. Planning Commission: yes

VI. Governmental Services

A. The Town of Barry provides the area subject to annexation with the following services:

- a. Fire protection and rating: yes
- b. Police protection: yes
- c. Road improvements: yes
- d. Road maintenance: yes
- e. Administrative services: yes

B. The City of Hinckley provides its residents with the following services:

- a. Water: yes
- b. Sewer: yes
- c. Fire protection and rating: yes
- d. Police protection: yes
- e. Street improvements: yes
- f. Street maintenance: yes
- g. Recreational: yes
- h. Administrative services: yes

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

- a. Fire protection: yes

D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the extension of sewer, water, police, fire, street improvements and maintenance.

E. The following services will be available to the annexed area within two years: sewer and water.

VII. Tax Base

A. In the City of Hinckley, the tax base includes the following:

- 1. Residential property in Hinckley was valued at \$5,082,921, generating 59% of the total taxes.
- 2. Commercial property in Hinckley was valued at \$1,878,609 or 21% of the total taxes.

3. Industrial property in Hinckley was valued at \$7,479 or .08% of the total taxes.
4. Agricultural property in Hinckley was valued at \$25,892 or .30% of the total taxes.
5. Vacant land in Hinckley was valued at \$59,420 or .69% of the total taxes.

B. In the Township of Barry, the tax base includes the following:

1. Residential property in Barry was valued at \$433,688 or 10% of the total taxes.
2. Commercial property in Barry was valued at \$49,737 or 1% of the total taxes.
3. Industrial property in Barry was valued at \$0.
4. Agricultural property in Barry was valued at \$2,662,840 or 62% of the total taxes.
5. Vacant land in Barry was valued at \$78,551 or 2% of the total taxes.

#### VIII. Tax Data

A. In the City of Hinckley:

1. Mill rate in 1979 was 156.96.
2. Bonded indebtedness as of January 1, 1980 is \$309,500.00

B. In the Township of Barry:

1. Mill rate in 1979 was 129.41.
2. Bonded indebtedness in Barry is 0.

IX. Annexation to the City of Hinckley is the best alternative.

A. Barry Township can continue to function without the area subject to annexation.

X. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

#### 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 character.

III. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

IV. The best interest of the area subject to annexation will be furthered by annexation.

V. The remainder of the Township of Barry can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in revenue for the City of Hinckley and the value of benefits conferred upon the area subject to annexation.

VII. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

VIII. Two years will be required to effectively provide full municipal services to the annexed area.

IX. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election to be described herein.

X. 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 Pine, State of Minnesota, be and the same is hereby annexed to the City of Hinckley, Minnesota, the same as if it had been originally made a part thereof:

North Half of Northwest Quarter of Northwest Quarter (N $\frac{1}{2}$  of NW $\frac{1}{4}$  of NW $\frac{1}{2}$ ) of Section Thirty (30), Township Forty-one (41), Range Twenty (20), except that part thereof heretofore deeded to the Rose Hill Cemetery Association by Deed dated April 4, 1894, and recorded in Book Q of Deeds, page 638, and except rights acquired by the State of Minnesota by highway easement dated September 16, 1938, and recorded in Book 93 of Deeds, page 454, in the Office of the Register of Deeds of Pine County, Minnesota.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Hinckley on the property herein ordered annexed shall be increased in substantially equal proportions over a period of two years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is July 15, 1980.

Dated this 15th day of July, 1980

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

*Terrence A. Merritt*

Terrence A. Merritt  
Executive Director

# MEMORANDUM

The testimony in Hinckley A-3631 indicated that the City of Hinckley is looking to increase its industrial development which may potentially increase the need for further land for residential development over the next five to twenty years.

This is a situation that calls for the development of an orderly annexation agreement. Such an agreement would allow the Town and City to plan for the projected development of Hinckley prior to the press of such development. It is the Board's concern that such planning begin immediately. Further, the Board wishes to emphasize both its willingness to assist the parties in the development of such an orderly annexation agreement and the need for immediate action by both the City and Township to commence the development of the orderly annexation agreement for the City of Hinckley and the Town of Barry.