

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Keith Maurer	Ex-Officio Member
Henry Dickhaus	Ex-Officio Member

IN THE MATTER OF THE PETITION)
AND RESOLUTION FOR ANNEXATION)
OF CERTAIN LAND TO THE CITY)
OF RICHMOND)

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 March 10, 1980, at Richmond, 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 Keith Maurer and Henry Dickhaus, ex-officio members of the Board. The City of Richmond appeared by and through Thomas Wenner, the Township of Munson appeared by and through Leander Wehselu, and the petitioners appeared by and through Ed Wolf. 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. On November 15, 1980 a petition of a majority of the property owners in the area to be annexed was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

That part of the East Half of the Southeast Quarter of Section 14, Township 123, Range 31, Stearns County, Minnesota described as follows: Beginning at a point on the east line of said East Half of the Southeast Quarter distant 247.50 feet North of the southeast corner thereof; thence North along said east line for 1269.00 feet; thence West at right angles for 1282.10 feet to a line drawn from a point on the south line of the Southeast Quarter of said Section 14, distant 529.91 feet West of the southeast corner thereof to a point on the north line of said Southeast Quarter distant 1872.20 feet West of the northeast corner thereof; thence southeasterly along said line for 1408.91 feet to a line drawn West, parallel with the south line of said Southeast Quarter, from the point of beginning; thence East for 653.95 feet to the point of beginning. Containing 28.08 acres.

Together with that part of the West 33.00 feet of the West Half of the Southwest Quarter of Section 13, Township 123, Range 31, Stearns County, Minnesota lying South of a line drawn East at right angles to the West line of said Section 13 from a point thereon distant 1516.50 feet North of the southwest corner thereof. Containing 1.14 acres.

A resolution supporting the annexation was 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 Richmond.
- B. The total area of the territory subject to annexation is 29.22 acres.
- C. The perimeter of the area to be annexed is .0009% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: generally flat with no rivers or lakes or major bluffs. The soil is sandy and light.

IV. Population Data

- A. The City of Richmond:
 - 1. The present estimated population is 925.
 - 2. By 1985, the projected population is 1,225.
- B. The area subject to annexation:
 - 1. In 1980, there were 0 residents.
 - 2. The present estimated population is 0.
 - 3. By 1985, the projected population is 75.
- C. The Township of Munson:
 - 1. In 1979, there were 1354 residents.
 - 2. The present estimated population is 1354.

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 Richmond:

- 1. Residential: 200 acres
- 2. Commercial: 20 acres

B. In the area subject to annexation:

1. 28.08 acres presently zoned and to be developed as residential and presently in use as agricultural.

C. In the Township of Munson

1. Residential: 936 acres
2. Agricultural: 21,524 acres

2. Area Being Developed

a. In the City of Richmond:

1. At present there is virtually no land for residential development
2. Commercial: 3 acres

B. Transportation:

1. The present transportation network is:

- a. In the City of Richmond: State, City, Township, and City Roads.
- b. In the area subject to annexation: City and Township Roads.

C. Land use controls and planning, including comprehensive plans,

in the city and the area subject to annexation:

1. In the City of Richmond:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Planning Commission: yes

2. In the Township of Munson:

- a. Building Inspector and building code

3. In the County of Stearns:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Planning Commission: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VI. Governmental Services

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

1. Fire protection and rating: yes
2. Street maintenance: yes

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

1. Water: yes
2. Sewer: yes
3. Fire protection and rating: yes
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes

- C. The City of Richmond provides the area subject to annexation with the following services:
 - 1. Fire protection: yes
 - 2. Recreational: yes
- D. Existing or potential environmental problems and the need for additional services to resolve these problems: There is a need for City sewer and water to prevent pollution problems arising from the residential development of this land, because of the type of soil.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: extending police protection, sewer and water.
- F. The following services will be available to the annexed area within two years: City sewer and water

VII. Tax Base

- A. In the City of Richmond, the tax base includes a total market value of \$9,214,289.00 for all the real estate.
- B. In the Township of Munson, the tax base includes a total market value of \$23,584,479.00 for all the real estate therein.
- C. In the area subject to annexation, the tax base includes the following:
 - 1. Residential property in Munson was valued at \$11,323, generating \$70.00 in taxes.

VIII. Tax Data

- A. In the City of Richmond:
 - 1. Mill rate in 1979 was 25.37.
 - 2. Bonded indebtedness in 1979 was \$118,000.00.
- B. In the Township of Munson:
 - 1. Mill rate in 1980 was 5.97.
 - 2. Bonded indebtedness in 1979 was none.
- C. In the area subject to annexation:
 - 1. Mill rate in 1980 was 5.97.
 - 2. Bonded indebtedness in 1979 was none.

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

- A. There will be no effect on area school districts and on adjacent communities if the proposed annexation is approved.
- B. The town government is inadequate to deliver the services to the area proposed for annexation that such a residential development requires.
- C. Necessary governmental services could not best be provided by incorporation of the area.
- D. Present assessed valuation of the Town of Munson: \$4,705,904.00
Present assessed valuation of proposed annexation area: \$2,260,081.00
New valuation of the Town of Munson if entire area is annexed: \$4,703,643.92
- E. Munson 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 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 Munson can carry on functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in revenue for the City of Richmond 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.

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

That part of the East Half of the Southeast Quarter of Section 14, Township 123, Range 31, Stearns County, Minnesota described as follows: Beginning at a point on the east line of said East Half of the Southeast Quarter distant 247.50 feet North of the southeast corner thereof; thence North along said east line for 1269.00 feet; thence West at right angles for 1282.10 feet to a line drawn from a point on the south line of the Southeast Quarter of said Section 14 distant 529.91 feet West of the southeast corner thereof to a point on the north line of said Southeast Quarter distant 1872.20 feet

West of the northeast corner thereof; thence southeasterly along said line for 1408.91 feet to a line drawn West, parallel with the south line of said Southeast Quarter, from the point of beginning; thence East for 653.95 feet to the point of beginning. Containing 28.08 acres.

Together with that part of the West 33.00 feet of the West Half of the Southwest Quarter of Section 13, Township 123, Range 31, Stearns County, Minnesota lying South of a line drawn East at right angles to the West line of said Section 13 from a point thereon distant 1516.50 feet North of the southwest corner thereof. Containing 1.14 acres.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Richmond 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 April 22, 1980.

Dated this 22nd day of April, 1980.

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



Terrence A. Merritt
Executive Director