

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

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|--------------------|-------------------|
| Thomas J. Simmons | Chairman |
| Robert W. Johnson | Vice Chairman |
| Robert J. Ferderer | Member |
| Paul McAlpine | Ex-Officio Member |
| Lowell Zachman | Ex-Officio Member |

IN THE MATTER OF THE PETITION FOR)
 ANNEXATION OF CERTAIN LAND TO THE)
 CITY OF COKATO 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 February 4th, 1981 at Cokato, Minnesota. The hearing was conducted by Terrence A. Merritt, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Robert J. Ferderer, Member of the Board, and County Commissioners Paul McAlpine and Lowell Zachman, ex-officio members of the board. The City of Cokato made no formal appearance, the petitioners appeared by and through Michel Nelson, and the Town of Cokato appeared by and through Oswald Nord, Township Chairman. Testimony was heard and records and exhibits 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 October 22, 1980 a copy of a petition for annexation by all of the property owners was filed with the Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), excepting therefrom the three (3) following described tracts:

(1) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), described as follows: The South 213.28 feet of the North 3847.91 feet of a strip of land 337.59 feet wide lying East of the North-South 1/16 line which in turn lies approximately 1/4 mile East of the West line of Section Twenty-seven (27) (The distance 3847.91 feet being measured from the North line of Section Twenty-seven (27) and the distance 337.59 feet measured from the North-South quarter line) containing 1.65 acres, more or less.

(2) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28) described as follows:

Commencing at the Northwest corner of the East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of said Section Twenty-seven (27); thence South along the West line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) and the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 3634.63 feet to the point of beginning; thence East parallel with the North line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$), 337.59 feet; thence North parallel with the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 140.63 feet; thence West parallel with the North line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) 337.59 feet to the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); thence South along said West line, 140.63 feet to the point of beginning, containing 1.09 acres and subject to the right of way of Wright County Highway Number 3 over the West 33 feet thereof.

(3) That part of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of said Section Twenty-seven (27); thence South along West line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) and the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 3847.91 feet to the actual point of beginning; thence East parallel with the North line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$), 337.59 feet; thence North parallel with the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 150.00 feet; thence East parallel with the South line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 150.00 feet; thence South parallel with the West line of the said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 289.31 feet to the South line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); thence West along said South line, 487.61 feet to the Southwest corner of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); thence North along the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 131.92 feet to the point of beginning, containing 2.05 acres and subject to the right of way of Wright County Highway No. 3 over the West 33 feet thereof.

II. An objection to the proposed annexation was received by the Minnesota Municipal Board from Cokato Township on December 18, 1980. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with Minnesota Statutes 414.031, as required by M.S. 414.033, Subd. 5.

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

IV. The area subject to annexation is unincorporated, approximately seventy-five acres in size, and abuts the City of Cokato by approximately 12.5% of its border. The City of Cokato is approximately 712 acres in size.

V. The area subject to annexation is gently rolling land. The soil is tillable with moderate clay. There are no rivers, lakes or bluffs in the annexation area. The area drains from north to south with an outlet at the southeast corner of the area. The parcel has 2,153 feet of frontage on Wright County Road No. 3, a nine ton road.

VI. The City of Cokato in 1980 had 2,046 residents, the present 1981 estimate is 2,100 and by 1990 it is projected it will have a population of 2,500.

VII. The present population of the area proposed for annexation as well as the projected population by 1990 is 0.

VIII. The population for the Town of Cokato in the 1980 Census was 952, the present estimated population is 1,000 and by 1990 the projected estimated population is 1,050.

IX. The City of Cokato presently has 429 acres in residential use, 45 acres in institutional use, 107 acres in commercial use, 25 acres in industrial use, 36 acres in agricultural use, and 70 acres in vacant land use.

X. The City of Cokato presently has being developed 40 acres of residential use, two acres of institutional use, ten acres of commercial use, and 40 acres of industrial use.

The City of Cokato has the following remaining area: 120 acres for residential use, 45 acres for commercial use, and 15 acres for industrial use.

XII. The Town of Cokato has 500 acres residential use, 55 acres institutional use, 95 acres commercial use, 30 acres industrial use, 20,648 acres agricultural use and 1,000 acres vacant land use.

In the Town of Cokato area, ten acres are being developed for residential use.

In the Town of Cokato 40 acres remain for development in industrial use.

XIII. The area subject to annexation has present uses of five acres for commercial use and 70 acres for agricultural use.

In the area proposed for annexation there is 70 acres remaining for industrial and commercial development.

XIV. The City of Cokato has the following land use controls: Zoning, subdivision regulations, comprehensive plan, official map, fire code, building code, building inspector, and planning commission.

XV. The Town of Cokato's land use controls are regulated by Wright County.

XVI. The County of Wright has zoning, subdivision regulations, shoreline ordinance, comprehensive plan, official map, building code, building inspector, and a planning commission.

XVII. Under the present county zoning, the southerly 12½ acres are shown as industrial development with the remaining area proposed for annexation zoned agricultural.

XVIII. The Town of Cokato provides the area subject to annexation with fire protection by contracting with the City of Cokato, police protection is supplied from Wright County, no street improvements or maintenance since the only road into the annexation area is a county road, and regular township government. The fire rating for the township is 10.

XIX. The City of Cokato provides its residents with water, sewer, fire protection with a rating of seven, police protection by contract with Wright County, street improvements, street maintenance recreational opportunities, administrative services, and gargage pickup.

XX. There are no existing or potential environmental problems anticipated.

XXI. In the City of Cokato the tax base includes the following: Residential property in 1981 was valued at \$4,730,525 generating \$95,959 in taxes or 67.48% of the total. Commercial property in 1981 was valued at \$1,122,260, generating \$22,765 in taxes or 16.01% of the total. Industrial property in 1981 was valued at \$657,188, generating \$13,331 in taxes or 9.38% of the total. Agricultural property in 1981 was valued at \$39,917, generating \$810 in taxes or .57% of the total. Vacant land in 1981 was valued at \$117,075, generating \$2,375 in taxes or 1.67% of the total. Personal property in 1981 was valued at \$342,847, generating \$6,955 in taxes or 4.89% of the total.

XXII. In the Town of Cokato, the tax base includes the following: Residential property in 1981 was valued at \$806,056, generating \$16,002 in taxes or 17.095% of the total. Commercial property in 1981 was valued at \$336,445, generating \$6,679 in taxes or 7.135% of the total. Industrial property in 1981 was valued at \$149,425, generating \$2,966 in taxes or 3.169% of the total. Agricultural property in 1981 was valued at \$3,402,034, generating \$67,557 in taxes or 72.172% of the total. Vacant land in 1981 was valued at \$16,254, generating \$323 in taxes or .345% of the total. Personal property in 1981 was valued at \$3,977 generating \$79 in taxes or .084 of the total.

XXIV. In the area subject to annexation the tax base is agricultural property in 1981 valued at \$16,258, generating \$322.75 in taxes.

XXV. The assessed valuation for the City of Cokato is presently \$6,996,905.

XXVI. The assessed valuation of the Town of Cokato is approximately \$4,715,191.

XXVII. The mill rate in the City of Cokato for 1981 is 20.285 and the City's bonded indebtedness is \$1,172,000 as of 1980.

XXVIII. The Town of Cokato's mill rate in 1981 is 19.852 with a bonded indebtedness in 1980 of \$86,175.

XXIX. The mill rate in the County in 1981 is 26.765, the school district in 1981 is 36.87.

XXX. The City of Cokato's major transportation network are roads and railroutes.

In the area subject to annexation the parcel has 2,153 feet of frontage on Wright County Highway No. 3, an improved nine ton road.

XXXI. The area proposed for annexation is adjacent to a nine ton road, while other industrially zoned area located within the City of Cokato are not, resulting in ease of development for this area.

XXXII. If the entire area is annexed the Town of Cokato's new valuation would be \$4,698,933.

XXXIII. The area proposed for annexation is located within the same school district as is the City of Cokato and there will be no impact on the school district.

XXXIV. The area proposed for annexation is too small to incorporate into its own governmental unit.

XXXV. The majority of the property owners in the area to be annexed petitioned the Municipal Board requesting the annexation.

XXXVI. The area proposed for annexation should be reduced to the following described property so that only that portion about to become urban or surburan would be annexed:

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), excepting therefrom the three (3) following described tracts:

(1) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), described as follows: The South 213.28 feet of the North 3847.91 feet of a strip of land 337.59 feet wide lying East of the North/South 1/16 line which in turn lies approximately 1/4 mile East of the West line of Section Twenty-seven (27) (The distance 3847.91 feet being measured from the North line of Section Twenty-seven (27) and the distance of 337.59 feet measured from the North-South quarter line) containing 1.65 acres, more or less.

(2) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28) described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$) of said Section

Twenty-seven (27); thence South along the West line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) and the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 3634.63 feet to the point of beginning; thence East parallel with the North line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$), 337.59 feet; thence North parallel with the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 140.63 feet; thence West parallel with the North line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) 337.59 feet to the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); thence South along said West line, 140.63 feet to the point of beginning, containing 1.09 acres and subject to the right of way of Wright County Highway Number 3 over the West 33 feet thereof.

(3) That part of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of said Section Twenty-seven (27); thence South along West line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) and the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 3847.91 feet to the actual point of beginning; thence East parallel with the North line of said East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$), 337.59 feet; thence North parallel with the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 150.00 feet; thence East parallel with the South line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 150.00 feet; thence South parallel with the West line of the said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 289.31 feet to the South line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); thence West along said South line, 487.61 feet to the Southwest corner of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$); thence North along the West line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), 131.92 feet to the point of beginning, containing 2.05 acres and subject to the right of way of Wright County Highway No. 3 over the West 33 feet thereof.

Said area to be annexed containing 35.239 acres more or less.

CONCLUSIONS OF LAW

- I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- II. The reduced area proposed for annexation is now or about to become urban or suburban in character and the annexing municipality is capable of providing the services required by the area within a reasonable time.
- III. Municipal government is required to protect public health, safety and welfare in the area subject to annexation.
- IV. The best interest of the reduced area subject to annexation will be furthered by annexation.

V. The remainder of the Town of Cokato can carry out the functions of government without undue hardship.

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

VII. Annexation of all or a part of the property to an adjacent municipality is impossible since the reduced area proposed for annexation abuts only the City of Cokato.

IX. This annexation proceeding has been initiated by a petition of the majority of the 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 reduced area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Wright, State of Minnesota be and the same is hereby annexed to the City of Cokato, Minnesota the same as if it had been originally made a part thereof:

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), excepting therefrom the three (3) following described tracts:

(1) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28), described as follows: The South 213.28 feet of the North 3847.91 feet of a strip of land 337.59 feet wide lying East of the North/South 1/16 line which in turn lies approximately 1/4 mile East of the West line of Section Twenty-seven (27) (The distance 3847.91 feet being measured from the North line of Section Twenty-seven (27) and the distance of 337.59 feet measured from the North-South quarter line) containing 1.65 acres, more or less.

(2) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Nineteen (119), Range Twenty-eight (28) described as follows: Commencing at the Northwest corner of the East Half of the Northwest Quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$) of said Section Twenty-seven (27); thence South along the West line of said East Half of the Northwest Quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$) and the West line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), 3634.63 feet to the point of beginning; thence East parallel with the North line of said East Half of the Northwest Quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$), 337.59 feet; thence North parallel with the West line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), 140.63 feet; thence West parallel with the North line of said East Half of the

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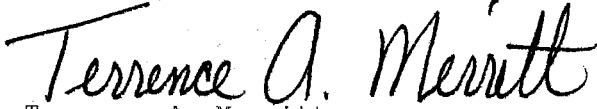
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II. IT IS FURTHER ORDERED: That the area originally petitioned for annexation and not contained in Article I of this order is hereby denied annexation without prejudice.

III. IT IS FURTHER ORDERED: That the effective date of this order is August 31, 1981.

Dated this 31st day of August, 1981

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


Terrence A. Merritt
Executive Director