

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Member
Melvin Dose	Ex-Officio Member
Howard Christensen	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF HUTCHINSON 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 March 6, 1985, at Hutchinson, Minnesota. The hearing was conducted by Richard A. Sand, then Commissioner, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, and County Commissioners Howard Christensen and Melvin Dose, Ex-Officio Members of the Board. The City of Hutchinson appeared by and through James Schaefer, City Attorney, Lynn Township appeared by and through Royal Knutson, Township Clerk, and the petitioner appeared by and through Curtis Bradford, Attorney at Law. 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. On December 14, 1984, a copy of the petition for annexation by the sole property owner was filed with the Minnesota Municipal Board. The petition contained all of the information required by statute, including a

description of the territory subject to annexation which is as follows:

The N 1/2 of the S 1/2 of the SE 1/4 of the NE 1/4 of Section 12, Township 116 North, Range 30 West, excepting therefrom the following described tract of land: A part of the N 1/2, S 1/2 of SE 1/4 of NE 1/4 of Section 12, Township 116 N, Range 30 W, McLeod County, Minnesota. Described as follows: Beginning at a point on the South line of said N 1/2, S 1/2 of SE 1/4 of NE 1/4 of said Section 12, said point being on the West 75.0 foot Right of Way line of Minnesota T.H. No. 15, said point bearing South 89° 39' West 75.0 feet from the SE corner of said N 1/2, S 1/2 of SE 1/4 of NE 1/4 of said Section 12, thence, along the South line of said N 1/2, S 1/2 of SE 1/4 of NE 1/4 of said Section 12, South 89° 39' West 264.0 feet, thence due North 165.0 feet, thence North 89° 39' East 264.0 feet to the West Right of Way line of Minnesota T.H. No. 15, thence, along said R.O.W. line due South 165.0 feet to the point of beginning. Tract containing 1.0 acres more or less. Also excepting a part of the N 1/2 of S 1/2 of SE 1/4 of NE 1/4, Section 12, Township 116 N, Range 30 W, McLeod County, Minnesota, described as follows: Beginning at a point on the S line of said N 1/2, S 1/2 of SE 1/4 of NE 1/4 said Section 12; said point bearing S 89° 39' West a distance of 339.0 feet from the SE corner of said N 1/2, S 1/2 of SE 1/4 of NE 1/4, Section 12, thence continuing along said S line aforesaid S 89° 39' West a distance of 264.0 feet; thence due N 165.0 feet; thence N 89° 39' E 264.0 feet; thence due S 165.0 feet to the point of beginning. Tract containing 1.0 acres, more or less.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Lynn Township on November 28, 1984. 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, Subdivision 5.

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

3. The area subject to annexation is unincorporated, approximately 8 acres in size and abuts the City of Hutchinson by approximately 50% of its total boundary.

4. Approximately 90% of the area proposed for annexation is classified as silty clay, loam, and 10% as peat. Slope varies from 0 to 10% and soil permeability is good.

5. The City of Hutchinson had a population of 8,031 in 1970, a

population of 9,244 in 1980, and its current population is approximately 9,481.

6. The Town of Lynn had a population of 778 in 1970 and a population of 693 in 1980. The township's current population is approximately 750.

7. The area proposed for annexation has no population.

8. The City of Hutchinson has approximately 1,656 acres in residential use, approximately 586 acres in institutional use, approximately 352 acres in commercial use, approximately 335 acres in industrial use, and approximately 280 acres in agricultural use.

9. Seven acres of the area proposed for annexation are prime agricultural land. The other one acre abuts Highway 15 and contains a house and garage.

10. The City of Hutchinson has a Comprehensive Plan, a zoning ordinance, subdivision regulations, an official map, a capital improvements program and budget, a fire code and Minnesota Building Code, Minnesota Plumbing Code, a floodplain ordinance, and a sanitation ordinance.

11. The County of McLeod has a zoning ordinance, subdivision regulations, an official map, shoreland ordinance, floodplain ordinance, sanitation ordinance, and human services program.

12. The City of Hutchinson presently provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

13. The city is willing to provide the area proposed for annexation with all of the services it presently provides the residents of the City of Hutchinson if the subject area is annexed. The annexation area has no need for additional services at this time.

14. There are no present pollution problems in the annexation area. The

annexation area has a private well and septic tank.

15. The Town of Lynn presently provides the annexation area with fire protection by contract, police protection from the county, and administrative services.

16. In 1985: the assessed valuation of the City of Hutchinson was \$41,604,982. The city's mill rate was 48.57. The City of Hutchinson had a total bonded indebtedness of \$15,705,000.

17. In 1985: the assessed valuation of the Town of Lynn was \$7,302,038. The town's mill rate was 4.80. The Town of Lynn had no bonded indebtedness.

18. The city's fire insurance rating is 5. The town's fire insurance rating is A.

19. The assessed valuation of the area proposed for annexation for 1985 was \$13,748.

20. For 1985: the county's mill rate was 28.72 for the city and 29.23 for the township. The difference between the town mill rates is for a library system which the City of Hutchinson directly assesses for. The school district's mill levy for both the city and the area proposed for annexation was 49.81. The Special Taxing District's mill levy was .154.

21. The area proposed for annexation is presently served by the same school district as the City of Hutchinson.

22. The City of Hutchinson is the only municipality adjacent to the area proposed for annexation.

23. Lynn Township can continue to function without the area proposed for annexation.

24. The City of Hutchinson has a land use plan which designates certain areas for commercial use. The city's planned use for the annexation area is commercial/industrial. There is vacant commercial area adjacent to the

annexation area already within the city.

25. There are no present plans for any development in the area proposed for annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The area proposed for annexation is not now nor is it about to become urban or suburban in nature.

3. Municipal government is not required to protect the public health, safety, and welfare in the area subject to annexation at the present time.

4. An order should be issued by the Minnesota Municipal Board denying the petitioned annexation of the area described herein.

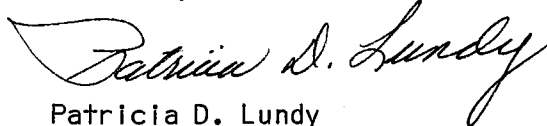
ORDER

1. IT IS HEREBY ORDERED: That the request for the annexation of the property described in Findings of Fact 1 herein, be and the same is hereby denied without prejudice.

2. IT IS FURTHER ORDERED: That the effective date of this order is September 15, 1986.

Dated this 15th day of September, 1986.

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



Patricia D. Lundy
Assistant Director