

**CITY OF COSMOS
RESOLUTION 2012-7 -CORRECTED-**

REC'D BY
MBA

SEP 05 2012

**A RESOLUTION OPPOSING THE PETITION OF RANDY SCHIRO AND JUDY
SCHIRO FOR THE DETACHMENT OF CERTAIN LAND(S) FROM THE CITY OF
COSMOS, MINNESOTA**

**(Office of Administrative Hearings – Municipal Boundary Adjustment Unit
Docket # D-500 Cosmos/Cosmos Township)**

WHEREAS, on April 4, 2012 the City of Cosmos received a request from Randy Schiro and Judy Schiro to consider the formation of a rural tax district as authorized under Minnesota Statutes §272.67, for the purpose of providing tax relief related to tillable lands lying within the corporate limits of the City of Cosmos; and

WHEREAS, on May 10, 2012 the City of Council of the City of Cosmos approved undertaking the consideration of establishing a rural tax district(s); and

WHEREAS, on June 14, 2012, after due consideration the City Council of the City of Cosmos determined the creation of a rural tax district(s) would negatively impact the City's tax base and impose undue hardship upon the remainder of City by limiting the City's ability to carry on its everyday functions and provide necessary services for its residents; and

WHEREAS, by Petition for Detachment of Certain Land filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit, dated August 3, 2012, Randy Schiro and Judy Schiro have sought the detachment of 64.14 acres of land lying within the corporate limits of the City of Cosmos, said land(s) to be attached to the Town of Cosmos, and identified as *S½ of NW¼, Section 22, Township 117 North, Range 32 West* (Meeker County Property ID Number 21-0056000); and

WHEREAS, the City Council of the City of Cosmos has considered said Petition and has determined to oppose detachment based upon the following factors it finds as relevant:

(a) Save for an extension and industrial park lying along Minnesota Highway 7 to the east of the City in the NE¼ of Section 22, Township 117 North, Range 32 West, the corporate limits of the City of Cosmos are a symmetrical square with an area of approximately one square mile, roughly defined as the SW¼ of Section 15, Township 117 North, Range 32 West; the SE¼ of Section 16, Township 117 North, Range 32 West; the NE¼ of Section 21, Township 117 North, Range 32 West; and, the NW¼ of Section 22, Township 117 North, Range 32 West. The detachment would affect the symmetry of the corporate limits of the City and thus the Petition should be opposed.

(b) The present pattern of physical development, planning, and intended land uses in the subject area including residential, industrial, commercial, agricultural, and institutional land uses, as well as the land use controls and planning presently being utilized in the subject area, are the same as have been used in the remainder of the City for the past few decades, and those are not expected to change in the near future. The detachment could render existing land use controls ineffective, negatively impacting adjoining lands remaining within the corporate limits of the City, thus the Petition should be opposed.

(c) There is no substantial difference in existing levels of fire protection and law enforcement being provided to the subject property and the remainder of the City. This does not mitigate in favor of the Petition.

(d) The only fiscal impact on the subject area relates to the Petitioners' earlier request for tax abatement, and that issue alone does not merit a jurisdictional transfer of the subject property to the adjoining Town.


(e) The fiscal impact to the remainder of the City following such a detachment would be negative, decreasing the City's tax base and imposing undue hardship upon the remainder of City by limiting the City's ability to carry on its everyday functions and provide necessary services for its residents. This includes the consideration of present indebtedness, local tax rates of the county, school district, and City, including, where applicable, the tax capacities of parcels classified agricultural versus non-agricultural lying within in the corporate limits of the City of Cosmos.

(f) The grant of detachment from the City of Cosmos and the subsequent annexation to the Town of Cosmos, may encourage similar petitions from other property owners of agricultural tracts lying within the corporate limits of the City of Cosmos; and, the City Council finds that as a matter of public policy, it is neither in the interests of the City of Cosmos, nor the Town of Cosmos, nor the County of Meeker, nor the State of Minnesota, to have property owners petitioning for the transfer of jurisdiction of their property purely as it relates to real estate tax classification and payments.

WHEREFORE, the City Council for the City of Cosmos resolves as follows:

- 1) The City opposes the Petition for Detachment of Certain Land(s) from the City of Cosmos, Minnesota, as filed by Randy Schiro and Judy Schiro, under Office of Administrative Hearings - Municipal Boundary Adjustment Unit Docket # D-500.
- 2) Pursuant to Minnesota Statutes §414.06(2) the City requests that the Chief Administrative Law Judge designate a time and place for a hearing in accordance with Minnesota Statutes §414.09.

Passed by a 4 to 0 (with 0 abstaining) vote of the Council on August 28, 2012.


Richard A. Gieser, Mayor

Attest:


Kathy L. Blackwell, Clerk/Treasurer