

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas J. Simmons	Vice Chairman
Gerald J. Isaacs	Member
J. C. Hennes	Ex-Officio Member
Earl A. Bukowski	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF SARTELL AND SAUK)	
RAPIDS TOWNSHIP FOR THE ORDERLY)	
ANNEXATION OF CERTAIN LAND TO THE CITY)	<u>FINDINGS OF FACT,</u>
OF SARTELL)	<u>CONCLUSIONS OF LAW,</u>
		<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Commission pursuant to Minnesota Statutes 414, as amended, on May 21, 1974 at Sartell City Hall, Sartell, Minnesota. The City of Sartell appeared by and through Louis J. Reed, City Attorney. The hearing was conducted by Howard L. Kaibel, Executive Secretary of the Minnesota Municipal Commission pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners J. C. Hennes and Earl A. Bukowski, Ex-Officio Members of the Commission. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, and being fully advised in the premises, the Minnesota Municipal Commission hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing was published, served and filed.
2. That the area proposed for annexation is approximately 16 1/2 acres.

3. That the area proposed to be annexed is characterized by light industrial development, or will experience development in the near future.

4. That the City of Sartell is capable of and it is practical for it to provide to the area proposed for annexation the following municipal services within the next three (3) years:

- a. water
- b. sanitary sewer
- c. fire protection
- d. police protection
- e. storm sewer
- f. parks and recreation
- g. garbage collection
- h. street maintenance
- i. planning & zoning
- j. building inspection

CONCLUSIONS OF LAW

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

2. The area proposed for annexation is now or is about to become urban or suburban in nature.

3. The City of Sartell is capable of providing the services required by the area described herein within a reasonable time.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of Sauk Rapids, County of Benton, State of Minnesota, be and the same hereby is annexed to the City of Sartell the same as if it had originally been made a part thereof:

All that part of Government Lot One (1) in Section Sixteen (16), Township Thirty-Six (36), Range Thirty-One (31), Benton County, Minnesota lying East of the Northern Pacific Railroad right-of-way (now Burlington Northern Railroad), excepting therefrom the North Two Hundred Ninety-Five (N.295') Feet of the East Two Hundred Ninety-Five (E.295') Feet thereof and less that part now used for Highway purposes and subject to County Road Easement on the North boundary line thereof, containing approximately 16.5 acres, more or less, according to government survey.

IT IS FURTHER ORDERED: That the mill levy of the City of Sartell on the property herein ordered annexed shall be increased in substantially equal proportion over a period of three (3) years to equality with the mill levy of the property already within the City. ✓

Dated this 17TH day of June, 1974

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101

A handwritten signature in dark ink, appearing to read "Howard L. Kaibel, Jr.", with a stylized flourish at the end.

Howard L. Kaibel, Jr.
Executive Secretary

M E M O R A N D U M

The Town Board Chairman and Clerk appeared at the hearing on this proposed annexation objecting to the inclusion of the entire 16 1/2 acres involved when only approximately 1/2 acre is proposed for immediate development. The property owner responded by indicating his intention to dedicate approximately 10 acres of the area to the city for use as a park. We have today concluded that the entire parcel should be annexed. The proposed park dedication was a major factor in that decision.

The area involved is part of a broader area in the township that has been designated as "in need of orderly annexation". Orderly Annexation allows the city to plan for serving property outside of its boundaries, keeping such territory in the township until such time as it develops and needs municipal services. Orderly annexation assures the city that boundary adjustments will be allowed when urban or suburban development occurs and city services are available. It also assures the township that boundary adjustments will not be made unless and until those criteria are met. The Municipal Commission has announced in previous proceedings its intention to scrutinize proposed annexations within orderly annexation areas and to reduce those proposals excluding undeveloped areas where there are no immediate plans for development. This works no hardship on municipalities involved as boundary adjustment in an area designated for orderly annexation is relatively simple in the event that development plans arise.

Although today's decision was a difficult one, we are convinced

that the statutory requirements have been met in this proceeding - largely because of the proposed municipal park dedication. We urge the city in the future to initiate annexations in the designated orderly annexation area only where there are relatively immediate plans for urban or suburban development.