

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Roy Herbst	Ex-Officio Member
John Kosloske	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on February 18, 1977 and April 22, 1977, at Sartell, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Roy Herbst and John Kosloske, ex-officio members of the Board. The record was reopened and a hearing on January 22, 1979 at Sartell, Minnesota was conducted by Robert W. Johnson, pursuant to Minnesota Statutes 414.01, Subd. 12, for the limited purpose of taking testimony concerning the ability of the City of Sartell to produce sufficient water to service the area in question. Also in attendance was County Commissioner Roy Herbst, ex-officio member of the Board. The City of Sartell appeared by and through Dale Mossey, and the Township of Sauk Rapids appeared by and through Robert Sefkow. 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. That a joint resolution for orderly annexation was adopted in 1972 by the City of Sartell and the Township of Sauk Rapids and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, City of Sartell, on January 17, 1977, requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

"All that part of Oakridge Addition, Oakridge 2nd Addition and Oakridge 3rd Addition, according to the plats on file and of record, together with all that part of the North one half of Sections 15 and 16, Township 36 North, Range 31 West, Benton County, Minnesota bounded by the following described lines: On the North, by the North line of said sections 15 and 16; On the East, by the East line of the Northwest quarter (NW $\frac{1}{4}$) of said section 15; on the West, by the centerline of the Mississippi River; on the South, by the following described line, beginning at the intersection of the East-West quarter section line of said Section 16 and the centerline of said Mississippi River; thence in an Easterly direction along said Quarter Section line and along the East-West Quarter Section line of said Section 15 to the intersection with the South-Westerly right of way line of the Burlington Northern Railroad; thence in a Northwesterly direction, along said right of way line, to a point of intersection with the Southeast-erly right of way line of Ridge Road, as platted in said Oakridge 2nd Addition, extended Southwesterly; thence in a Northeasterly direction, along said Southeasterly right of way line and said line extended, to a point of intersection with the South line of blocks 5 and 6 of said Oakridge 3rd Addition; thence in a Northeasterly direction along said South line, to a point of intersection with the centerline of West Highview Drive as platted in said Oakridge 3rd Addition; thence in a Southeasterly direction, along said centerline; to a point of intersection with the Northerly right of way line of North Highview Drive, as platted in said Oakridge 3rd Addition, extended Westerly; thence in an Easterly direction, along said Northerly right of way line and said line extended, said right of way line also extend Easterly, to a point of intersection with the East line of the Northwest quarter (NW $\frac{1}{4}$) of said Section 15 and there terminating. Less and except the Westerly 485.00 feet of the Easterly 30 acres and the Northerly 435.09 feet of said Easterly 30 acres of the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of said section 15. Also less and except Lot 1, Block 1, Oakridge 3rd Addition except the Easterly 89.20 feet thereof. Also less and except all that part of Government Lot one, said Section 16, Lying Northeasterly of Benton Drive (formerly known as state Trunk Highway No. 10). Containing 140 acres, more or less.

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

4. The Board has made a preliminary finding that the area proposed for annexation should be decreased so as to include only that area which is in need of municipal services or will be in need of them within a reasonable time.

5. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Sartell.
- b. The total area of the territory subject to annexation is approximately 140 acres, the entire area designated for orderly annexation. The decreased area is approximately 89 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the decreased property is as follows: more than 50%.
- d. The natural terrain of the decreased area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: fairly level except a steep, downward slope in a portion of the area.

6. Population Data

- a. The City of Sartell
 - 1) Past population growth: 1,323 as of 1970.
 - 2) Present population: 3,053
 - 3) Projected population: continued growth to 3,500 people in 1985.
- b. The decreased area subject to annexation
 - 1) Past population growth: steady growth
 - 2) Present population: approximately 55 persons
 - 3) Projected population: growth is likely to continue as the area is fully developed.
- c. The township of Sauk Rapids: present population 752.

7. Development Issues

- a. What, if any, are the comprehensive plans for the development of the decreased property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency? There are no general plans other than the anticipated construction of several homes; much of the area is already developed.

- b. What land use controls are presently being employed.
 - 1) In the City of Sartell:
 - a. Zoning - Yes; city plans include having the annexed area automatically designated R-1 upon annexation.
 - b. Subdivision regulations - Yes
 - c. Housing and building codes - State Building Code
 - d. Other - Planning Commission, comprehensive plan, inspector
 - 2) In the decreased area to be annexed:
 - a. Zoning - Yes, zoned by Sauk Rapids Township as residential.
 - b. Subdivision regulations - No
 - c. Housing and building codes - State Building Code
 - d. Other - Most of the area is platted, Planning Commission, building inspector
- c. Does the City require future growth space? Yes. If so, will the decreased area subject to annexation provide the City of Sartell with necessary growth space? Yes, some lots do remain available for development.
- d. The present pattern of physical development in the decreased area subject to annexation is:
 - a) Residential - Yes, most of the decreased area is residential, already developed (including 20 homes), or available for residential use.
 - b) Industrial - A small area near the river is intended for industrial use, including present use location of an auto-wrecking yard.
 - c) Commercial - No
 - d) Institutional - No

8. Governmental Services

- a. Presently, the Township of Sauk Rapids provides the decreased area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes by contract with the City of Sauk Rapids. Fire rating is 10.
- 4) Police Protection - County sheriff and a constable.
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Yes

b. Presently, the City of Sartell provides its citizens with the following services:

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - Yes
- 4) Police Protection - Yes, 24-hour service.
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Yes
- 8) Other - Administrative services, a good insurance, fire rating (6), city engineer street lights, inspector

c. Presently, the City of Sartell provides the decreased area subject to annexation with the following services:

- 1) Water - No; however, water lines are on the northern boundary of the area.
- 2) Sewer - No; however, sewer lines are on the northern boundary of the area.
- 3) Fire Protection - No
- 4) Police Protection - On request of County sheriff.
- 5) Street Improvements - No
- 6) Street Maintenance - No
- 7) Recreational - Yes

d. Plans to extend municipal services to the decreased area subject to annexation include the following: all services, including sewer and water, can be extended within a reasonable time, most services immediately. Utilities are generally not extended except upon request of the property owners. In an effort to upgrade the water supply, the City of Sartell has contracted for construction in the spring of well number 4, with a projected yield of 800-1000 gallons of water per minute. A yield of 500 gallons of water or more per minute would augment the present water supply sufficiently to service the needs of the proposed annexation area. There are no other wells presently contracted for construction.

- e. There are existing or potential pollution problems which are: there have been some difficulties with several of the septic tank systems. Further, future development and simply the passage of time might create sewage problems in this intensively developed area. The following additional services will help resolve this situation: city sewer which is available, upon petition, to the decreased area.
- f. That the City of Sartell is capable of and it is practical for it to provide to the decreased area proposed for annexation the listed municipal services within the next five years, the water being derived from well number 4 is to be available by spring of 1979.

9. Fiscal Data

- a. In the City of Sartell, the assessed valuation trend is increasing, the mill rate as of 1978 is 24.08 and the present bonded indebtedness is 0.
- b. In the decreased area subject to annexation, the assessed valuation trend as of 1976 is rising, the mill rate as of 1977 is 3.40 and the present bonded indebtedness is 0.
- c. The mill rates in the following units of government are:
 - 1) County - 23.26 as of 1978.
 - 2) School Districts - 54.15 as of 1978.
 - 3) Township - 3.44 as of 1978.
- d. Will the annexation have any effect upon area school districts? No, the district is the same.

CONCLUSIONS OF LAW

- 1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- 2. The decreased area subject to 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 decreased area described herein within a reasonable time, the water from well number 4 is to be available by the spring of 1979.

4. The mill levy of the annexing municipality on the decreased area proposed for annexation should be increased in substantially equal proportions over a five-year period.

5. An order should be issued by the Minnesota Municipal Board annexing the decreased area described herein, subject to the conditions contained therein.

O R D E R

IT IS HEREBY ORDERED: That, if the City of Sartell water well designated as number 4 has had the capacity to produce at least 500 gallons of water per minute for at least two successive weeks by July 15, 1979, 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:

That part of Oakridge Addition, Oakridge 2nd Addition and Oakridge 3rd Addition, according to the plats on file and of record, together with all that part of the north one half of Sections 15 and 16, Township 36 North, Range 31 West, Benton County, Minnesota bounded by the following described lines; on the North, by the North line of said Sections 15 and 16; on the East, by the following described line, beginning at the intersection of the South line of Block 5 said Oakridge 3rd Addition and the Southwesterly right of way line of West Highview Drive as platted in said Oakridge 3rd Addition; Thence in a Northwesterly direction, along said right of way line, 1000.41 feet; thence in a Northeasterly direction to the most Southerly corner of Lot 2, Block 1, said Oakridge 3rd Addition; thence in a Northeasterly direction, along the Southeasterly line of said Lot 2, a distance of 113.05 feet; thence in a Northerly direction, along the most Easterly lot line of said Lot 2, a distance of 145.00 feet; thence in an Easterly direction, along a line parallel to the North line of said Section 15, a distance of 30.80 feet; thence in a Northerly direction along a line 90.80 feet Easterly of and parallel to the East line of Lot 1, Block 1, said Oakridge 3rd Addition, to a point of intersection with the North line of said Section 15 and there terminating; on the west, by the centerline of the Mississippi River; on the South, by the following described line, beginning at the intersection of the East-West quarter section line of said Section 16 and the centerline of said Mississippi River; thence in an Easterly direction along said quarter section line and along the East-West quarter section line of said Section 15 to the intersection with the Southwesterly right of way line of the Burlington Northern Railroad; thence in a Northwesterly direction, along said right of way line, to a point of intersection with the Southeasterly right of way line of Ridge Road, as platted in said Oakridge 2nd Addition, extended Southwesterly; thence in a Northeasterly direction, along said Southeasterly right of way line and said line extended, to a point of intersection with the South line of blocks 5 and 6 of said Oakridge 3rd addition; thence in a Northeasterly direction along said South line, to

a point of intersection with the Southwesterly right of way line of West Highview Drive as platted in said Oakridge 3rd addition and there terminating. Less and except that part Lot 1, Block 1, Oakridge 3rd Addition already within the corporate limits. Also less and except all that part of government Lot one, said Section 16, lying Northeasterly of Benton Drive (formerly known as State Trunk Highway No. 10) except the Northerly 295 feet of the Easterly 295 feet of said government Lot one. Containing 89 acres, more or less.

IT IS FURTHER ORDERED: That the production of city well number 4 shall be certified to the Municipal Board, by an affidavit of the Sartell City Engineer.

IT IS FURTHER ORDERED: That if City well number 4 has not had the capacity to produce at least 500 gallons of water per minute for at least two successive weeks as certified to the Board by the City of Sartell Engineer's affidavit by July 15, 1979, the annexation petition is denied without prejudice.

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 proportions over a period of five years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the population of the City of Sartell be and the same hereby is increased by 55 for all purposes until the next Federal Census, the new total being 3,108.

IT IS FURTHER ORDERED: That the population of the Town of Sauk Rapids be and the same hereby is decreased by 55 for all purposes until the next Federal Census, the new total being 697.

IT IS FURTHER ORDERED: That the 30 day appeal period as allowed by the M.S. 414.07, Subd. 2--- shall commence running as of July 15, 1979.

IT IS FURTHER ORDERED: That the effective date of this order is February 12, 1979.

Dated this 12th day of February, 1979.

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director