

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Emil Kelm	Ex-Officio Member
Al Seppelt	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF SARTELL AND THE)	
TOWN OF SAUK RAPIDS FOR THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
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 October 21st, 1981 at Sartell, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendnace were County Commissioners Al Seppelt and Emil Kelm, ex-officio members of the board. The City of Sartell appeared by and through Dale E. Mossey and the property owner, Country Manor Health Care and Retirement Center, appeared by and through D. Michael Noonan. 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

I. The joint resolution for orderly annexation was adopted by the City of Sartell and the Town of Sauk Rapids and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Sartell, on July 16th, 1981 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

PARCEL A

The South 674.43 feet of the North 1,109.52 feet of the East 121.5 feet of the West 606.50 feet of the East Thirty (30) acres of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW¼) of Section 15, Township 36 North, Range 31 West.

PARCEL B

All that part of the East Thirty (30) acres of the Northeast Quarter of the Northwest Quarter (NE ¼ NW¼) of Section 15, Township 36 North, Range 31 West, less and except the following described tracts:

The South 674.43 feet of the North 1,109.52 feet of the East 121.5 feet of the West 606.50 feet of the East Thirty (30) acres of the Northeast Quarter of the Northwest Quarter (NE ¼ of NW ¼) of Section 15, Township 36 North, Range 31 West.

Commencing at the Northwest corner of said Section 15; thence in an Easterly direction along the North line of said Section 15 for

a distance of 1650.37 feet to the point of beginning; thence continuing along the aforescribed line 462.00 feet; thence deflect right 91 Degrees 38 Minutes 40 Seconds in a Southerly direction 435.09 feet; thence deflect right 88 Degrees 21 Minutes 20 Seconds in a Westerly direction along a line parallel to the North line of said Section 15 for a distance of 462.00 feet; thence deflect right 91 Degrees 38 Minutes 40 Seconds in a Northerly direction 435.09 feet to the point of beginning and there terminating. Said tract containing 4.33 acres, more or less, and subject to existing road right of way over and across the North boundary thereof.

Commencing at the Northwest corner of said Section 15; thence in an Easterly direction along the North line of said Section 15 for a distance of 2112.37 feet to the point of beginning; thence continuing along the aforescribed line 541.63 feet to the North Quarter corner of said Section 15; thence deflect right 88 Degrees 49 Minutes 20 Seconds in a Southerly direction along the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 435 feet; thence deflect right 91 Degrees 10 Minutes 40 Seconds in a Westerly direction along a line parallel to the North line of said Section 15 for a distance of 563.06 feet; thence North to point of beginning. Said tract containing 5.80 acres, more or less, and subject to an existing road right of way over and across the North boundary thereof.

The Westerly 485.00 feet of the East Thirty (E 30 A) acres of the Northeast quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fifteen (15), Township Thirty-six (36), North, Range Thirty-one (31) West, Benton County, Minnesota, less and excepting the Northerly 435.09 feet thereof, containing 10 acres, more or less.

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

IV. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 10.58 acres in size, and abuts the City of Sartell by approximately 50% of its border. The City of Sartell is approximately 2,000 acres in size.

V. The natural terrain of the area proposed for annexation is flat, high ground.

VI. The present population for the City of Sartell is 3,427. The City had a population in 1970 of 1,323, and it is projected by 1990 that it will have a population of 4,300.

VII. The area proposed for annexation has no present population.

VIII. The City of Sartell has land in residential use, industrial use, commercial use, institutional use, and agricultural use.

IX. The Town of Sauk Rapids has land in agricultural use, institutional use, and residential use.

X. In the area proposed for annexation some of the land is in use as a parking lot or general landscaping for the present Country Manor facilities located within the city, and the remainder of the portion is presently in agricultural use.

XI. The City of Sartell has a zoning ordinance, a subdivision planning ordinance, a comprehensive plan, and a planning commission.

XII. The area proposed for annexation is presently zoned agricultural and if annexed would be zoned R-1, as that is standard procedure under the Sartell zoning ordinance for newly annexed property. Once land is annexed, the necessary procedures for rezoning can be initiated. The remainder of the area or the retirement center is presently zoned R-3.

XIII. Access to the area proposed for annexation would be gained off of County Road 29 which presently services the rest of the retirement center area.

XIV. The Town of Sauk Rapids provides its residents with administrative services and fire protection through a contract with the City of Sauk Rapids whose fire station is approximately six miles away from the area proposed for annexation.

XV. The City of Sartell provides its residents with water, sewer, street maintenance and street improvements, fire protection, police protection, recreational opportunities, and administrative services.

The City of Sartell indicates a willingness to service the area proposed for annexation with the services it presently provides its residents.

XVI. The present bonded indebtedness for the City of Sartell is \$2,385,000.00.

XVII. The assessed valuation of Sauk Rapids Township is \$2,702,510.00. Total valuation of the City of Sartell \$12,451,049.00.

XVIII. The assessed valuation of the area proposed for annexation is \$2,160.00.

XIX. The assessed valuation of the Town of Sauk Rapids if the area proposed for annexation is annexed is \$2,700,350.00.

XX. The mill levy for that portion of the City of Sartell in Benton County for 1980 payable in 1981 is 21.24 for local government levy, 53.78 for school district levy, 28.48 for the county levy, for a total of 103.50. The mill levy in 1980 payable in 1981 for the Stearns County portion of the City of Sartell for the local government levy is 21.24, for the school district is 60.49, and for the county levy is 17.99 for a total of 99.72.

XXI. The Town of Sauk Rapids mill rate is 2.961.

XXII. The annexation of the area proposed for annexation does not appear to have any impact on the school district.

XXIII. The City of Sartell is the only municipality adjacent to the area proposed for annexation.

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

XXV. Necessary governmental service could best be provided by annexation to the City of Sartell.

XXVI. The Town of Sauk Rapids does not intend to deliver water or sewer to the area proposed for annexation as the township does not have central water and sewer service.

XXVII. The annexation is consistent with the joint resolution for orderly annexation between the Town of Sauk Rapids and the City of Sartell.

CONCLUSIONS OF LAW

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

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect the public health, safety, and welfare of the area proposed for annexation.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation is consistent with the terms of the joint resolution for orderly annexation.

VI. Five years will be required to effectively provide full municipal services to the annexed area, and to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact II be and the same here is hereby annexed to the City of Sartell, Minnesota the same as if it had been originally a part thereof.

II. 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.

III. IT IS FURTHER ORDERED: That the effective date of this order is December 21, 1981.

Dated this 21st day of December, 1981

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt
Executive Director