

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Don Winkelman, Sr.	Ex-Officio Member
Al Seppelt	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on August 1, 1984 at Sartell, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Don Winkelman, Sr. and Al Seppelt, Ex-Officio Members of the Board. The City of Sartell appeared by and through Susan Mueller, Clerk-Treasurer. 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. 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.

2. A resolution was filed by one of the signatories to the joint resolution, the City of Sartell, on June 1, 1984 requesting annexation of certain property within the orderly annexation area. The resolution contained all of the information required by statute including a description of the property subject to annexation which is as follows:

That part of the Northwest Quarter of the Northwest Quarter (NW 1/4 of the NW 1/4) of Section Fifteen (15), Township Thirty-six (36), North of Range Thirty-one (31) West, which is unplatted and described as follows: Commencing at the Northeast corner of Lot 1, Block 1, Oakridge Third Addition; thence South $02^{\circ}23'30''$ West 500 feet to an iron monument; thence South $89^{\circ}15'50''$ East 90.80 feet to a point; thence North $02^{\circ}22'30''$ East to the North line of said Section 15; thence North $89^{\circ}16'50''$ West along said North line of said Section 15 to the point of beginning and there terminating. Containing 1.05 acres more or less.

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

4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 1.05 acres in size, and abuts the City of Sartell by approximately 50% of its border.

5. The City of Sartell had a population of 1,323 in 1970, 3,427 in 1980, and its present population is 3,850.

6. In 1970, the Town of Sauk Rapids had a population of 800, and in 1980 its population was 745.

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

8. The terrain of the area proposed for annexation is generally level with some gently rolling hills.

9. The City of Sartell has land zoned for residential use, commercial use, and industrial use.

10. The area proposed for annexation is presently zoned R-3, which is residential use and apartments as a conditional use.

11. The land immediately west of the area proposed for annexation is owned by the property owner of the area under consideration. He has had the property within the city rezoned for R-3 and needs the area proposed for annexation to give him sufficient area to meet the requirements for the multiple-family dwellings he proposes to construct.

12. The zoning of the area proposed for annexation to multiple-family within the city is consistent with the city's general overall plan if the

property is annexed.

13. The City of Sartell has a zoning ordinance, a comprehensive plan, and a planning commission. The proposed annexation and use of the land is consistent with the comprehensive plan and zoning ordinance that are being revised.

14. Access to the area proposed for annexation would be from Benton County Highway 29, which is located immediately north of the area under consideration.

15. Water and sewer service to the area proposed for annexation are located in Benton County Highway 29. The lines have sufficient capacity to service the area under consideration. The Waste Water Treatment Facility and the water system of the City of Sartell have sufficient capacity to service the area proposed for annexation.

16. The City of Sartell also provides its residents with police protection and fire protection, which are capable of also serving the area proposed for annexation.

17. The City of Sartell is willing to extend the services it presently provides its residents to the area proposed for annexation if it is annexed.

18. The assessed valuation of the City of Sartell is \$23,997,958. \$13,039,314 of that assessed valuation is located within Benton County and the remainder of the assessed valuation is located within Stearns County.

19. The assessed valuation of the area proposed for annexation is \$209.

20. The Town of Sauk Rapids has an assessed valuation of \$3,446,095.

21. The mill levy for the Town of Sauk Rapids in 1984 is 3.535.

22. The City of Sartell has a mill levy for 1984 of 21.934.

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

24. Necessary governmental service could best be provided by annexation

to the City of Sartell.

25. 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

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

2. 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.

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

4. The annexation is in the best interests of the area proposed for annexation.

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

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

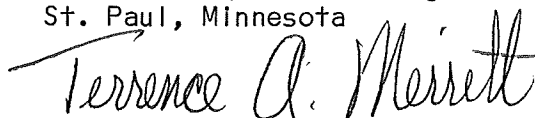
O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be and the same hereby is annexed to the City of Sartell, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is September 20, 1984

Dated this 20th day of September, 1984.

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

A handwritten signature in black ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a large, stylized 'T' and 'M'.

Terrence A. Merritt
Executive Director