

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Don Winkelman, Sr.	Ex-Officio Member
Gerald Eilers	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 September 11, 1985, 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 Kenneth F. Sette, Chairman, Shirley J. Mihelich, Commissioner, and County Commissioners Don Winkelman, Sr. and Gerald Eilers, Ex-Officio Members of the Board. The City of Sartell appeared by and through Dale Mossey, Attorney at Law. The City of Sauk Rapids appeared by and through Robert Haarman, 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 July 12, 1985 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:

All that part of the Northwest Quarter of Section 15, Township 36 N., Range 31 W., Benton County, Minnesota described as follows:

Commencing at the northeast corner of said Northwest Quarter; thence southerly along the east line of said Northwest Quarter 1320 feet, more or less, to the northeast corner of the Southeast Quarter of the Northwest Quarter, said point also being the POINT OF BEGINNING of the parcel to be described; thence continue southerly along the east line of said Northwest Quarter 400 feet, more or less, to the north line of Lot 1, Block 3, Oakridge 3rd Addition on file and of record in the Office of the Recorder, Benton County, Minnesota; thence westerly along the north line of said Lot 1 and the northerly right of way line of North Highview Drive and its westerly extension 1580 feet, more or less, to the centerline of West Highview Drive; thence northwesterly along said centerline 190 feet, more or less, to the easterly extension of the south line of Block 5, Oakridge 3rd Addition; thence westerly along said extension 35 feet, more or less, to the southeast corner of said Block 5; thence northwesterly along the westerly right of way line of West Highview Drive 1000 feet, more or less, to the City of Sartell southerly corporate limits line of West Highview Drive; thence easterly along said southerly corporate limits line to the most southerly corner of Lot 2, Block 1, of said Oakridge 3rd Addition; thence northeasterly and northerly along the easterly lines of said Lot 2 to the most easterly northeast corner of said Lot 2; thence easterly along the corporate limits line, said line being parallel with and 500.00 feet south of the north line of said Section 15, 30.80 feet; thence northerly along the corporate limits line 500.00 feet to the north line of said Section 15; thence easterly along said north section line and corporate limits line 600 feet, more or less, to a point of intersection with a north-south corporate limits line; thence southerly along said corporate limits line 1320 feet, more or less, to the north line of said Southeast Quarter of the Northwest Quarter; thence easterly along said south line 1090 feet, more or less, to the Point of Beginning and there terminating.

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 36.5 acres in size, and abuts the City of Sartell by approximately 70% 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 3,901.

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

7. The area proposed for annexation is generally flat land with a low spot in the southwest corner.

8. The County of Benton has zoned the area proposed for annexation R-3, Single Family and Multiple Dwelling Residence District.

9. The land immediately east of the area proposed for annexation is owned by the property owner of the eastern portion of the area proposed for annexation. That area is presently zoned R-3 and has located on it the Country Manor Health Care and Retirement Center. The easternmost ten acres of the northernmost part of the area proposed for annexation is proposed to be used for expansion of the Manor facility, if the area is annexed.

10. The City of Sartell has a zoning ordinance, a long-range plan, a subdivision ordinance, and a planning commission. The proposed annexation and use of the land is consistent with the long-range plan and zoning ordinance.

11. Access to the area proposed for annexation would be from Benton County Highway 29, which is located immediately north of the area under consideration or from West Highview Drive, which is west of the annexation area.

12. Water and sewer service to the area proposed for annexation are located in Benton County Highway 29 and West Highview Drive. The lines have sufficient capacity to service the area under consideration.

13. 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.

14. 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.

15. The assessed valuation of the City of Sartell is \$24,155,330. \$12,881,171 of that assessed valuation is located within Benton County and the remainder of the assessed valuation is located within Stearns County.

16. The assessed valuation of the area proposed for annexation is in excess of \$8,841.

17. The mill levy for the Town of Sauk Rapids in 1985 is 3.738.

18. The City of Sartell has a mill levy for 1985 of 21.7.

19. The City of Sartell is located adjacent to the north and west boundaries of the annexation area, and the City of Sauk Rapids abuts the southern boundary of the annexation area.

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

21. The 1985 mill rate for the County of Benton is 29.701, and for the school district serving the area proposed for annexation it is 49.492.

22. 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 proposed for annexation.

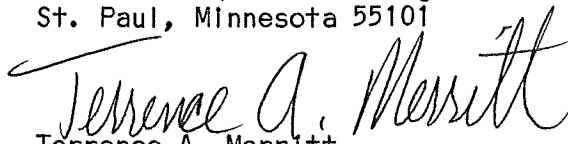
O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be, and the same is hereby 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 October 23, 1985.

Dated this 23rd day of October, 1985.

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


Terrence A. Merritt
Executive Director