

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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

-----  
IN THE MATTER OF THE JOINT )  
RESOLUTION BETWEEN THE CITY )  
OF SAUK RAPIDS AND THE TOWN )  
OF SAUK RAPIDS FOR THE )  
ORDERLY ANNEXATION OF )  
CERTAIN LAND TO THE CITY OF )  
SAUK RAPIDS PURSUANT TO )  
MINNESOTA STATUTES 414 )  
-----

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 16, 1983 at Sauk Rapids, 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, Vice Chairman, and County Commissioners Donald Winkelman, Sr. and Gerald Eilers, Ex-Officio members of the Board. The City of Sauk Rapids appeared by and through Robert Haarman, City Clerk, and the Town of Sauk Rapids appeared by and through Duane Grandy, Town Supervisor. 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. A joint resolution for orderly annexation was adopted by the City of Sauk Rapids 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 Sauk Rapids, on August 22, 1983, requesting the 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 of that part of Oakridge Third Addition and all of Section 15, Township 36 North, Range 31 West, Benton County, Minnesota, beginning at the intersection of the easterly right-of-way line of West Highview Drive extended and the northerly right-of-way line of North Highview Drive extended; thence easterly along the northerly right-of-way line of North Highview Drive as platted in Oakridge Third Addition and extended to the easterly right-of-way line of State Trunk Highway #15; thence southwesterly along said easterly right-of-way line of State Trunk Highway #15 to its intersection with the southerly line of Section 15, Township 36 North, Range 31 West; thence westerly along the south line of Section 15, Township 36 North, Range 31 West to its intersection with the centerline of Section 15, Township 36 North, Range 31 West; thence northerly along the city limits and the centerline of Section 15 to its intersection with the south line of Lot 23, Block 3 Oakridge Third Addition; thence westerly along the southerly right-of-way line of Lot 23, Block 3, to its intersection with the westerly line of Lot 23, Block 3; thence northerly along the westerly line of Lot 23, Block 3 to its intersection with the northerly right-of-way line of East Highview Drive; thence westerly along said right-of-way line of East Highview Drive to its intersection with the easterly right-of-way line of West Highview Drive; thence northerly along the easterly right-of-way line of West Highview Drive to the point of beginning.

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 172 acres in size, and abuts the City of Sauk Rapids by approximately 52% of its border.

5. There are no waterways in or adjacent to the area proposed for annexation. Property in the platted area is Brainerd sand loam with 1 to 5 percent slopes. The remainder of the land is either Flak sandy loam with 2 to 12 percent slopes or Emert gravelly loamy sand with 6 to 25 percent slopes.

6. In 1970 the city's population was 5,051, in 1980 its population was 5,793, and its current population is 6,010.

7. The Town of Sauk Rapids had a population of 950 in 1970, 752 in 1980, and its current population is 752.

8. In the area proposed for annexation, the population was approximately 40 in 1980, and its current population is approximately 50.

9. In the area proposed for annexation there are approximately 16 residential structures on platted lots, approximately 26 vacant lots in Oakridge Third Addition, as well as vacant land which includes on it a gravel pit located between the platted lots and Minnesota Highway #15.

10. Benton County has land use zoning controls enforced over the annexation area at present.

11. If the area is annexed, the City of Sauk Rapids will

exercise its land use and subdivision controls. The platted lots will be zoned single family residential and the vacant land will be zoned agricultural.

It is anticipated that the gravel pit vacant land area will eventually be developed for residential use.

12. Presently the FHA and VA have a moratorium on loans for development in the annexation area until there is sewer or water servicing the area.

13. The City of Sauk Rapids has provisions in its present land use ordinance to address the use, operation and reclamation of the gravel pit.

14. The City of Sauk Rapids provides its residents with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

15. The City of Sauk Rapids presently provides the annexation area with fire protection pursuant to a contract with the Town of Sauk Rapids, whereby the city is reimbursed for this service.

16. The City of Sauk Rapids is willing to provide all of the services it provides the present residents of the City of Sauk Rapids to the annexation area if it is annexed.

17. The Town of Sauk Rapids presently provides the annexation area with fire protection through a contract with the city, police protection through the Benton County Sheriff's Department, street improvements and maintenance, and administrative services.

18. Presently existing homes in the annexation area are served by private wells and private septic systems.

19. The extension of city sewer to the annexation area will prevent future pollution of water wells in the area.

20. The City of Sauk Rapids, in 1983, had an assessed valuation of \$19,798,613. The city had a mill rate of 29.018. The city had a total bonded indebtedness of \$3,587,481, of which 85% will be paid off within eight years.

21. In 1983 the Town of Sauk Rapids had an assessed valuation of \$3,472,414. The mill levy of the township was 3.027. The township has no bonded indebtedness.

22. The County of Benton had a mill levy of 27.337 in 1983. The school district servicing the annexation area and the City of Sauk Rapids had a mill levy in 1983 of 45.549.

23. The city has a fire insurance rating of 5.

24. The township and the annexation area have a fire insurance rating of 8.

25. The annexation area is serviced by the same school district as the City of Sauk Rapids, and there is no anticipated impact on the school district because of this proposed annexation.

26. The city has agreed with the town to step up the mill levy between the local government mill levy on the property proposed for annexation to equality with the mill levy presently in force on land presently within the City of Sauk Rapids.

27. The town does not have the ability to provide public sewer and water to the area proposed for annexation.

28. The City of Sauk Rapids is the only municipality adjacent to the area proposed for annexation.

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

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 would be 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. Five years will be required to effectively provide full municipal services to the annexed area or to comply with terms and conditions of the orderly annexation agreement or agreement between the city and town concerning the annexation area as it relates to the mill levy step up.

7. 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 Sauk Rapids, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the population of the City of Sauk Rapids is increased by 50 people.

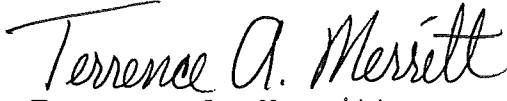
3. IT IS FURTHER ORDERED: That the population of the Town of Sauk Rapids is decreased by 50 people.

4. IT IS FURTHER ORDERED: That the mill levy of the City of Sauk Rapids 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.

5. IT IS FURTHER ORDERED: That the effective date of this order is April 16, 1984.

Dated this 16th day of April, 1984.

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

  
Terrence A. Merritt  
Executive Director

M E M O R A N D U M

In approving the annexation, the board notes that the City of Sauk Rapids has the power to properly regulate the reclamation of the gravel pit in the annexation area. The board urges the city to fully use this power, for the good of its citizens and the area in question.

The board commends both the township and the city for their cooperative efforts in working on this annexation.

TAM 4-16-84