

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Lawrence Fiecke	Ex-Officio Member
Ernie Bullert	Ex-Officio Member

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

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on September 13, 1976 at Hutchinson, Minnesota. The hearing was conducted by Chairman Thomas Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Lawrence Fiecke and Ernie Bullert, ex-officio members of the Board. The City of Hutchinson was represented by Marlow Priebe, City Engineer and the town board was represented by one of its members. 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 by the City of Hutchinson and the Township of Acoma and duly filed with the Minnesota Municipal Board.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Hutchinson, on July 26, 1976, 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:

That part of Government Lot 2, Section 26, Township 117 North, Range 30 West, McLeod County, Minnesota, lying east of Campbell Lake.

Also all that part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 117 North, Range 30 West, McLeod County, Minnesota, lying east of Campbell Lake and lying south of the following described line:

Commencing at the Northeast corner of said Southeast Quarter; thence South, assumed bearing along the east line of said Southeast Quarter, 907.41 feet; thence North 76 degrees 23 minutes West 39.33 feet; thence North 86 degrees 56 minutes 30 seconds West 355 feet more or less to the easterly shore line of Campbell Lake and said line there terminating.

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

4. Geographic features

- a. The area subject to annexation is unincorporated and abuts the City of Hutchinson and is approximately 16 acres.
- b. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: There is substantial contiguity, but it is with a golf course.
- c. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Campbell Lake is to the immediate west of the property in question.

5. Population Data: The area subject to annexation has zero population and uncertain growth potential; 9 residential units are proposed.

6. Development Issues

- a. What land use controls are presently being employed.
  - 1) In the City of Hutchinson
    - a) Zoning - Yes
    - b) Subdivision Regulations - Yes
  - 2) In the area to be annexed:
    - a) Zoning - Yes, by the County, including set-back requirements.
    - b) Subdivision Regulations - Yes, by the County.

b. The present pattern of physical development is:

1) In the City of Hutchinson

a) Residential - Yes

b) Industrial - Yes

c) Commercial - Yes

d) Institutional - Yes

2) In the area subject to annexation: none.

7. Governmental Services

a. There are no current plans to extend municipal utilities to the area subject to annexation. The area is cut off from Hutchinson by a golf course.

b. There are existing or potential pollution problems which are: If the area is developed, there is a danger that Campbell lake will be polluted, particularly with the unavailability of city sewer. Most of the lake and lakeshore is regulated by the county and township.

8. Fiscal Data: In the area subject to annexation the assessed valuation is \$1,952, and the township mill rate is 3.65.

#### 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 not about to become urban or suburban in nature.

3. The City of Hutchinson is not capable of providing the services required by the area described herein within a reasonable time.

4. An order should be issued by the Minnesota Municipal Board denying the annexation.

#### O R D E R

IT IS ORDERED: That the annexation be denied.

Dated this 29th day of October, 1976

MINNESOTA MUNICIPAL BOARD  
165 Metro Square Building  
Saint Paul, Minnesota 55101

  
William A. Neiman  
Executive Secretary