

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Otto Schalow	Ex-Officio Member
Francis Murphy	Ex-Officio Member

IN THE MATTER OF THE PETITION AND RESOLUTION)	FINDINGS OF FACT
FOR THE ANNEXATION OF CERTAIN LAND TO THE)	
CITY OF BRAINERD PURSUANT TO MINNESOTA)	CONCLUSIONS OF LAW
STATUTES 414)	AND ORDER

The above entitled matter came on for hearing before a quorum of the Minnesota Municipal Commission on the 18th day of December, 1974 in the City of Brainerd, Crow Wing County, State of Minnesota, upon the petition of the fee owner for annexation of his realty to the City of Brainerd.

D. A. Larson, City Attorney for Brainerd, appeared on behalf of the City of Brainerd and Richard H. Breen, attorney, appeared on behalf of Crow Wing Township. The City of Brainerd favored said petition and Crow Wing Township opposed said petition.

On July 7, 1975 and August 5, 1975 the City of Brainerd and Crow Wing Township, respectively, enacted a joint resolution wherein the said township withdrew its opposition to said annexation proceedings.

The commission having duly considered the testimony of witnesses, the exhibits received in evidence, and upon all the files and records herein including the joint resolution of the City of Brainerd and Crow Wing Township, and being fully advised in the premises, makes and enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1.

1. A petition by the sole fee owner for the annexation of his certain land described hereafter to the City of Brainerd was filed with the Minnesota Commission on January 15, 1974, and was in all respects proper in form, contents, execution and filing.

2.

That due, timely and adequate notice of the hearing herein was properly published, served and mailed.

3.

That the area proposed for annexation is located in the County of Crow Wing, State of Minnesota, and is described as follows:

The North 325 feet of the South 660 feet of that part of the Southwest Quarter of the Southeast Quarter (SW¹/₄SE¹/₄), Section 36, Township 45 North, Range 31 West lying westerly of the westerly right-of-way line for the Northern Pacific Railway right-of-way and the North 325 feet of the South 660 feet of that part of the Southeast Quarter of the Southwest Quarter (SE¹/₄SW¹/₄), Section 36, Township 45 North, Range 31 West lying east of the right-of-way for trunk highway number 371, except the west 50 feet thereof reserved for service drive. Area consists of 4.59 acres.

4.

That the fee owner and the lessee of the area proposed for annexation executed the petition for annexation.

5.

That the area proposed for annexation is unplatted and is urban in character and abuts the City of Brainerd and is not included in any other municipality.

6.

That the population of the City of Brainerd as of the year of 1974 was 11,667.00.

7.

That the area proposed for annexation concerns a commercial structure, to wit: a Holiday Inn.

8.

That the City of Brainerd has been and is furnishing water, sanitary sewer and electrical services since the year of 1970 pursuant to an agreement between the fee owner of the Holiday Inn property and the City of Brainerd. That Crow Wing Township cannot afford said services.

9.

That the City of Brainerd has a Police Department which will be able to serve the area proposed for annexation. Crow Wing Township does not have a Police Department and relies on its police protection through the Crow Wing County Sheriff's department.

10.

That the City of Brainerd has a Fire Department which will be able to serve the area proposed to be annexed. The Crow Wing Township does not have a Fire Department and secures its fire protection by agreement with the Brainerd Rural Fire Protection Association.

11.

That the City of Brainerd has comprehensive zoning, subdivision and building ordinances which includes comprehensive plans for development of the areas surrounding the area proposed to be annexed.

12.

That the assessed valuation of the City of Brainerd is \$21,928,758.00 and the assessed valuation of Crow Wing Township is \$1,165,188.00.

13.

That the area proposed to be annexed totals approximately 4.59 acres. That said realty originally was within the city limits of Brainerd but was detached therefrom in 1967 to allow the Holiday Inn to secure a liquor license from the County of Crow Wing.

14.

That 25% of the realty upon which the Holiday Inn is located is within the City of Brainerd.

15.

That the City of Brainerd and the Crow Wing Township have agreed by a joint resolution that the Minnesota Municipal Commission may enter its Order annexing said realty to the City of Brainerd provided:

- a. That the ad valorem taxes levied by the township in 1974, payable in 1975, is paid to the township.

b. That the City of Brainerd pays to Crow Wing Township from the ad valorem taxes levied on the annexed property payable in 1976, an amount equal to the total taxes levied by the township on such property in 1974, payable in 1975. Such payment shall be made on a quarterly basis upon receipt of the taxes attributable to the annexed property.

16.

That the City of Brainerd will incur increased costs due to the said payment to Crow Wing Township and because of increased services to the annexed area. Such being the case, the City of Brainerd and Crow Wing Township have agreed by its joint resolution that the City of Brainerd be permitted by Order of the Minnesota Municipal Commission to increase its levy over and above present levy limitations for three years in amounts as follows:

1976	- - - - -	\$15,800.00
1977	- - - - -	12,500.00
1978	- - - - -	12,500.00

17.

That the said increased levy is necessary and reasonable to provide services to the annexed area and the agreed payment to Crow Wing Township in 1976.

18.

That the City of Brainerd is levying to the full extent permitted its charter and state levy limitations.

CONCLUSIONS OF LAW

1.

The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceedings.

2.

The Minnesota Municipal Commission, by virtue of receipt of a petition from the sole fee owner and lessee of the property to be annexed, has authority to grant the annexation herein without an election.

3.

That the area proposed for annexation is now urban in character.

4.

That the remainder of Crow Wing Township can continue to carry on the functions of government without undue hardship.

5.

That annexation of said area by the City of Brainerd will be in the best interest of the area to be annexed and the City of Brainerd.

6.

That municipal government of said area is necessary and is required to protect public health, safety and welfare and to provide necessary governmental services.

7.

That to facilitate such transition, the City of Brainerd has agreed to pay to the Township of Crow Wing, from ad valorem taxes levied on the annexed property payable in 1976, an amount equal to the total taxes levied by the township on such property in 1974, payable in 1975. Such payment shall be made on a quarterly basis upon receipt of the taxes attributable to the annexed property.

8.

That the City of Brainerd will incur increased expenses due to the said payment to Crow Wing Township and because of increased services to the area to be annexed.

9.

The City of Brainerd has determined that the reasonable cost of such services to the annexed area, including the agreed payment to Crow Wing Township in 1976, would for the next three years be as follows:

1976	- - - - -	\$15,800.00
1977	- - - - -	12,500.00
1978	- - - - -	12,500.00

The Township of Crow Wing has agreed as to same by a joint resolution.

10.

That said sums for said years are reasonable for said purposes.

11.

That the City of Brainerd is levying the full amount permitted by

law and, therefore, must increase its levy over and above present levy limitations for the years of 1976, 1977 and 1978 in order to provide services to the annexed area and the payment due Crow Wing Township.

12.

That an order should issue from the Minnesota Municipal Commission annexing to the City of Brainerd, the real estate located in Crow Wing Township, Crow Wing County, Minnesota, described herein and the legal right to increase its levy over and above present levy limitations for three years in amounts as follows:

1976	- - -	\$15,800.00
1977	- - -	12,500.00
1978	- - -	12,500.00

ORDER

IT IS HEREBY ORDERED: That the following described real estate in Crow Wing Township, County of Crow Wing, Minnesota, be and the same hereby is annexed to the City of Brainerd, Minnesota, the same as if it had originally been a part thereof:

The North 325 feet of the South 660 feet of that part of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section 36, Township 45 North, Range 31 West lying westerly of the westerly right-of-way line for the Northern Pacific Railway right-of-way and the North 325 feet of the South 660 feet of that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 36, Township 45 North, Range 31 West lying east of the right-of-way for trunk highway number 371, except the west 50 feet thereof reserved for service drive. Area consists of 4.59 acres.

That the City of Brainerd pay to Crow Wing Township, from ad valorem taxes levied on the annexed property payable in 1976, an amount equal to the total taxes levied by the Township on said property in 1974, payable in 1975. Such payment shall be made on a quarterly basis upon receipt of the taxes attributable to the annexed property.

That the City of Brainerd is hereby authorized and permitted to increase its levy on taxable property in the City of Brainerd, including the annexed

realty, over and above present levy limitations for the following years in amounts as follows:

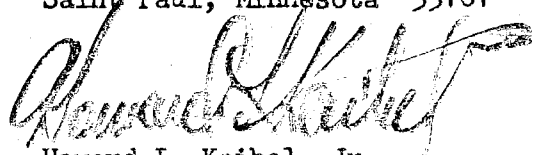
1976 - - - \$15,800.00

1977 - - - 12,500.00

1978 - - - 12,500.00

Dated this 15th day of
September, 1975

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
Saint Paul, Minnesota 55101



Howard L. Kaibel, Jr.
Executive Secretary