

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Clifford Halmrast	Ex-Officio Member
Paul Eidbo	Ex-Officio Member

IN THE MATTER OF THE PETITION AND)	
RESOLUTION FOR ANNEXATION OF CER-)	
TAIN PROPERTY TO THE CITY OF)	<u>FINDINGS OF FACT,</u>
MOORHEAD, MINNESOTA)	<u>CONCLUSIONS OF LAW,</u>
	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Commission pursuant to Minnesota Statutes 414, as amended, on the 2nd day of October, 1975 at the City Hall in the City of Moorhead, Minnesota. The petitioners appeared by and through Attorney Curtis A. Nordhogen of Moorhead, Minnesota, and the City of Moorhead appeared by and through its Planning Director, Willys Kingsbury. Also in attendance on behalf of the petitioners were Win Hanson, and Mark Metsger. There were not any other appearances. The hearing was conducted by Howard L. Kaibel, Executive Secretary of the Minnesota Municipal Commission pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was County Commissioner Clifford Halmrast, Ex-Officio Member of the Commission. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, and being fully advised in the premises, the Minnesota Municipal Commission hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The petition for annexation was filed with the Minnesota Municipal Commission and the Clerk of the Moorhead Township Board on the 16th day of July, 1975.

2. A certified copy of the resolution of the City of

Moorhead accepting the land proposed for annexation into the City of Moorhead was filed with the Minnesota Municipal Commission on the 7th day of August, 1975.

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

4. That the area proposed to be annexed is characterized by residential development and will experience further development in the near future. That the present and past population of the property proposed for annexation is 2, and that the present population of the City of Moorhead is 36,500 and the projected population of the City of Moorhead, the annexing municipality is estimated to be 41,000 by the year 1985.

5. The area of property proposed for annexation consists of 330 acres, and the area of property presently within the City Limits of the City of Moorhead consists of approximately 4,800 acres.

6. That the City of Moorhead does now provide to the area proposed for annexation the following services:

None.

7. That the City of Moorhead is capable of and it is practical for it to provide to the area proposed for annexation the following municipal services within the next one year:

Water and sewer, fire protection, police protection, street improvements, street maintenance, electrical service, and certain recreational facilities as the property proposed for annexation is developed.

8. The property proposed for annexation all lies above the 100 year flood plain, is basically flat land, has no major watersheds, no rivers, no lakes, and no major bluffs, and its soil condition is of similar to the currently developing portions of land in the Moorhead Urban Area.

9. There are no existing or potential problems concerning environmental pollution in connection with the land proposed for annexation.

10. The assessed value of the property proposed for annexation is \$34,194.00.

11. The taxes levied on the area proposed for annexation by the Township of Moorhead is .88 mills and is very minimal.

12. The area proposed for annexation is presently within the Moorhead School District and thus the annexation of the area proposed for annexation to the City of Moorhead will not serve to enlarge the Moorhead School District.

13. The needed governmental services for the orderly development of the property proposed for annexation can best be provided by the annexation of the land proposed for annexation to the City of Moorhead.

14. The projected growth of the City of Moorhead as shown by the year 2000 land map indicates that the City of Moorhead expects to grow in the area of the land proposed for annexation and that the City of Moorhead has made adequate plans for the land proposed for annexation to come within the corporate boundaries of the municipality of the City of Moorhead.

15. The City of Moorhead has passed a resolution indicating it will accept the property within its municipal boundaries if the petition for annexation is granted.

16. The land proposed for annexation is presently contiguous to the city limits of the City of Moorhead on a portion of the north and west boundaries of the land proposed for annexation.

CONCLUSIONS OF LAW

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

2. The area proposed for annexation is now or is about to become urban or suburban in nature.

3. The City of Moorhead is capable of providing the services required by the area described herein within a reasonable time.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of Moorhead, County of Clay, and State of Minnesota, be and the same hereby is annexed to the City of Moorhead, the same as if it had originally been made a part thereof.

All that part of the Northeast Quarter (NE $\frac{1}{4}$), Section Twenty-one (21), Township One Hundred Thirty-nine (139), Range Forty-eight (48) lying South of the South right of way of Intersection Highway Number 94, and East of the Minnesota Highway Department Information Center and North of the South line of the said Information Center as extended eastward;

PLUS all that part of the Northeast One-Quarter ($NE\frac{1}{4}$) of Section Twenty-one (21), Township One Hundred Thirty-nine (139) North, Range Forty-eight (48) West of the Fifth Principal Meridian, more particularly described as follows:

Beginning at the Southeast corner of the Northeast One-quarter of Section 21, Township 139 North, Range 48 West of the Fifth Principal Meridian, thence North $89^{\circ}42'15''$ West along the South line of said Northeast One-Quarter a distance of 2,658.34 feet to the Center of said Section 21; thence North $00^{\circ}17'15''$ East along the West line of said Northeast One-Quarter a distance of 2,058.78 feet, more or less, to a Point of Intersection with the South Right-of-way line of Interstate Highway Number 94; thence North $89^{\circ}51'15''$ East along said South Highway Right-of-way a distance of 1,014.34 feet, more or less, to a Point of Intersection with the West line of the Minnesota Highway Department Information Center; thence South $00^{\circ}08'45''$ East along the West line of said Information Center a distance of 840.00 feet; thence South $89^{\circ}56'45''$ East along the South line of said Information Center and the extended South line a distance of 1,635.35 feet, more or less, to a Point of Intersection with the East line of said Northeast One-Quarter; thence South along the East line of said Northeast One-Quarter a distance of 1,233.52 feet, more or less, to the Southeast corner of said Northeast One-Quarter of said Section 21;

PLUS all that part of the North One-half ($N\frac{1}{2}$) of Section Twenty-two (22), Township One Hundred Thirty-nine (139) North, Range Forty-eight (48) West of the Fifth Principal Meridian, which is not now part of the Right-of-way of Interstate Highway Number 94, and more particularly described as follows:

Beginning at a Point on the West line of Section 22, Township 139 North, Range 48 West of the Fifth Principal Meridian, said Point of Beginning being located 333.52 feet South of the Northwest corner of said Section 22; thence South $00^{\circ}10'45''$ West along the West line of said Section 22 a distance of 2,329.01 feet to the West One-Quarter corner of said Section 22; thence South $89^{\circ}45'45''$ East along the East/West One-Quarter line of said Section 22 a distance of 5,001.57 feet, more or less, to a Point of Intersection with the South Right-of-Way line of Interstate Highway Number 94; thence North $35^{\circ}48'45''$ West along said Interstate Highway Right-of-Way a distance of 1,991.63 feet; thence North $89^{\circ}15'15''$ West along said Interstate Highway Right-of-Way line a distance of 1,167.60 feet; thence North $00^{\circ}15'45''$ East along the said South Interstate Highway Right-of-Way line a distance of 285.34 feet; thence North $61^{\circ}45'45''$ West along said Interstate Highway Right-of-Way line a distance of 738.69 feet; thence North $81^{\circ}37'15''$ West along said South Interstate Highway Right-of-Way line a distance of 504.45 feet; thence North $39^{\circ}34'45''$ West along said South Interstate Highway Right-of-Way line a distance of 1,512.88 feet, more or less, to the Point of Beginning.

IT IS FURTHER ORDERED: that the mill levy of the City of Moorhead on the property herein ordered annexed shall be increased in substantially equal proportion over a period of three (3) years

to equality with the mill levy of the property already within the City. In the year following annexation the increase in the mill rate for City purposes on the property annexed shall not exceed 1/3 of the difference between the current mill levy for city and township purposes. In the second year following annexation the increase in the mill rate on the property annexed shall not exceed 1/2 of the then existing difference between the mill levy on the property annexed and the full mill levy for City purposes. In the third year following annexation the property annexed shall be taxed at the full City rate.

IT IS FURTHER ORDERED: that the population of the City of Moorhead be and the same hereby is increased by two for all purposes until the next Federal or State census.

IT IS FURTHER ORDERED: that the population of Moorhead Township in Clay County be and the same hereby is decreased by two for all purposes until the next Federal or State census.

IT IS FURTHER ORDERED: that this order shall be effective and that the land above described shall be annexed to the City of Moorhead effective the date that this order is signed.

Dated this 4th Day of November, 1975.

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101

By

Patricia D. Lundy
Acting Executive Secretary
Authorized signature