

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE ORDERLY)	
ANNEXATION OF CERTAIN LAND)	<u>SUPPLEMENTARY ORDER</u>
TO THE CITY OF BRAINERD)	

Pursuant to a stipulation between the City of Brainerd and the Township of Crow Wing entered into May 9, 1977, the Municipal Board hereby orders: that, as for the land being annexed December 29, 1977, pursuant to file A-2991(OA), the City of Brainerd shall pay in 1978 to the Township of Crow Wing the ad valorem taxes levied on said property in an amount equal to the total taxes levied on such property in 1976 payable in 1977. Said payment shall be made for a period of five years: 100% in 1978, 80% in 1979, 60% in 1980, 40% in 1981 and 20% in 1982. The city agrees to make such payments within 30 days of receipt of the taxes attributable to the annexed property on a quarterly basis.

Dated this 29th day of December, 1977.

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


William A. Neiman
Executive Secretary

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
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IN THE MATTER OF THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND)	<u>CONCLUSIONS OF LAW,</u>
TO THE CITY OF BRAINERD)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on December 29, 1977, at Brainerd, Minnesota. The hearing was conducted by Robert W. Johnson, Vice Chairman, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Otto Schalow and Francis Murphy, ex-officio members of the Board. The City of Brainerd appeared by and through D. A. Larson and Crow Wing Township was represented by Don Crust, Township Clerk. 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 resolution was filed by stipulation of the parties to the orderly annexation proceeding, the City of Brainerd and Crow Wing Township, on May 9, 1977, 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:

All of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 1, Township 44, Range 31, lying Northerly and Westerly of the Easterly and/or Southerly right-of-way for T.H. No. 371 except the part of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Westerly of the Westerly right-of-way for said highway which lies South of the North 528 feet thereof and which lies East of the West five(5) acres of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, and,

All that part of the South 335 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 45, Range 31, which lies Westerly of the Easterly right-of-way for the Burlington Northern Railroad right-of-way and which lies Easterly of the Westerly right-of-way line for the T. H. No. 371, Crow Wing County, Minnesota.

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

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Brainerd.
- b. The total area of the territory subject to annexation is 17.4 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: 85 - 90% bordered by the municipality.

4. Population Data

- a. The City of Brainerd
 - 1) Past population growth: steady growth
 - 2) Present population: in 1974 - 11,667
 - 3) Projected population: continuing growth
- b. The area subject to annexation
 - 1) Past population growth: None
 - 2) Present population: None
 - 3) Projected population: None

5. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency? Region 5 is furnishing data and information for the area.
- b. What land use controls are presently being employed in the City of Brainerd?
 - a) Zoning - Yes
 - b) Subdivision regulations - Yes
 - c) Housing and building codes - Yes
 - d) Other - comprehensive planning

c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Brainerd with necessary growth space? Yes, the area includes some open areas.

d. The present pattern of physical development is:

1) The City of Brainerd is experiencing development of all types.

2) In the area subject to annexation:

a. Residential - No

b. Industrial - No

c. Commercial - Yes

d. Institutional - No

6. Governmental Services

a. Presently, the Township of Crow Wing provides the area subject to annexation with the following services:

1) Water - No

5) Street Improvements - Unknown

2) Sewer - No

6) Street Maintenance - Unknown

3) Fire Protection - Contracts with Brainerd.

7) Recreational - Unknown

4) Police Protection - County sheriff.

b. Presently, the City of Brainerd provides its citizens with the following services:

1) Water - Yes

5) Street Improvements - Yes

2) Sewer - Yes

6) Street Maintenance - Yes

3) Fire Protection - Yes

7) Recreational - Yes

4) Police Protection - Yes

8) Other - Electrical

c. Presently the City of Brainerd provides the area subject to annexation with the following services:

1) Water - No

5) Street Improvements - No

2) Sewer - No

6) Street Maintenance - No

3) Fire Protection - Yes, by contract.

7) Recreational - Unknown

4) Police Protection - No

d. Plans to extend municipal services to the area subject to annexation include the following: all services will be extended within a reasonable time, including water, sanitary sewer, and electrical.

- e. There are existing or potential pollution problems which are: None.
- f. That the City of Brainerd is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next 3 years.

7. Fiscal Data

- a. In the City of Brainerd, the assessed valuation is \$27,227,167, the mill rate is 26.29 and the present bonded indebtedness is \$2,515,000.
 - b. In the area subject to annexation, the assessed valuation is \$1,142,843, the mill rate is 10.76 and the present bonded indebtedness is 0.
 - c. The mill rates in the following units of government are:
 - 1) County - 23.37
 - 2) School Districts - 47.22
 - 3) Township - 10.76
 - d. Will the annexation have any effect upon area school districts? No.
8. The City of Brainerd will have increased costs as a result of the proposed annexation. Said costs will be approximately \$8,175 over a five-year period (1978--1982).

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.
- 3. The City of Brainerd is capable of providing the services required by the area described herein within a reasonable time.
- 4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a 3 year period.
- 5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.
- 6. The proposed annexation will enlarge the existing municipality and result in increased costs to the City of Brainerd.

O R D E R

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

All of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 1, Township 44, Range 31, lying Northerly and Westerly of the Easterly and/or Southerly right-of-way for T.H. No. 371 except the part of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Westerly of the Westerly right-of-way for said highway which lies South of the North 528 feet thereof and which lies East of the West five(5) acres of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, and,

All that part of the South 335 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 45, Range 31, which lies Westerly of the Easterly right-of-way for the Burlington Northern Railroad right-of-way and which lies Easterly of the Westerly right-of-way line for the T.H. No. 371, Crow Wing County, Minnesota.

IT IS FURTHER ORDERED: That the mill levy of the City of Brainerd on the property herein ordered annexed shall be increased in substantially equal proportions over a period of 3 years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That a special levy is hereby ordered by the Municipal Board according to the following formula: the City of Brainerd may increase its levy over and above present levy limitations for five years in amounts as follows:

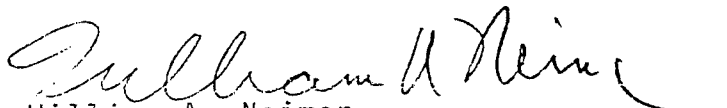
1978 - \$425	1981 - \$2,000
1979 - \$1,775	1982 - \$2,100
1980 - \$1,875	

Said levy is pursuant to Minnesota Statutes 275.50, Subd. 5, Subd. (s).

IT IS FURTHER ORDERED: That the effective date of this order is December 29, 1977.

Dated this 29th day of December, 1977.

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


William A. Neiman
Executive Secretary

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF DESIGNATION FOR)
ORDERLY ANNEXATION OF CERTAIN)
LAND TO THE CITY OF BRAINERD)

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 April 11, 1977, at Brainerd, Minnesota, and was continued from time to time. The hearing was conducted by Robert Johnson, Vice Chairman, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Otto Schalow and Francis Murphy, ex-officio members of the Board. The City of Brainerd appeared by and through D. A. Larson, and Crow Wing Township was represented by Don Crust, township clerk. 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. On August 6, 1976, a copy of a Notice of Intent to annex was filed with the Minnesota Municipal Board by the City of Brainerd. The Notice of Intent contained all the information required including a statement that the area proposed for annexation is 60 percent or more bordered by the city and a description of the territory subject to annexation which is as follows:

The South 335 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 of the Burlington Northern Railway right-of-way and the South 335 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 of trunk highway number 371.

An objection by Crow Wing Township to the proposed annexation was received by the Minnesota Municipal Board on September 15, 1976. The Municipal Board upon receipt of this objection set a date for hearing in accordance with M.S. 414.031, Subds. 3 & 4 as required by M.S. 414.033, Subd. 3. Prior to the hearing date, on November 17, 1976, Crow Wing Township exercised the township option clause contained in M.S. 414.034(2).

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

3. Geographic Features

- a. The area subject to orderly annexation is unincorporated and abuts the City of Brainerd.
- b. The total area of the City of Brainerd is 4,575 acres. The total area of the territory subject to orderly annexation is 17.4 acres.
- c. The perimeter of the area subject to orderly annexation is 85 - 90% bordered by the municipality.

4. Population Data

- a. The City of Brainerd presently has about 12,000 persons and is growing.
- b. The area subject to annexation
 - 1) Past population growth: None
 - 2) Present population: None
 - 3) Projected population: None

5. Development Issues

- a. What, if any, are the comprehensive plans for the

development of the property proposed for annexation and/or the annexing municipality, including development projected by the state planning agency? Region 5 is developing plans for the area.

b. What land use controls are presently being employed.

1) In the City of Brainerd

- a. Zoning - Yes
- b. Subdivision regulations - Yes
- c. Housing and building codes - Yes
- d. Other - Comprehensive plans

c. Does the city require future growth space? Yes. If so, will the area subject to orderly annexation provide the City of Brainerd with necessary growth space? Yes, the area includes some open area.

d. The present pattern of physical development is:

1) In the City of Brainerd: experiencing development of all types.

2) In the area subject to orderly annexation:

- a) Residential - No
- b) Industrial - No
- c) Commercial - Yes
- d) Institutional - No

e. What will be the effect, if any, of the orderly annexation on adjacent communities? None

6. Governmental Services - None

a. Presently, the Township of Crow Wing provides the area subject to orderly annexation with the following services:

- | | |
|--|----------------------------------|
| 1) Water - No | 5) Street Improvements - Unknown |
| 2) Sewer - No | 6) Street Maintenance - Unknown |
| 3) Fire Protection - Contracts with Brainerd | 7) Recreational - Unknown |

- b. Presently, the City of Brainerd provides its citizens with the following services:
 - 1) Water - Yes
 - 2) Sewer - Yes
 - 3) Fire Protection - Yes
 - 4) Police Protection - Yes
 - 5) Street Improvements - Yes
 - 6) Street Maintenance - Yes
 - 7) Recreational - Yes
 - 8) Other - Electrical
- c. Plans to extend municipal services to the area subject to orderly annexation include the following: all services will be extended to the area within a reasonable time after an annexation within the area subject to orderly annexation.
- d. There are existing or potential pollution problems which are: none.

7. Fiscal Data

- a. In the City of Brainerd, the assessed valuation is \$27,277,167, the mill rate is 26.29 and the present bonded indebtedness is \$2,515,000.
- b. In the area subject to orderly annexation, the assessed valuation is \$1,142,893, the mill rate is 10.76 and the present bonded indebtedness is none.
- c. The mill rates in the following units of government are:
 - 1) County - 23.37
 - 2) School Districts - 47.22
- d. Will the orderly annexation have any effect upon area school districts? No.

8. Is orderly annexation to the City of Brainerd the best alternative.

- a. Could governmental services be better provided for by incorporation of the area subject to orderly annexation?
No.
- b. Could governmental services be better provided for by

consolidation or orderly annexation of the area with an adjacent municipality other than Brainerd? No.

c. Could Crow Wing Township provide the services required? No.

d. Can Crow Wing Township continue to function without the area subject to orderly annexation? Yes.

9. Alteration of Boundaries

The area subject to designation for orderly annexation should be increased in order to include that property described in Municipal Board File A-3122 (Peterson property) and other property, all of which is urban or suburban or about to become so. The parties to this proceeding stipulated to the designation of said increased area. The entire area, including the increased area, is described as follows:

All of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 1, Township 44, Range 31, lying Northerly and Westerly of the Easterly and/or Southerly right-of-way for T.H. No. 371 except the part of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Westerly of the Westerly right-of-way for said highway which lies South of the North 528 feet thereof and which lies East of the West five (5) acres of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, and, All that part of the South 335 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 45, Range 31, which lies Westerly of the Easterly right-of-way for the Burlington Northern Railroad right-of-way and which lies Easterly of the Westerly right-of-way line for the T.H. No. 371, Crow Wing County, Minnesota.

CONCLUSIONS OF LAW

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

2. The area subject to orderly annexation is now or is about to become urban or suburban in character.

3. Municipal government is required to protect the public health, safety, and welfare in the area subject to orderly annexation.

4. The best interest of the City of Brainerd and the area subject to orderly annexation will be furthered by designation of the area.

5. The remainder of the Township of Crow Wing can carry on the functions of government without undue hardship.

6. Orderly annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to orderly annexation.

7. An order should be issued by the Minnesota Municipal Board designating the increased area for orderly annexation described herein.

O R D E R

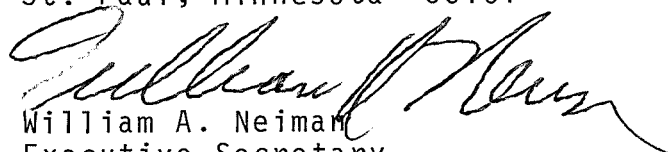
IT IS HEREBY ORDERED: That the following described property situated in the County of Crow Wing, State of Minnesota, be and the same is hereby designated for orderly annexation to the City of Brainerd, Minnesota.

All of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 1, Township 44, Range 31, lying Northerly and Westerly of the Easterly and/or Southerly right-of-way for T.H. No. 371 except the part of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Westerly of the Westerly right-of-way for said highway which lies South of the North 528 feet thereof and which lies East of the West five (5) acres of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, and, All that part of the South 335 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 45, Range 31, which lies Westerly of the Easterly right-of-way for the Burlington Northern Railroad right-of-way and which lies Easterly of the Westerly right-of-way line for the T.H. No. 371, Crow Wing County, Minnesota.

IT IS FURTHER ORDERED: That the effective date of this order is November 8, 1977.

Dated this 8th day of November, 1977.

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


William A. Neiman
Executive Secretary