

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Everett Rathbun	Ex-Officio Member
Milt Stensrud	Ex-Officio Member

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF BIG LAKE)

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 August 22, 1979, at Big Lake, Minnesota and continued from time to time. The hearing was conducted by Robert W. Johnson pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Municipal Board Members Robert J. Ferderer and County Commissioners Everett Rathbun and Milt Stensrud, ex-officio members of the Board. The City of Big Lake appeared by and through Curt Snesrud, City Clerk, the Township of Big Lake appeared by and through Bruce Jacobson, Supervisor, and the petitioners appeared by and through Gary Pringle. 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

On April 5, 1979, a copy of a petition for annexation by all the property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 17, Township 33, Range 27; thence North 0°45'04" East, assumed bearing, along the West line thereof a distance of 509.66 feet; thence South 88°09'04" East a distance of 34.27 feet; thence Easterly along a tangential curve concave to the North, radius 267.00 feet, central angle 17°00'00", length 79.22 feet; thence North 74°50'56" East tangential to said curve for a distance of 144.38 feet; thence Easterly along a tangential curve concave to the South, radius 333.00 feet, central angle 16°32'47", length 96.17 feet; thence South 88°36'17" East tangential to said curve for a distance of 253.64 feet, more or less, to intersect the East line of the West 600 feet of said Southwest Quarter of the Southwest Quarter, said point of intersection being the actual point of beginning of the tract to be hereby described; thence continue South 88°36'17" East a distance of 152.64 feet, more or less, to a point a distance of 406.28 feet East of the last described point of tangency of the last described curve; thence Southeasterly and Southerly along a tangential curve concave to the Southwest, radius 96.00 feet, central angle 89°38'17", length 150.19 feet; thence South 1°02'00" West tangential to said curve for a distance of 240.42 feet;

thence South $88^{\circ}36'17''$ East a distance of 468.65 feet to intersect the East line of said Southwest Quarter of the Southwest Quarter; thence North $0^{\circ}41'07''$ East along said East line of the Southwest Quarter of the Southwest Quarter a distance of 1091.67 feet, more or less, to the Northeast corner thereof; thence North $89^{\circ}22'31''$ West a distance of 713.72 feet, more or less, to intersect said East line of the West 600 feet of said Southwest Quarter of the Southwest Quarter; thence South $0^{\circ}45'04''$ West parallel with the West line of said Southwest Quarter of the Southwest Quarter a distance of 746.23 feet, more or less, to the point of beginning. Containing 15.96 acres, more or less. Subject to that part thereof taken for County Road No. 43.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Big Lake Township on May 10, 1979. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

A resolution supporting the annexation was not received from the annexing municipality.

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

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Big Lake.
- B. The total area of the City of Big Lake is approximately 1800 acres.
The total area of the territory subject to annexation is 15.96 acres.
- C. The perimeter of the area to be annexed is approximately 30% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: Untilled vacant land, approximately 1/4 mile South of the Elk River and 1/2 to 3/4 miles East of the Big Lake.

IV. Population Data

- A. The City of Big Lake:
 - 1. In 1970, there were 1015 residents.
 - 2. The present estimated population is 1997.
 - 3. By 1980, the projected population is 2200.
- B. The area subject to annexation:
 - 1. In 1970, there were 0 residents.
 - 2. The present estimated population is 0.
 - 3. By 1981, the projected population is 15.

C. The Township of Big Lake:

1. In 1970, there were 1078 residents.
2. The present estimated population is 2,765.

V. Development Issues

A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.

1. Area in Use

a. In the City of Big Lake:

- | | |
|----------------------------|----------------------------|
| 1. Residential: 320 acres | 4. Industrial: 50 acres |
| 2. Institutional: 75 acres | 5. Agricultural: 100 acres |
| 3. Commercial: 70 acres | |

b. In the area subject to annexation:

There are 15.96 acres available for residential use.

c. In the Township of Big Lake:

1. Residential: 20% of the land
2. Agricultural: 80% of the land

2. Area Being Developed

a. In the City of Big Lake:

- | | |
|---------------------------|-------------------------|
| 1. Residential: 200 acres | 3. Industrial: 40 acres |
| 2. Commercial: 20 acres | |

3. Area Remaining for Various Uses

a. In the City of Big Lake:

- | | |
|---------------------------|---------------------------------------|
| 1. Residential: 500 acres | 4. Industrial: approximately 40 acres |
| 2. Commercial: 15 acres | |

B. Transportation:

1. The present transportation network is:

- a. In the City of Big Lake: Federal, State, County and City Roads
- b. In the area subject to annexation: County and Township Roads and City Streets

C. Land use controls and planning, including comprehensive plans,

in the city and the area subject to annexation:

1. In the City of Big Lake:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: no
- f. Fire Code: yes
- g. Building Inspector: no
- h. Planning Commission: yes
- i. Building Code: yes

2. In the Township of Big Lake: there was insufficient testimony on the controls available, however there was testimony as to zoning being available although it wasn't specified if it was developed by the County or Township.
3. There is no inconsistency between the proposed development and the planning and land use controls for the area in the testimony that was presented at the hearing.

VI. Governmental Services

- A. The Town of Big Lake provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection and rating: yes, jointly with City
4. Police protection: through Sheriff
5. Street improvements: yes
6. Street maintenance: yes
7. Administrative services: yes

- B. The City of Big Lake provides its residents with the following services:

1. Water: yes to 1/2 the City and the City is upgrading its ability to deliver service to the rest of the City
2. Sewer: is being developed at this time
3. Fire protection and rating: yes; 7
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes

- C. The City of Big Lake provides the area subject to annexation with no services at present.

- D. Existing or potential environmental problems and the need for additional services to resolve these problems: possibly occasional high levels of nitrates in the water, which would be solved with City water.

- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: providing fire and police protection, street maintenance, and water and sewer, as requested and as it is available.

- F. The following services will be available to the annexed area within four years: sewer and water.

VII. Tax Base

- A. In the City of Big Lake, the tax base includes the following:
 1. Residential property, commercial property, industrial property, agricultural property and vacant land.

B. In the Township of Big Lake, the tax base includes the following:

1. Residential property and agricultural land.

C. In the area subject to annexation, the tax base includes the following:

1. Residential and vacant land.

VIII. Tax Data

A. In the City of Big Lake:

1. Mill rate in 1979 is 14.00.
2. Bonded indebtedness in 1979 is \$279,666.67.

B. In the Township of Big Lake:

1. Mill rate in 1979 is 4.64.
2. Bonded indebtedness in 1979 is 0.

C. In the area subject to annexation:

1. Mill rate in 1979 is 4.64.
2. Bonded indebtedness in 1979 is 0.

D. Mill rate in the following jurisdictions:

1. County in 1979 is 20.68.
2. School district in 1979 is 67.13.
3. Township in 1979 is 4.64.

IX. Annexation to the City of Big Lake is the best alternative.

A. There is no effect on area school districts or on adjacent communities by the proposed annexation.

B. The town government is inadequate to deliver services now requested to the area for annexation.

C. Necessary governmental services could not best be provided by incorporation.

D. Present assessed valuation of the Town of Big Lake: \$6,472,056.

E. Big Lake Township can continue to function without the area subject to annexation.

X. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

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

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

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

IV. The best interest of the area subject to annexation will be furthered by annexation.

V. The remainder of the Township of Big Lake can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in revenue for the City of Big Lake and the value of benefits conferred upon the area subject to annexation.

VII. 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 annexation.

VIII. Four years will be required to effectively provide full municipal services to the annexed area.

IX. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election to be described herein.

X. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Sherburne, State of Minnesota, be and the same is hereby annexed to the City of Big Lake, Minnesota, the same as if it had been originally made a part thereof:

Commencing at the Southwest corner of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 17, Township 33, Range 27; thence North 0°45'04" East, assumed bearing, along the West line thereof a distance of 509.66 feet; thence South 88°09'04" East a distance of 34.27 feet; thence Easterly along a tangential curve concave to the North, radius 267.00 feet, central angle 17°00'00", length 79.22 feet; thence North 74°50'56" East tangential to said curve for a distance of 144.38 feet; thence Easterly along a tangential curve concave to the South, radius 333.00 feet, central angle 16°32'47", length 96.17 feet; thence South 88°36'17" East tangential to said curve for a distance of 253.64 feet, more or less, to intersect the East line of the West 600 feet of said Southwest Quarter of the Southwest Quarter, said point of intersection being the actual point of beginning of the tract to be hereby described; thence continue South 88°36'17" East a distance of 152.64 feet, more or less, to a point a distance of 406.28 feet East of the last described point of tangency of the last described curve; thence Southeasterly and Southerly along a tangential curve concave to the Southwest, radius 96.00 feet, central angle 89°38'17", length 150.19 feet; thence South 1°02'00" West tangential to said curve for a distance of 240.42 feet; thence South 88°36'17" East a distance of 468.65 feet to intersect the East line of said Southwest Quarter of the Southwest Quarter; thence North 0°41'07" East along said East line of the Southwest Quarter of the Southwest Quarter a distance of 1091.67 feet, more or less, to the Northeast corner thereof; thence North 89°22'31" West a distance of 713.72 feet, more or less, to intersect said East line

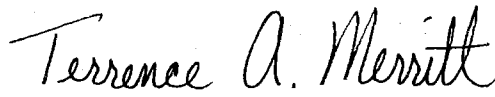
of the West 600 feet of said Southwest Quarter of the Southwest Quarter; thence South 0°45'04" West parallel with the West line of said Southwest Quarter of the Southwest Quarter a distance of 746.23 feet, more or less, to the point of beginning. Containing 15.96 acres, more or less. Subject to that part thereof taken for County Road No. 43.

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

III. IT IS FURTHER ORDERED: That the effective date of this order is March 11, 1980.

Dated this 11th day of March, 1980

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt
Executive Director

MEMORANDUM

The testimony in Big Lake, A-3511 indicated that the City of Big Lake has the potential to expand the city's boundaries in several directions over the next years.

The concern articulated by the testimony of the witnesses for the Township of Big Lake and reinforced by the testimony of some of the witnesses for the City of Big Lake is the need for an orderly annexation agreement. This orderly annexation agreement would assist the Township and the City in their development of a framework within which to prepare for the projected and planned for development of the City of Big Lake. It is the Board's concern that such planning begin immediately, as both sides have indicated a willingness to sit down together and work out such an agreement. The Board wishes to emphasize both its willingness to assist the parties in the development of such an orderly annexation agreement and the need for immediate action by both the City and Township to commence the development of the orderly annexation agreement for the City of Big Lake and the Town of Big Lake.