

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Henry Dickhaus	Ex-Officio Member
Arnold Konz	Ex-Officio Member

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IN THE MATTER OF THE PETITION )	
AND RESOLUTION FOR THE ANNEXA- )	
TION OF CERTAIN LAND TO THE )	<u>FINDINGS OF FACT,</u>
CITY OF ST. CLOUD PURSUANT TO )	<u>CONCLUSIONS OF LAW,</u>
MINNESOTA STATUTES 414 )	<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 August 25, 1982, at St. Cloud, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Robert W. Johnson, Vice Chairman, and County Commissioners Arnold Konz and Henry Dickhaus, Ex-Officio Members of the Board. The City of St. Cloud made no appearance, the Town of LeSauk appeared by and through Arnold Bechtal, Planning Board Member, and property owner/petitioner appeared by and through D. Michael Noonan. 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

I. On May 24, 1982, a petition of the sole property owner was received by the Minnesota Municipal Board requesting the Board to order annexation of the area here and after described. This petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

All that part of Lot One (1), Block Two (2), North Side Acres, Stearns County, Minnesota and Government Lot Two (2), Section Thirty-five (35), Township 125 North, Range 28 West, described as follows, to-wit: Commencing at a point on the Northeast corner of Lot One (1), Block One (1), Oak Knoll;; thence due East along the North line of said Lot One (1), Block One (1), Oak Knoll extended a distance of 41.85 feet to the point of beginning of the land to be described; thence North 00 degrees 14 minutes 24 seconds West along the Westerly line of Lot One (1), Block Two (2), North Side Acres a distance of 117.58 feet; thence North 80 degrees 05 minutes 10 seconds East a distance of 186.70 feet more or less to the Westerly boundary line of County Road One (1) as it presently exists; thence South 26 degrees 26 minutes 00 seconds East along the Westerly right-of-way line of County Road One (1) as it presently exists to a point 74.16 feet North of the point of intersection of the Northerly right-of-way line of Outer Drive and the Westerly right-of-way line of County Road One (1); thence due West to the point of beginning and there terminating.

A resolution supporting the annexation was received from the annexing municipality.

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

III. The area subject to annexation is unincorporated, approximately 3.5 acres in size and abuts the City of St. Cloud by 30% of its border. The City of St. Cloud is approximately 9,600 acres in size.

IV. The Town of LeSauk is approximately 11,306 acres in size.

V. The general topography of the area subject to annexation is relatively level with sand loam soil. There is no prime agricultural land on the property. There are trees on the western edge of the area proposed for annexation.

VI. The population of the City of St. Cloud in the year 1970 was 39,691, in 1980 the population was 42,566 and the current estimated population 43,000. The state demographer's office projects in five years that the population will be 44,480.

VII. In the area subject to annexation the population in 1970 was 2, its present population is 2 and it is projected that in five years the population will be 2.

VIII. In the Town of LeSauk the 1970 population was 2,844, its 1980 population was 2,009, and its current population is 2,040.

IX. The City of St. Cloud has 2,370 acres in residential use, 4,132 acres in institutional use, 363 acres in commercial use, 800 acres in industrial use, 1,596 acres that are vacant, and 334 acres that are undeveloped.

The City of St. Cloud presently has remaining undeveloped land zoned or planned for the following uses: 863 acres for residential use, 453 acres for institutional use, 80 acres for commercial use, and 200 acres for industrial use for a total of 1,596 acres.

X. The Town of LeSauk has 749 acres in residential use, 71 acres in commercial use, 37 acres in industrial use, and 10,449 acres in agricultural use.

XI. In the area proposed for annexation, 40% of the land is for residential use and 60% is for commercial use.

XII. The City of St. Cloud has a Zoning Ordinance, Subdivision Regulations, a Capitol Improvements Program and Budget, Fire Code, Minnesota Building Code, Minnesota Plumbing Code, Shoreland Ordinance, Flood Plain Ordinance, Wild and Scenic Rivers Ordinance, Sanitation Ordinance, Human Services Program and Urban Renewal Program.

XIII. The Town of LeSauk has a Zoning Ordinance, Subdivision Regulations, Official Map, Capitol Improvements and Budget, Fire Code, Minnesota Building Code, Minnesota Plumbing Code, Shoreland Ordinance, Flood Plain Ordinance, Wild and Scenic Rivers Ordinance, and Sanitation Ordinance.

XIV. The County of Stearns has no zoning or subdivision type regulations.

XV. The planning body of the City of St. Cloud is in favor of the annexation.  
The LeSauk Town Board is not opposed to the annexation.

XVI. The area proposed for annexation is located within the city growth area.

The City is in the process of revising its 1967 Comprehensive Plan which would include the area proposed for annexation as a commercial area.

XVII. The City of St. Cloud has 9.37 miles of highways, 180.43 miles of streets, and 98 miles of one-way roads.

XVIII. The Town of LeSauk has 18 miles of highways and 24 miles of roads.

XIX. There is a need for intersection improvement at Stearns County Road One and T.H. 15 in North St. Cloud, adjacent to the area proposed for annexation. The current traffic count is as follows: in 1975 5,200 vehicles, in 1981 6,850, it is projected by the year 2000, 10,960 vehicles.

XX. If the area proposed for annexation is annexed, the property will remain commercial but necessitate a rezoning to make it compatible with city zoning format.

XXI. The City of St. Cloud provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, health inspection and library services.

XXII. The City presently does not provide any of these services to the area proposed for annexation.

XXIII. The City is willing to provide all of the services it presently provides its residents, to the area proposed for annexation if it is annexed.

The City presently has sanitary sewer and water lines adjacent to the area proposed for annexation of sufficient size to service the development on the property.

XXIV. The City's assessed valuation was \$188,000,000. Its mill levy is 30.72. Its fire insurance rating is a Class 4. The total bonded indebtedness of the City is \$30,855,000.

XXV. The Town of LeSauk's assessed value in 1981 was \$6,696,557. Its mill levy was 17.93. Its fire insurance rating was Class 9. It had no bonded indebtedness.

XXVI. In the area subject to annexation in 1981, its assessed value was \$17,000 and it had a fire insurance rating of 9.

XXVII. The County mill levy in 1981 was 19.23, and the school district levy was 42.14 for the City. The City had a special taxing district with a 2.36 mill levy.

XXVIII. The area proposed for annexation is contiguous to property owned by Dr. Ganz which is located within the City and has sewer and water stubbed to it. The area proposed for annexation will be combined with the property already within the City for its proposed development.

XXIX. Annexation of the area proposed for annexation to the City of St. Cloud is in the best interest of the area proposed for annexation.

XXX. The area proposed for annexation is in the general area planned for expansion of the City of St. Cloud under its local plans.

XXXI. The annexation of the area proposed for annexation to the City of St. Cloud will have no significant adverse impact on the Township.

XXXII. The Town of LeSauk does not provide sewer and water services to its residents.

XXXIII. The City of St. Cloud is the only municipality adjacent to the area proposed for annexation.

XXXIV. All necessary governmental services can best be provided to the area proposed for annexation by its annexation to the City of St. Cloud.

XXXV. The sole property owner in the area to be annexed 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 nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

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

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

V. The remainder of the Town of LeSauk can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in values for the City of St. Cloud and the value of benefits conferred upon the area subject to annexation.

VII. The 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. Two years will be required to effectively provide full municipal services to the annexed area.

IX. This Minnesota Municipal Board order is not subject to an annexation election.

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 in Findings of Fact I and

the same is hereby annexed to the City of St. Cloud, Minnesota the same as if it had been originally a part thereof.

II. IT IS FURTHER ORDERED: That the population of the City of St. Cloud is increased by two.

III. IT IS FURTHER ORDERED: That the population of the Town of LeSauk is decreased by two.

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

V. IT IS FURTHER ORDERED: That the effective date of this order is October 29, 1982.

Dated this 29th day of October, 1982.

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

  
Terrence A. Merritt  
Executive Director