

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Robert J. Ferderer	Vice Chair
John W. Carey	Commissioner
Paul A. Reiman	Ex-officio Member
David A. Tellinghuisen	Ex-officio Member

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IN THE MATTER OF THE PETITION	)	<u>FINDINGS OF FACT</u>
FOR THE ANNEXATION OF CERTAIN LAND	)	<u>CONCLUSIONS OF LAW</u>
TO THE CITY OF PRINCETON PURSUANT TO	)	<u>AND ORDER</u>
MINNESOTA STATUTES 414	)	<u>AND MEMORANDUM OPINION</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 July 18, 1991 at Princeton Township Hall, Princeton, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, and County Commissioners Paul A. Reiman and David A. Tellinghuisen, Ex-Officio Members of the Board. The petitioners appeared by and through Steve Meyer, spokesperson for the petitioners. The City of Princeton appeared by and through Bill Schimmel Jr., City Administrator. The Town of Princeton appeared by and through Frank Kundrat, Attorney at Law. 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 April 18, 1991, a copy of a petition for annexation by a majority of the property owners was filed with the Minnesota Municipal Board, an amended petition was received by the Minnesota Municipal Board on May 9, 1991, requesting the Board to order annexation. The petition contained all of the information required by statute, including a description of the property subject to annexation, hereinafter referred to as "subject area," which is as follows:

All of the real property located within the Plat of Oakfield, Mille Lacs County, Minnesota, on file and of record with the Mille Lacs County Recorder's Office. Containing 16.23 acres, more or less.

The Municipal Board received a city resolution supporting the petition for annexation on April 18, 1991.

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

3. The subject area is unincorporated, approximately 16.23 acres in size, and abuts the City of Princeton, hereinafter referred to as "City," by approximately 25% of the subject area's border.

4. The City had a population of approximately 2,531 in 1970, approximately 3,144 in 1980, and a current population of approximately 3,719. It is projected that in 5 years the City will have a population of approximately 4,100.

5. The Town of Princeton, hereinafter referred to as "Town,"

had a population of approximately 1,294 in 1970, approximately 1,625 in 1980, approximately 1,711 in 1987 and current 1990 population of approximately 1,601. It is projected that in 5 years the Town will have a population of approximately 2,001.

6. The subject area has a current population of approximately 10.

7. The subject area consists primarily of fairly level land with predominantly sandy soils, no waterways, and some hardwood forest.

8. The City is approximately 2,368 acres in size.

9. The City has approximately 888 acres in residential use, approximately 148 acres in institutional use, approximately 296 acres in commercial use, approximately 296 acres industrial use, approximately 148 acres agricultural use and approximately 592 acres of vacant land.

10. The Town is approximately 21,120 acres in size.

11. The Town has land in residential use, institutional use, commercial use, and agricultural use.

12. The subject area is proposed for 100% residential development. Presently there are 3 homes in the subject area. One of the homes is used as a duplex with 2 families.

The subject area is north of land in the City that is being developed for residential use.

13. The City provides its residence with the following municipal services: water, sanitary sewer and waste water treatment, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance,

administrative services and recreational opportunities. The City presently provides solid waste collection and disposal, and fire protection by contract with the Town, to the subject area.

14. The City is willing to provide all of the services it presently provides to its residents to the subject area.

15. The Town presently provides the township with fire protection through a contract, solid waste collection and disposal through private haulers, street improvements and maintenance, weed inspection, administrative services and recreational opportunities. The Town provides the subject area with all of these services, except weed inspection.

The Town presently does not provide its residents with central sewer or water. The Town has no plans itself to provide central sewer and water to the subject area.

16. Presently the homes in the subject area are served by on-site septic systems and private wells.

At least one of the septic systems has not been tested. The septic system serving the duplex is at least approximately 20 years old.

If the subject area is annexed, existing homes may be allowed to grandfather their septic system and well use, but new owners would be required to hook up to municipal sewer and water as it is available.

At least one of the wells in the subject area is shallow in depth.

17. The water table is approximately 14 feet below the surface.

18. The present City has approximately 23.5 miles of highways, streets and roads.

19. The Town has approximately 40 miles of highways, streets and roads.

20. The subject area has approximately 3/5 of a mile of road.

If the subject area is annexed, it is anticipated that one of the accesses to the subject area subdivision will be through the subdivision presently south of the subject area and within the City. This access will form a more direct route to the central portion of the City, thereby potentially minimizing use of adjacent town roads to go to the central portion of the City.

21. The City has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, fire code, floodplain ordinance, wild and scenic rivers ordinance, and a sanitation ordinance.

The City's comprehensive plan was revised in 1985.

22. The Town has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, shoreland ordinance, floodplain ordinance, wild and scenic rivers ordinance, and a sanitation ordinance.

The Town's comprehensive plan was revised in 1988.

23. The county has a zoning ordinance, subdivision regulations, an official map, shoreland ordinance, floodplain ordinance, wild and scenic rivers ordinance, and a sanitation ordinance.

The county presently does not have an existing comprehensive plan. A plan is in draft form.

24. The current zoning of the subject area is residential.

25. It is anticipated that the zoning would remain residential if it is annexed.

26. Presently the zoning of the residential area in the Town requires one acre minimum lot size.

If the subject area is annexed, the subject area would be able to have lot sizes smaller than one acre. The developer of the majority of land in the subject area seeks to have lots of 1/2 acre in size, which would be allowed in the City.

27. The City has a 1991 tax capacity of approximately \$1,431,183. Its local tax rate is 26.015; its tax rate for the county is 61.696; its tax rate for the school district is 47.595, and its tax rate for the Region 7E Special taxing district is .209. The City has a total bonded indebtedness of approximately \$4,931,000.

28. The Town has a 1991 tax capacity of approximately \$479,818. The tax rate for the Town is 13.637; the county tax rate in the Town is 64.307; the school district tax rate is 50.175; and the special taxing district Region 7E is .209. The Town has no total bonded indebtedness.

29. Payable 1991, the tax capacity in the subject area is approximately \$2,445.00.

30. The City has a fire insurance rating of A.

31. The Town has a fire insurance rating of B.

32. It is not anticipated that the annexation would have any impact on area school districts or adjacent communities.

33. The remainder of the Town can continue to carry on the

functions of government without the subject area without undue hardship.

CONCLUSIONS OF LAW

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

2. The subject area is now or is about to become urban or suburban in nature, in need of or will be in need of municipal services, and the annexing municipality is capable of providing the services required by the subject area within a reasonable time.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the subject.

4. The annexation would be in the best interests of the subject area.

5. This Minnesota Municipal Board proceeding is not subject to an annexation election, since the petition was initiated by a majority of the property owners.

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

O R D E R

1. IT IS HEREBY ORDERED: That the property described in Finding of Fact 1 herein, be and the same hereby is annexed to the City of Princeton, Minnesota, the same as if it had been originally a part thereof.

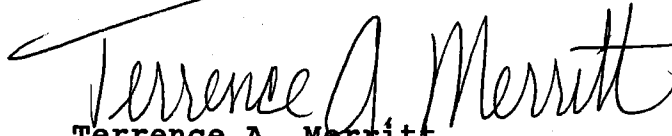
2. IT IS FURTHER ORDERED: That the population of the City of Princeton is hereby increased by 10 persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Princeton is hereby decreased by 10 persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is February 13, 1992.

Dated this 14th day of February, 1992.

MINNESOTA MUNICIPAL BOARD  
475 McColl Building  
St. Paul, MN 55101

  
Terrence A. Merritt  
Executive Director



M E M O R A N D U M

The Board urges the City of Princeton and the Town of Princeton to put this issue behind them and look to the possibility of developing an Orderly Annexation Agreement between the two communities. Both communities are interested in preserving their unique character as well as preserving their environment. To do so, may require the extension of municipal services at an appropriate time. By planning for these extensions prior to their imminent need, they can be more efficiently addressed. *JAM 2-14-92*