

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Robert J. Ferderer	Vice Chair
John W. Carey	Commissioner
Tom Pagel	Ex-Officio Member
Frank Weisbrod	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	<u>FINDINGS OF FACT</u>
THE ANNEXATION OF CERTAIN LAND TO)	<u>CONCLUSIONS OF LAW</u>
THE CITY OF CAMBRIDGE PURSUANT)	<u>AND ORDER</u>
TO MINNESOTA STATUTES 414)	<u>AND MEMORANDUM OPINION</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on February 24, 1992, and continued from time to time. 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, John W. Carey, Commissioner, and County Commissioners Tom Pagel and Frank Weisbrod, Ex-Officio Members of the Board. The petitioners made no formal appearance, the City of Cambridge appeared by and through Jim Lindberg, Attorney at Law, and the Town of Isanti appeared by and through Barry Blomquist, 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 September 20, 1991, a copy of a petition for annexation by all of the property owners was filed with the Minnesota Municipal Board. The petition contained all of the information required by statute, including a description of the territory subject to annexation, hereinafter referred to as "subject area," which is as follows:

PARCEL "A"

Owned by

George W. Johnson and Shirley Johnson

All that part of the Southeast Quarter (SE 1/4) of Section Five (5), Township Thirty-five (35), Range Twenty-three (23), described as follows: Commencing at the northeast corner of said Southeast Quarter, thence west along the north line of said Southeast Quarter to the easterly right-of-way line of the Great Northern Railway; thence southerly along said easterly right-of-way line to its intersection with the north line of that certain parcel described in Book 114 of Mortgages, page 803-806, as Isanti County Recorder Document No. 167246; thence easterly along said north line to its intersection with the easterly right-of-way of proposed State Trunk Highway No. 65; thence northerly along said easterly right-of-way line of proposed State Trunk Highway No. 65 to its intersection with the east line of said Southeast Quarter; thence north along said east line to the northeast corner of said Southeast Quarter, being the point of beginning and there to terminate.
(Consisting of 43 acres)

PARCEL "B"

Owned by

Weldon O. Hendrickson and Priscilla H. Hendrickson

All that part of Government Lot 2 and all that part of the Southwest Quarter of the Southeast Quarter, both in Section 5, Township 35, Range 23, Isanti County, Minnesota, described jointly as follows: Commencing at the east quarter corner of said Section 5; thence South 0 degrees 00 minutes east, assumed bearing, along the east line of said Section 5 a distance of 1512.6 feet; thence South 33 degrees 56 minutes West, along the centerline of a public road (County Road No. 67) a distance of 783.4 feet to the northeasterly corner of STREIT'S ADDITION, according to the recorded plat thereof, Isanti County, Minnesota; thence North 79 degrees 11 minutes

West along the northerly line of said STREIT'S ADDITION, a distance of 213.99 feet, to the northwesterly corner of said STREIT'S ADDITION, said northwesterly corner being the point of beginning of the property to be described; thence continuing North 79 degrees 11 minutes West a distance of 985.11 feet, more or less, to the southeasterly right-of-way line of the Great Northern Railway (now known as the Burlington Northern Railroad); thence South 12 degrees 20 minutes West along said southeasterly railway right-of-way a distance of 685 feet, more or less, to the northeasterly right-of-way line of State Highway No. 65; thence South 32 degrees 40 minutes East, along said northeasterly right-of-way line a distance of 170 feet, more or less, to the south line of said Section 5; thence easterly along said south line of Section 5 to the west line of the property as described in Book 102 of Deeds, page 279, as recorded in the Isanti County Recorder's Office; thence northerly along said west line a distance of 150 feet, more or less, to the northwest corner of said property described in Book 102 of Deeds, page 279; thence easterly along the north line of said property described in Book 102 of Deeds, page 279, a distance of 50 feet to the northeast corner thereof; thence northeasterly, a distance of 154.6 feet, more or less, along the northerly line of the property as described in Book 61 of Deeds, page 89, as recorded in the Isanti County Recorder's Office, to the intersection with the southwesterly line of said STREIT'S ADDITION; thence northwesterly along said southwesterly line to the most westerly corner of said STREIT'S ADDITION; thence northeasterly along the northwesterly line of said STREIT'S ADDITION to the point of beginning. Subject to any easements, restrictions and reservations of record, if any.
(Consisting of 12.9 acres)

PARCEL "C"

Owned by

Kenneth B. Haas and Kathryn Haas

Commencing on the North 1/16th line at the Northwest corner of Lot Three (3), Section Eight (8), Township Thirty-five (35), Range Twenty-three (23); thence West following said 1/16th line a distance of 23 rods; thence North and parallel with the North and South Quarter line a distance of 36 rods, thence East and parallel to the North Section line to the West line of Trunk Highway #65 as now located and established in said section for a point of commencement; thence West and parallel to the North line of said section to the East boundary of the Great Northern Railway right-of-way as located in said section, thence northeasterly following the East line of said Railway right-of-way to a point where said East line of the Great Northern Railway right-of-way

intersects the West boundary line of Trunk Highway #65, thence Southeasterly along the West line of said Trunk Highway #65 to a point of commencement and there to terminate. Said tract being part of Lot Two (2) in Section Eight (8), Township Thirty-five (35), Range Twenty-three (23).

..(Consisting of 3.5 acres)

PARCEL "D"

Owned by

Steven L. Blazevic and Sherri Blazevic

That part of Lot Two (2), Section Eight (8), Township Thirty-five (35), Range Twenty-three (23), described by metes and bounds as follows: Commencing on the North 1/16th line at the Northwest corner of Lot Three (3), Section Eight (8), Township Thirty-five (35), Range Twenty-three (23), thence West following said 1/16th line a distance of 20 rods; thence North and parallel with the North and South Quarter line a distance of 36 rods, thence East and parallel to the North Section line to the West line of Trunk Highway #65 as now located and established in said section, thence Southeasterly along the West line of said Trunk Highway #65 to a point where said West line of Trunk Highway #65 intersects the North 1/16th line and there to terminate; EXCEPTING therefrom the South 234 feet thereof. AND ALSO INCLUDING an easement for the purposes of ingress and egress over and across the East 12 feet of the following described property, to-wit: That part of the SW 1/4 of NE 1/4, Section 8, Township 35, Range 23, described by metes and bounds as follows: Commencing at the NE corner of said SW 1/4 of NE 1/4, thence West following the North 1/16th line a distance of 20 rods, thence South and parallel to the Quarter line a distance of 4 rods, thence East and parallel to the North 1/16th line a distance of 20 rods to the Quarter line, thence North following said Quarter line a distance of 4 rods to point of beginning and there to terminate. And the South 234 feet of that part of Lot 2, Section 8, Township 35, Range 23, described by metes and bounds as follows: Commencing at the North 1/16th line at the Northwest corner of Lot 3, Section 8, Township 35, Range 23; thence West following the 1/16th line a distance of 20 rods; thence North and parallel with the North and South Quarter line a distance of 36 rods, thence East and parallel to the North Section line to the West line of Trunk Highway No. 65 as now located and established in said Section, thence Southeasterly along the West line of said Trunk Highway No. 65 to a point where said West line of Trunk Highway No. 65 intersects the North 1/16th line and there to terminate. Subject to restrictions,

reservations and other easements of record, if any.
(Consisting of 1.57 acres)

PARCEL "E"

Owned by

George W. Johnson and Shirley Johnson

That part of the SW 1/4 of NE 1/4 and Government Lot 2, Section 8, Township 35, Range 23, described by metes and bounds as follows: Commencing at a point on the East 1/16 line 4 rods South of the Northeast corner of the SW 1/4 of NE 1/4; thence West and parallel to the North 1/16 line a distance of 20 rods; thence North and parallel to the East 1/16 line a distance of 40 rods; thence West and parallel to the North 1/16 line to the Easterly boundary of the Great Northern railroad right of way; thence Southwesterly following the Easterly boundary of the Great Northern Railroad right of way to a point 66 feet North of the East and West quarter line, thence East and parallel to the East and West quarter line to the East 1/16 line; thence North following the East 1/16 line to the point of beginning. Subject to highway easements and access restrictions granted to the State of Minnesota for trunk highway purposes.
(Consisting of 38 acres)

An objection to the proposed annexation was received by the Minnesota Municipal Board from Isanti Township, hereinafter referred to as "Town," on October 28, 1991. 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, Subdivision 5.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.
3. The subject area is unincorporated, approximately 99 acres in size, and abuts the City of Cambridge, hereinafter referred to as "City," by approximately 15% of its perimeter. The City is approximately 2,440 acres in size, and the Town is approximately 21,460 acres in size.
4. The City had a population of approximately 2,770 in 1970, a

population of approximately 3,287 in 1980, and has a current population of approximately 5,094. It is projected by the City that it will have a population of approximately 6,501 in five years.

The Town had a population of approximately 1,647 in 1970, a population of approximately 2,209 in 1980, and has a current population of approximately 1,800.

The subject area had a population of approximately 2 in 1970, a population of approximately 2 in 1980, and has a current population of approximately 4. It is projected by the petitioners that the subject area will have a population of approximately 138 in five years.

5. The subject area is adjacent to and west of Florence Lake also known as Paul's Lake. Elm Lake is east of Florence Lake.

6. The subject area consists of fine silty sanded soils, along with some swamp land in the northern portion of the subject area.

7. The City has approximately 55.9% of its value in residential use, approximately 18.52% of its value in non-homestead residential use, approximately 22.86% of its value in commercial use, approximately 2.37% of its value in industrial use, and approximately .35% of its value in agricultural use.

The Town has land in homesteaded and non-homesteaded residential use, commercial use, industrial use, and agricultural use. The majority of the valuation in the Town is in residential use followed by agricultural use.

The subject area has approximately 36.53% of its value in homesteaded residential use, approximately 8.81% of its value in non-homesteaded residential use, approximately 22.18% of its value in

commercial use, and approximately 32.49% of its value in agricultural use.

8. The proposed development of the subject area will be commercial and residential.

9. The City has approximately 32.17 miles of highways, streets, and roads.

The subject area has approximately .5 miles of highways, streets, and roads.

The Town has highways and roads.

10. The subject area is within the Trunk Highway 65 bypass. As construction of the bypass is completed, the subject area will be able to utilize its proximity to the bypass for the development of the property.

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

The Town has no independent land use documents and is currently regulated by the County.

The City has a comprehensive plan.

The Town has no existing comprehensive plan.

The County has a comprehensive plan.

The East Central Regional Development Commission has a comprehensive plan.

12. The subject area is currently zoned R-1 Community Residence, A Agriculture, S-1 Shoreland District.

13. If the subject area is annexed to the City, it is anticipated

that the subject area will be zoned R-1 One Family Residence, B-2 Highway Business, and S-1 Shoreland District.

14. The City has adopted an Urban/Rural Taxing District.

15. The City presently provides its residents with water, sanitary sewer/waste-water treatment, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, and recreational facilities.

The Town presently provides its residents with fire protection through the City of Cambridge, and administrative services.

The City presently provides contract fire protection to the subject area.

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

16. The existing residences in the subject area presently receive water through their own private wells and sanitary sewer service through their own private septic systems.

17. There are no existing environmental problems, and with the extension of municipal sewer and water to the subject area, if annexed, it is not anticipated that any environmental problems will occur.

18. The City is in the process of completing an expansion of its wastewater treatment plant to increase the plant's capacity. Both its sanitary sewer lines and water lines have been located in sufficient size to accommodate extension to the subject area.

19. The City had a 1991 tax capacity valuation of \$2,673.221. In 1991, the City's tax rate is 24.326; its tax rate for the County is

52.627; its tax rate for the School District is 40.432; and its tax rate for the Special Taxing District is 0.190. The City has a fire insurance rating of 7, and a total bonded indebtedness of approximately \$11,300,000.

The Town had a 1991 tax capacity valuation of \$739,349. In 1991, the Town's tax rate is 9.059; its tax rate for the County is 54.663; its tax rate for the School District is 42.093; and its tax rate for the Special Taxing District is 0.195. The Town has a fire insurance rating of 7, and has no bonded indebtedness.

The subject area had a market value of approximately \$153,300 which is approximately .3% of the total value of the Town.

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

21. The remainder of the Town can continue to carry on the functions of government without undue hardship if the subject area is annexed.

22. The Town does not have their own central sanitary sewer or municipal water service to provide to the subject area.

23. The City of Cambridge is the only municipality adjacent to the subject area.

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 character, in need of or will be in need of municipal services, and the annexing city is capable of providing the services required by the subject area within a reasonable time.

3. Municipal government is presently required to protect the

public health, safety, and welfare of the subject area.

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

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

6. The Town can carry on the functions of government without undue hardship.

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

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

O R D E R

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


2. IT IS FURTHER ORDERED: That the population of the City of Cambridge is hereby increased by 4 persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Isanti is hereby decreased by 4 persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is August 10, 1992.

Dated this 10th day of August, 1992.

MINNESOTA MUNICIPAL BOARD
Suite 475, McColl Building
St. Paul, Minnesota 55101


Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving the proposed annexation, the Municipal Board takes this opportunity to stress the need for extension of municipal sewer and water to Florence Lake and the lakes east of it. There was limited testimony that these lakes are dying. The annexation of the subject area will accommodate the extension of services to the lakes and allow for the extension of the services around the lakes. The Board is confident that the Town and the City will work together to ensure that the deterioration of the lakes will not only stop but, in fact, that the quality of the lakes will improve.

The Board does not usually leave islands when it approves an annexation. In this instance however, including the island in the annexation proceeding initiated by all of the property owners would result in the potential for an annexation referendum. A referendum might have jeopardized the annexation of land petitioned for by all of the property owners, as well as potentially costing the city or petitioners additional time and money.

The Board is confident that the communities will use this annexation as a life line to save the lakes and to continue to improve the spirit of cooperation between these two communities.

TAM 8-10-92