

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Shirley J. Mihelich	Chair
John W. Carey	Vice Chair
Kenneth F. Sette	Commissioner

IN THE MATTER OF THE PETITION FOR THE)
DETACHMENT OF CERTAIN LAND FROM THE)
CITY OF BRANCH AND ANNEXATION TO THE)
CITY OF NORTH BRANCH PURSUANT TO)
MINNESOTA STATUTES 414.06)

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 7, 1987 at North Branch, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Shirley J. Mihelich, Chair, John W. Carey, Vice Chair, and Kenneth F. Sette, Commissioner. The City of Branch appeared by and through Steven Sicheneder, Attorney at Law. The City of North Branch and the petitioners 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 April 14, 1987, a petition for concurrent detachment and 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 area proposed for concurrent detachment and annexation, which is as follows:

1. The North Half of the Northeast Quarter of Section 16, Township 35, Range 21 owned by Edward and Carol Swanson
2. The South Half of the Northeast Quarter of Section 16, Township 35, Range 21, excepting therefrom the following two described parcels:

- a. Beginning at the SE corner of said S 1/2 of NE 1/4; thence West, along the south line thereof, 417 feet 4 inches; thence North parallel with the east line thereof, 417 feet 4 inches; thence East, parallel with the south line thereof, 417 feet 4 inches; thence South along the east line thereof, 417 feet 4 inches to the point of beginning, which parcel is subject to a public road dedicated or to be dedicated over and across the North 33 feet thereof.

Said public road is to be included in this petition for annexation.

- b. Beginning at the SW corner of said S 1/2 of NE 1/4; thence North along the west line thereof, 406.6 feet; thence East, parallel with the south line thereof, 406.6 feet; thence South, parallel with the west line thereof, 406.6 feet to said south line; thence West, along the south line thereof, 406.6 feet, to the point of beginning, subject to a public road 66 feet in width, the centerline of which is described as follows:

Beginning at the SW corner of the parcel just described; thence northeasterly in a straight line to the northeasterly corner of the parcel just described and there terminating;

owned by Fredric G. Schmidt.

3. That part of the SW 1/4 of NE 1/4 of Section 16, Township 35, Range 21, described as follows, to-wit:

Beginning at the SW corner of said SW 1/4 of NE 1/4;

thence North along the west line thereof 406.6 feet; thence East parallel to the south line thereof, 406.6 feet; thence southwesterly, on a diagonal line, to the point of beginning, subject to and served by a public road 66 feet in width, the centerline of said public road being the diagonal line described herein, owned by Robert Kane.

4. That part of the Southwest Quarter of Northeast Quarter of Section 16, Township 35, Range 21, described as follows, to-wit:

Beginning at the SW corner of said SW 1/4 of NE 1/4; thence East, along the south line thereof, 406.6 feet; thence North, parallel to the west line thereof, 406.6 feet; thence southwesterly, on a diagonal line, to the point of beginning, subject to and served by a public road 66 feet in width, the centerline of said public road being the diagonal line described herein, owned Ken and Bonnie Howard.

5. That part of the South Half of Northwest Quarter of Section 16, Township 35, Range 21, lying East of the easterly right-of-way line of the Northern Pacific (now Burlington Northern) Railroad; subject to County Road #30 along the westerly portion thereof and all easements of record; to include all owned easements contained in the described property, including any part of the following exception, except that part thereof described as follows:

Commencing at the point of intersection of the easterly right-of-way of County Road #30 with the north line of the Southwest Quarter of Northwest Quarter; thence South 2 degrees 48 minutes West, along said easterly right-of-way line, 169 feet, to the point of beginning; thence continuing South 2 degrees 48 minutes West, along said easterly right-of-way line, 667 feet; thence South 86 degrees 22 minutes East, 225 feet; thence North 2 degrees 48 minutes, 667 feet; thence North 86 degrees 22 minutes West, 225 feet to the point of beginning,

owned by Elmer and Lorraine Olson.

6. The Northwest Quarter of Southeast Quarter of Section 16, Township 35, Range 21, owned by the City of North Branch, MN.
7. That part of the Northwest Quarter of the Southeast Quarter of Section 21, Township 35, Range 21, Chisago

County, MN, described as follows:

Beginning at the NW corner of the NW 1/4 of SE 1/4 of Section 21; thence South on the west line of the NW 1/4 of SE 1/4 a distance of 28.33 rods; thence East parallel with the north line of the NW 1/4 of SE 1/4 a distance of 28.33 rods; thence North parallel with the west line of the NW 1/4 of SE 1/4 a distance of 28.33 rods to the north line of said NW 1/4 of the SE 1/4; thence West on the north line a distance of 28.33 rods to the point of beginning, said parcel containing 5.0 acres, more or less. Subject to the highway right-of-way on the north and west lines thereof, owned by Trinity Lutheran Church.

8. The North Half of North Half of Northeast Quarter of Southeast Quarter excepting therefrom the railroad right-of-way and public road, all in Section 20, Township 35, Range 21, owned by Roger and Patricia Nelson.
9. That part of the Southeast Quarter of Southwest Quarter of Section 17, Township 35, Range 20, lying easterly of the easterly right-of-way line of Interstate Highway I-35, owned by Hilder C. Olson.

A resolution supporting the concurrent detachment and annexation was not received from the City of Branch.

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

3. The area proposed for concurrent detachment and annexation, hereinafter called the subject area, is presently within the City of Branch, abuts the City of North Branch, and is approximately 280.5 acres in size. The perimeter of the subject area is approximately 29% bordered by the City of North Branch.

4. The City of North Branch had a population of 1,106 in 1970, 1,597 in 1980, and 1,693 in 1985. It is projected that in five years the City of North Branch will have a population of approximately 1,777.

5. The City of Branch had a population of 880 in 1970, 1,866 in 1980,

and 1,959 in 1985. It is projected that in five years the City of Branch will have a population of approximately 2,071.

6. The subject area had a population of 5 in 1985.

7. The western portion of the subject area contains a portion of the north branch of the Sunrise River. This river is also near the subject area on the eastern border of the City of North Branch.

The soils in the subject area are sandy and the terrain is gently sloping.

8. The City of North Branch has a total acreage of 645 acres with 75% in residential use, 2% in institutional use, 13% in commercial use, and 10% in industrial use.

9. The City of Branch has a total acreage of 22,395 acres with land in residential use, institutional use, commercial use, industrial use, and agricultural use.

10. The subject area has land in residential use, agricultural use, and approximately 45 acres in institutional use.

11. That portion of the subject area abutting the western boundary of the City of North Branch abuts land owned by the same developer and the total area is proposed for residential development. The same developer owns the portion of the subject area abutting the City of North Branch's southern boundary.

12. The City of North Branch has approximately 10 miles of highways, streets, and roads.

13. The City of Branch has approximately 46 miles of highways, streets, and roads.

14. The subject area has approximately one mile of road on its boundaries.

15. The City of North Branch has a zoning ordinance, subdivision

regulations, an official map, capital improvements and budget, fire code, shoreland ordinance, floodplain ordinance, and a comprehensive plan.

16. The City of North Branch is not planning for the subject area until it is within its boundaries.

17. The City of Branch has a zoning ordinance, subdivision regulations, an official map, fire code, shoreland ordinance, floodplain ordinance, sanitation ordinance, and a comprehensive plan.

18. The current zoning of the subject area by portion is as follows: land zoned R-1 (Single Residential) is located in the northeastern portion and the western portion, land zoned I (Industrial) is located in the northern portion, land zoned B-2 (Limited Business) is located in the northern portion, and land zoned RR (Rural/Residential) is located in the northeastern and southeastern portion.

19. It is anticipated that the subject area will be re-zoned A-0 (Agricultural Open Space) if it is annexed to the City of North Branch, requiring a rezoning for any development.

20. The City of North Branch provides its residents with water, sanitary sewer and waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

Presently the City of North Branch provides the subject area with fire protection, as well as sewer and water to the church in the subject area.

21. The City of North Branch has sewer and water service adjacent to all of the areas within the subject area.

22. The City of Branch provides its residents with fire protection through a contract, police protection through a contract, street improvements

and maintenance, administrative services, and recreational opportunities.

The City of Branch does not have either a central water or sanitary sewer system. The City of Branch has no present plans to construct either a central water or sanitary sewer system to service the entire city.

23. The City of North Branch will provide the subject area, as needed, if it becomes a part of the City of North Branch, all of the services it presently provides its residents.

24. The assessed valuation of the City of North Branch in 1987 is \$6,900,038.

25. The assessed valuation of the City of Branch in 1987 is \$9,885,053.

26. The assessed valuation of the subject area in 1987, with 2 properties exempt, is \$47,474. In 1986, the City of Branch received approximately \$932 in real estate tax revenue from the subject area.

27. The mill rate for the county in the City of North Branch and the City of Branch in 1987 is 44.868.

28. The City of North Branch has a local government mill rate of 29.678.

29. The City of Branch has a local government mill rate of 19.632.

30. The school district has a 1987 mill rate of 58.882.

31. The City of North Branch has a fire insurance rating for 1987 of 7.

32. The City of Branch has a fire insurance rating for 1987 of 9 and 10.

33. The City of North Branch has a total bonded indebtedness of \$1,705,000.

34. The City of Branch has no bonded indebtedness.

CONCLUSIONS OF LAW

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

2. Concurrent detachment and annexation of the subject area is in the best interests of the property.

3. The City of North Branch can provide the subject area with the necessary governmental services.

4. The City of Branch can continue to survive without the subject area.

5. The Minnesota Municipal Board should issue an order approving the concurrent detachment and annexation of the subject area from the City of Branch to the City of North Branch.

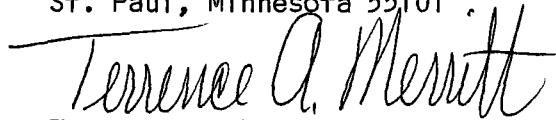
O R D E R

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

2. IT IS FURTHER ORDERED: That the effective date of this order is December 17, 1987.

Dated this 17th day of December, 1987.

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

A handwritten signature in black ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a horizontal line extending from the left side of the first name.

Terrence A. Merritt
Executive Director

D-232 Branch

A-4390 North Branch

M E M O R A N D U M

In approving the proposed concurrent detachment and annexation, the board notes that the hearing included testimony as to the cooperative nature of the relationship between the Cities of Branch and North Branch on certain issues. The board hopes that such cooperation could be built upon for the betterment of both communities.

The board notes for the communities' consideration that they are a part of a larger community, which may be more effectively served through joint efforts.

YAM 12-17-87