

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Keith Mauer	Ex-Officio Member
Robert Gambrino	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF ST. CLOUD AND THE)	
TOWNSHIP OF ST. CLOUD FOR THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE CITY)	<u>CONCLUSIONS OF LAW,</u>
OF ST. CLOUD)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on August 10th at St. Cloud, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. The City of St. Cloud appeared by and through Bernard E. Boland, City Attorney. 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. That a joint resolution for orderly annexation was adopted by the City of St. Cloud and the Township of St. Cloud and duly filed with the Minnesota Municipal Board.
2. A resolution, in response to the petitioning property owner, was filed by one of the signatories to the joint resolution, the City of St. Cloud, on June 28, 1976, requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

- A. That part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, all lying southerly of the Great Northern Railway Company (now Burlington Northern) right-of-way; the S $\frac{1}{4}$ SW $\frac{1}{4}$ lying north and east of old Minnesota Trunk Highway No. 52: All in Section 7, T124N, R28W.

The east half of the southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), less and except that part thereof lying northerly of the right-of-way of the Great Northern Railway Company, as now located and constructed;

and the east half of the southwest quarter of the southeast quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7; also the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying north and east of old Minnesota Trunk Highway No. 52, all in Section 18, T124N, R28W;

and the northeast quarter of the northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), less and except that part thereof heretofore conveyed to Hattie Brick, being 3.50 acres, more or less, by deed recorded in the Office of the Register of Deeds of Stearns County, Minnesota, in Book 180 of Deeds on Page 565;

and also the east half of the northwest quarter of the northeast quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$), less and except that part thereof, containing 2.50 acres, more or less, heretofore conveyed to Cora I. Lee by deed recorded in said register's office in Book 183 of Deeds on page 525 of Section 18, all in twp 124N, of R28W, less the right-of-way of the Great Northern Railway Company over and across said lands as now located and constructed. Less and except that part of Section 7, T124N, R28W, already annexed, described as follows: Beginning at the southeast corner of said Section 7; thence N 89°38'24" west along the south line of said Section 7, a distance of 2383.53 feet; thence N 00°00' east to a point on the northerly right-of-way line of the Burlington Northern Railroad line; thence easterly along said right-of-way line to the east line of said Section 7; thence S 0°00' west along the east line of said Section 7 to the point of beginning, containing 72.36 acres, more or less.

- B. All that part of the Southeast quarter of the northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), together with that part of the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, Township 124, Range 28, Stearns County, Minnesota, described as follows: Beginning at the east quarter (E $\frac{1}{4}$) corner of said Section 7; thence S 00°00' W, along the east line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1115.95 feet to a point of intersection with the northerly right-of-way line of the Burlington Northern Railroad; thence N 84°26'45" W, along said right-of-way line, 67.2 feet; thence N 00°00'00" E 1109.42 feet to the north line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N 00°01'00" W 1015.44 feet to the centerline of County Road 134; thence N 68°18'36" E, along said centerline, 72.10 feet to a point of intersection with the east line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence S 00°01'00" E, along said east line, 1042.08 feet to the point of beginning and there terminating. Containing 3.29 acres and being subject to an existing road right-of-way over and across the northerly boundary thereof (road right-of-way).

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of St. Cloud.
- b. The total area of the City of St. Cloud is 14.22 square miles. The total area of the territory subject to annexation is approximately 150 acres.
- c. The boundaries between the annexing municipality and the proposed annexed property are contiguous.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes, and major bluffs makes the area suitable for industrial development.

5. Population Data

- a. The population of the City of St. Cloud is 42,223. The population of the City of St. Cloud has increased at a rate of approximately 2.4% since 1960. The City of St. Cloud is projected to have a population of approximately 65,200 by the year 1990.
- b. The population of the area subject to annexation is zero.

6. Development Issues

- a. The planned land use for the general area in which the property to be annexed is located is that of a planned industrial district and the area to be annexed shall be an industrial park within that district, and a portion will be dedicated to the City of St. Cloud for recreational park purposes.
- b. The City of St. Cloud presently employs zoning, subdivision regulations, and housing and building codes that control land use within its corporate limits. The land within St. Cloud Township, including the area to be annexed, is also subject to zoning, subdivision regulations, and housing and building codes.

- c. The area to be annexed should provide the City of St. Cloud sufficient space for industrial development for a period of 10 - 15 years following annexation.

7. Presently, the Township of St. Cloud provides the area subject to annexation with fire and police protection and street improvements and maintenance. The City of St. Cloud presently provides its citizens with water, sewer, fire and police protection, street improvements and maintenance, and recreational facilities. The City of St. Cloud presently provides the area subject to annexation with no services; however, plans to extend all present municipal services provided to the City of St. Cloud to the area subject to annexation within the next five years. There exists no pollution problems or potential pollution problems within the area to be annexed.

8. In the City of St. Cloud, the assessed valuation trend is upward with an average annual increase of six percent over the last four years. The mill rate trend has stabilized due to the increased assessed valuation and availability of Federal General Revenue Sharing Funds. The present bonded indebtedness for the City of St. Cloud is \$17,778,000. The area to be annexed has no bonded indebtedness. The assessed value of the area to be annexed is \$10,475.

	<u>1976</u>	<u>1975</u>	<u>1974</u>
Stearns County	18.03	16.88	15.00
Independent School District No. 742	60.65	65.95	60.41
St. Cloud Township	2.56	2.33	2.11
City of St. Cloud	31.56	31.20	29.97

The annexation may affect area school districts by causing increased enrollments due to expanding the area labor forces and thereby attracting new families.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to annexation is now or is about to become urban or suburban in nature.
3. The City of St. Cloud is capable of providing the services

the services required by the area described herein within a reasonable time.

4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a five-year period.

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

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of St. Cloud, County of Stearns, State of Minnesota, be and the same hereby is annexed to the City of St. Cloud the same as if it had originally been made a part thereof:

- A. That part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, the W $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and that part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, all lying southerly of the Great Northern Railway Company (now Burlington Northern) right-of-way; the S $\frac{1}{4}$ SW $\frac{1}{4}$ lying north and east of old Minnesota Trunk Highway No. 52: All in Section 7, T124N, R28W.

The east half of the southeast quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$), less and except that part thereof lying northerly of the right-of-way of the Great Northern Railway Company, as now located and constructed;

and the east half of the southwest quarter of the southeast quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7; also the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the W $\frac{1}{2}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying north and east of old Minnesota Trunk Highway No. 52, all in Section 18, T124N, R28W;

and the northeast quarter of the northeast quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), less and except that part thereof heretofore conveyed to Hattie Brick, being 3.50 acres, more or less, by deed recorded in the Office of the Register of Deeds of Stearns County, Minnesota, in Book 180 of Deeds on Page 565;

and also the east half of the northwest quarter of the northeast quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$), less and except that part thereof, containing 2.50 acres, more or less, heretofore conveyed to Cora I. Lee by deed recorded in said register's office in Book 183 of Deeds on page 525 of Section 18, all in twp 124N, of R28W, less the right-of-way of the Great Northern Railway Company over and across said lands as now located and constructed. Less and except that part of Section 7, T124N, R28W, already annexed, described as follows: Beginning at the southeast corner of said Section 7; thence N 89°38'24" west along the south line of said Section 7, a distance of 2383.53 feet; thence N 00°00' east to a point on the northerly right-of-way line of the Burlington Northern Railroad line; thence easterly along said right-of-way line to the east line of said Section 7; thence S 0°00' west along the east line of said Section 7 to the point of beginning, containing 72.36 acres, more or less.


B. All that part of the Southeast quarter of the northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), together with that part of the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 7, Township 124, Range 28, Stearns County, Minnesota, described as follows: Beginning at the east quarter (E $\frac{1}{4}$) corner of said Section 7; thence S 00°00' W, along the east line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, 1115.95 feet to a point of intersection with the northerly right-of-way line of the Burlington Northern Railroad; thence N 84°26'45" W, along said right-of-way line, 67.2 feet; thence N 00°00'00" E 1109.42 feet to the north line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N 00°01'00" W 1015.44 feet to the centerline of County Road 134; thence N 68°18'36" E, along said centerline, 72.10 feet to a point of intersection with the east line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence S 00°01'00" E, along said east line, 1042.08 feet to the point of beginning and there terminating. Containing 3.29 acres and being subject to an existing road right-of-way over and across the northerly boundary thereof (road right-of-way).

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 five years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the effective date of this Order is October 21, 1976.

Dated this 21st day of October, 1976

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101


William A. Neiman
Executive Secretary