

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
John E. Driscoll	Ex-Officio Member
Hillard Mykleby	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF EAST GRAND FORKS)	
AND THE TOWNSHIP OF RHINEHART FOR THE)	<u>FINDINGS OF FACT,</u>
ORDERLY ANNEXATION OF CERTAIN LAND TO)	<u>CONCLUSIONS OF LAW,</u>
THE CITY OF EAST GRAND FORKS, MINNESOTA)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Commission pursuant to Minnesota Statutes, Section 414, as amended, on the 7th day of August, 1974, at the City Hall in the City of East Grand Forks, Minnesota. The City of East Grand Forks, Minnesota, appeared by and through Robert A. Matt, City Attorney. The Township of Rhinehart appeared by and through Edward Gamache, Chairman; Dean Bushiem and Huey Wells, Members and Dixie Pederson, Clerk. The hearing was conducted by Howard L. Kaibel, Executive Secretary of the Minnesota Municipal Commission pursuant to Minnesota Statutes, Section 414.01, Subdivision 12. Also in attendance were County Commissioners Hillard Mykleby and John E. Driscoll, Ex-Officio Members of the Commission. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, and being fully advised in the premises, the Minnesota Municipal Commission hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing was published,

served and filed.

2. That the area proposed for annexation is approximately one-hundred and ninety (190) acres.

3. That the area proposed to be annexed is characterized by residential development as characterized by two platted subdivisions in said area, which have been fully developed, and it will experience further development of like nature in the near future.

4. That the City of East Grand Forks, Minnesota, does now provide to the area proposed for annexation the following services: Use of the East Grand Forks Public Library; Use of the Park and Recreation Facilities; Resurrection Cemetery, the municipally owned cemetery.

5. That the City of East Grand Forks, Minnesota is capable of and it is practical for it to provide to the area proposed for annexation the following municipal services within the next year:

- A. Installation of water mains to provide municipal water to the residents in the area proposed for annexation, within 12 months.
- B. Installation of sanitary sewer mains to provide use of the sanitary sewer service of the city within 12 months.
- C. Electricity: The subject area is presently served by Red River Electric Cooperative, Halstad, Minnesota; the city could serve this area with municipal power if an agreement with the above cooperative could be negotiated.
- D. Road Maintenance: The city is in position to undertake maintenance of the street and road system in the subject area.
- E. Garbage Disposal: The city is in position to undertake garbage collection and disposition immediately, upon the department head arranging scheduling of pickups by city equipment.
- F. Planning and Zoning: Immediately, pursuant to Orderly Annexation Joint Resolution.

G. Police Protection: Immediately, upon the Superintendent of Police arranging the necessary patrolling schedule.

H. Fire Protection: Immediately, however, until water mains are extended into the subject area, fire protection would be by extending fire hoses to the nearest hydrant within the city, and by the rural fire trucks.

6. The population of the area proposed for annexation is 284.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceedings.

2. The area proposed for annexation is now or is about to become urban or suburban in nature.

3. The City of East Grand Forks is capable of providing the services required by the area described herein within a reasonable time.

O R D E R

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

All those tracts and parcels of land in Section Twelve (12), Township 151 North, Range 50 West of the 5th Principal Meridian, not currently a part of the City of East Grand Forks, nor within its corporate boundaries, except for the following tract of land, to-wit:

That part of the East half of the Southwest Quarter of the Southeast Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), which lies Southwest of the highway (except for Robertson and Woodland Additions) and the South five (5) acres of the West Half of the Southwest Quarter of the Southeast Quarter (S 5 acres of the W $\frac{1}{2}$ of SW $\frac{1}{4}$ SE $\frac{1}{4}$), (except for .53 acres), all being in Section 12, Township 151-50.

IT IS FURTHER ORDERED: That the mill levy of the City of East Grand Forks on the property herein ordered annexed shall be increased in

substantially equal proportion over a period of three (3) years to equality with the mill levy of the property already within the city.

IT IS FURTHER ORDERED: That the population of the City of East Grand Forks, Minnesota, be and the same hereby is increased by 284 for all purposes until the next federal or state census.

IT IS FURTHER ORDERED: That the population of the Township of Rhinehart be and the same hereby is decreased by 284 for all purposes until the next federal or state census.

IT IS FURTHER ORDERED: That the division of assets contained in the attached joint resolution is hereby incorporated into and made a part of this order.

Dated this 9th day of August, 1974

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101



Howard L. Kaibel, Jr.
Executive Secretary

JOINT RESOLUTION AS TO ORDERLY ANNEXATION
CITY OF EAST GRAND FORKS and RHINEHART TOWNSHIP

WHEREAS, The City of East Grand Forks and Rhinehart Township, both in Polk County, Minnesota, have been exploring the merits of Orderly Annexation, as they relate to the two public bodies; and

WHEREAS, There is basis for agreement between the above parties upon Orderly Annexation, which the parties desire to set forth by means of this Joint Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of East Grand Forks, Minnesota, and the Town Board of the Township of Rhinehart, Polk County, Minnesota, as follows:

1. That the following described areas in Rhinehart Township are properly subject to Orderly Annexation under and pursuant to Minnesota Statutes, Section 414.032, and the parties hereto do hereby designate these areas as in need of orderly annexation as provided by statute:

Section 13 and all those tracts and parcels of land in Section 12 not presently within and presently part of the City of East Grand Forks (all in Township 151 North, Range 50 West), all in Rhinehart Township, Polk County, Minnesota.

That the Township of Rhinehart does, upon the passage of this Resolution and its adoption by the City Council of the City of East Grand Forks, Minnesota, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said Orderly Annexation in accordance with the terms of this resolution.

2. No annexations will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or suburban in character and unless the city has available and is capable of providing municipal services such as water, sanitary sewer and storm sewer.

3. Any persons whose lands are annexed to the City of East Grand Forks pursuant to this agreement shall receive a "tax break" consisting of a staged graduated increase in mill rates from the Town rate to the City rate over a three to five year period, depending upon the length of time necessary to provide full municipal services to the area annexed.

4. The Township of Rhinehart will not object to the annexation during the next year of those remaining portions of Section 12 (except as to the one parcel which is hereinafter described), which are not currently a part of the City of East Grand Forks. The one tract or parcel of land excluded from the application of this section is described as follows, to-wit:

That part of the East half of the Southwest Quarter of the Southeast Quarter ($E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$) and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$), which lies Southwest of the highway (except for Robertson and Woodland Additions), and the South five (5) acres of the West Half of the Southwest Quarter of the Southeast Quarter (S 5 acres of the $W\frac{1}{2}$ of $SW\frac{1}{4} SE\frac{1}{4}$), (except for .53 acres), all being in Section 12, Township 151-50.

In the event the area above excepted changes to and becomes urban or suburban in character, then in that event the township will have no objection to part or all of said tract (as the case may be) being annexed to the city.

5. Because of the uncertainty as to when development will occur within Section 13, and the one tract of land excepted in Section 12, both parties agree to leave the question of annexation within this area to the discretion of the Minnesota Municipal Commission.

6. In the event the city constructs sanitary sewer, water, or storm sewer lines into areas in Section 12 which are annexed to the city, and in so doing crosses lands which are agriculture, the city agrees to defer assessment for these lines against any agricultural land involved for as long as said land remains agricultural.

7. Both parties agree to work jointly to secure any federal grants-in-aid which might be available.

8. The Township agrees to exclude the area designated as in need of orderly annexation from its zoning and subdivision ordinances if the county will agree to exclude the area from its zoning regulations. This will enable to the city to extend the application of its zoning and subdivision regulations pursuant to Minnesota Statutes Sections 462.358 and 462.359. The city agrees that if it obtains this extraterritorial planning power it will select one township resident to serve on its planning commission from among four residents nominated by the town board.

If the county does not agree to the above arrangement, both parties agree to establish a joint planning and zoning committee for the orderly annexation area and to abide by its decisions (pursuant to Minnesota Statutes Section 414.068, Subd. 2).

9. The effect of annexations on population shall be resolved whenever possible by agreement of the parties. If there is failure to reach such an agreement, the questions shall be resolved by the Minnesota Municipal Commission. It is agreed by the parties, however, that all population in the area described in Section 4, upon annexation proceedings being completed therein, shall be included as population of the City of East Grand Forks, Minnesota.

10. In all annexations within the orderly annexation area the parties agree to the following division of financial assets and obligations:

a. Property Taxes

The real estate tax income for the year in which the annexation takes place shall be divided on the basis of the decimal fraction of the assessed value of the area to be annexed as opposed to Rhinehart Township's assessed valuation as a whole. This ratio would be further modified by the proportion of the year remaining in which the annexation takes place. For example: If the area to be annexed consisted of 30% of the Township's total assessed valuation and 8 months were remaining in the year at the date of the annexation, the amount of property tax revenue forwarded to the City would be 30% times 8/12 or 20% of Rhinehart Township's total real estate tax revenues for the year during which the annexation takes place. The township agrees to forward the indicated amount of tax revenue, as determined by the above formula, to the City within fifteen (15) days of the annexation order. The Township would then retain all rights to receive these tax funds as they become payable from the county treasurer, thereby reimbursing itself for any payments to the city.

b. Per Capita Aids

The Municipal Commission will determine the ratio of the population annexed to the total population of the Township on the date of the commission's order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place (as explained in the preceding paragraph with reference to property taxes).

The County Auditor will apply this modified ratio to all quarterly or other subsequent payments of state per capita aids to the town and divide the payment accordingly. Per Capita Aids received by the town in the year of annexation, prior to the date of annexation, would be shared by the same modified ratio as explained above.

Unless and until the entitlement of the township to federal revenue sharing aids is adjusted pursuant to federal regulations relating to boundary changes (31 CFR Sec. 51.23); the township agrees to apply the above determined modified population ratio to any federal revenue sharing checks received and to forward the City portion within 15 days of receipt of the funds.

c. Township General Fund and Other Assets

The amounts in the township's general fund and other non-dedicated funds shall be divided on the basis of the decimal fraction of the assessed value of the area to be annexed as opposed to Rhinehart Township's assessed valuation as a whole. For example: If the area to be annexed consisted of 30% of the Township's total assessed valuation, the amount of township general fund and other non-dedicated funds to be forwarded to the City would be 30% of the township's general fund and other non-dedicated funds. The Township agrees to forward the indicated amount of township general fund and other non-dedicated funds to the City within fifteen (15) days of the annexation order.

The City agrees to accept said funds and invest the same in Certificates of Deposit, the principal sum, and any interest earned thereon, to be used by the City solely for, and to be applied in reduction of the amount to be assessed in the area to be annexed for sanitary sewer and watermain.

Township of Rhinehart

Passed and adopted by the Township of Rhinehart this 1 day of July, 1974.

Attest: Walter Robinson By Edward W. Damack
Township Clerk Chairman

Alderman Stauss supported by Alderman Gander

introduced the foregoing Resolution and moved its adoption:

Voting Aye: Peabody, Stauss, Wald, Mongovin, Schue, Gander, Murray

Voting Nay: None

Absent: None

The President declared the Resolution passed.

Attest: Passed: July 2, 1974.

D E Mack
Clerk-Treasurer

Valent E. Peabody
President of Council

I hereby approve the foregoing Resolution this 2nd day of July, 1974.

Thomas L. Harnay
Mayor