

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Paul McAlpine	Ex-Officio Member
Lowell Zachman	Ex-Officio Member

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 21, 1979, at Buffalo, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Paul McAlpine and Lowell Zachman, ex-officio members of the Board. The City of Buffalo appeared by and through Wallace Peterson, the Township of Buffalo made no appearance. 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

I. That a joint resolution for orderly annexation was adopted by the City of Buffalo and the Township of Buffalo on June 24, 1974 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, City of Buffalo, on March 26, 1979 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:

That part of Lot 1 of Lot D and that part of Varner Street adjoining Lot 1 of Lot D.
Lots 1 and 2 and that part of Lot 3 of Lot C and that part of Varner Street adjoining Lots 1, 2 and 3 of Lot C.
All in the West Half of the Southwest Quarter of Section 20, Township 120, Range 25, Wright County, Minnesota according to the plat thereof of record and on file in the Office of the County Recorder, Wright County, Minnesota described as follows:
Commencing at the southeast corner of said West Half of the Southwest Quarter; thence north along the east line of said West Half of the Southwest Quarter, a distance of 658.22 feet to the actual point of beginning, said point being the northeast corner of Lot 5 of Lot D of said West Half of the Southwest Quarter; thence north along the east line of Lots 1, 2 and 3 of Lot C, a distance of 338.18 feet; thence west deflecting 89° 23' 04" left, a distance of 667.49 feet to the centerline of Varner Street according to the plat of said Lots C and D of the West Half of the Southwest Quarter; thence south deflecting 90° 29' 59" left along said centerline, a distance of 759.37 feet

to a line parallel with and distant 248.00 feet north of the south line of said West Half of the Southwest Quarter; thence east along said parallel line, a distance of 133.46 feet to the east line of said Lot 1 of Lot D; thence south deflecting 90° 25' 20" right along said east line, a distance of 248.00 feet to the south line of said West Half of the Southwest Quarter; thence east along said south line, a distance of 267.99 feet; thence north deflecting 89° 37' 39" left along the east line of said Lot 3 of Lot D, a distance of 653.26 feet to the northeast corner of said Lot 3 of Lot D; thence east deflecting 89° 38' 10" right along the north line of Lots 4 and 5 of said Lot D of the West Half of the Southwest Quarter, a distance of 267.42 feet to the point of beginning. Subject to the right of way of Wright County Highway Number 35 over the most southerly 33 feet thereof.

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

IV. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Buffalo.
- B. The total area of the territory subject to annexation is 10.01 acres.
- C. The perimeter of the area to be annexed is approximately 25% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds; soil conditions, rivers, lakes and major bluffs is: farmland.

V. Population Data

- A. The City of Buffalo:
 - 1. In 1970, there were 3,275 residents.
 - 2. The present estimated population is 4,318.
- B. The area subject to annexation:
 - 1. The present estimated population is 0.
- C. The Township of Buffalo:
 - 1. In 1970, there were 1,236 residents.
 - 2. The present estimated population is 1,471.

VI. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.
 - 1. Area in Use
 - a. In the City of Buffalo are areas primarily of residential, commercial, agricultural, and vacant land. The exact proportion of each has not been ascertained.
 - b. In the Township of Buffalo are areas primarily agricultural and the exact proportion of each has not been ascertained.
 - c. In the area subject to annexation are areas primarily agricultural and the exact proportion of each has not been ascertained.

2. Area Being Developed

- a. In the City of Buffalo are areas primarily of residential, institutional, commercial, and industrial with the exact proportion of each not ascertained.
- b. In the area subject to annexation the area is primarily institutional with the exact proportion of land not ascertainable.
- c. In the Township of Buffalo are areas primarily of residential, agricultural, and vacant land with the exact proportion of each not ascertainable.

3. Areas Remaining for Various Uses

- a. In the City of Buffalo are primarily areas of residential, and commercial land with the exact proportion of each not ascertainable.
- b. In the Township of Buffalo are areas of residential, agricultural, and commercial land with the exact proportion of each not ascertainable.

B. Transportation

1. The present transportation network is:

- a. In the City of Buffalo, State and County Road, and City Streets.
- b. In the area subject to annexation: State, County State Aid, and Township Roads.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Buffalo: no testimony addressed this question
2. In the Township of Buffalo: unknown
3. In the County of Wright: no testimony addressed this question.
4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VII. Governmental Services

A. The Town of Buffalo provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no

B. The City of Buffalo provides its residents with the following services:

1. Water: yes
2. Sewer: yes
3. Fire protection and rating: yes
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes

C. The City of Buffalo provides the area subject to annexation with no direct services presently.

- D. There are no existing or potential environmental problems.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the immediate servicing of police and fire protection, with water and sewer as needed.
- F. The following services will be available to the annexed area within two years: water and sewer.

VIII. Tax Base

- A. In the City of Buffalo, the tax base includes the following types: residential property, commercial property, industrial property, agricultural property, vacant land, and non-taxable property; the exact proportion was not ascertainable.
- B. In the Township of Buffalo, the tax base includes the following types: residential, commercial, industrial, agricultural, vacant land, and non-taxable property; with the exact proportion was not available.
- C. In the area subject to annexation, the tax base includes the following type of property: agricultural property in 1979 was valued at \$1,016.

IX. Tax Data

- A. In the City of Buffalo the mill rate in 1979 is 10.477.
- B. In the Township of Buffalo the mill rate in 1979 is 8.286.
- C. In the area subject to annexation the mill rate in 1979 is 8.286.
- D. The mill rate in 1979 is as follows:
 - 1. County in 1979 is 22.76.
 - 2. School district in 1979 is 51.532.
 - 3. Township in 1979 is 8.286.
- X. It is uncertain at the present whether the city will bear increased costs as a result of this annexation.
- XI. Annexation to the City of Buffalo is the best alternative.
 - A. There is no effect on area school districts.
 - B. The town government is inadequate to deliver services to the area proposed for annexation.
 - C. The necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
 - D. Present assessed valuation of proposed annexation area: \$1,016
 - E. Buffalo Township can continue to function without the area subject to annexation.
- XII. The annexation is consistent with the joint agreement in that the area is about to become urban or suburban in nature.

CONCLUSIONS OF LAW

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

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

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

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation does not conflict with terms of the joint agreement.

VI. One years will be required to effectivdly provide full municipal services to the annexed area.

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

O. R. D. E. R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Wright, State of Minnesota, be and the same is hereby annexed to the City of Buffalo, Minnesota, the same as if it had been originally made a part thereof:

That part of Lot 1 of Lot D and that part of Varner Street adjoining Lot 1 of Lot D.

Lots 1 and 2 and that part of Lot 3 of Lot C and that part of Varner Street adjoining Lots 1, 2 and 3 of Lot C.

All in the West Half of the Southwest Quarter of Section 20, Township 120, Range 25, Wright County, Minnesota according to the plat thereof of record and on file in the Office of the County Recorder, Wright County, Minnesota described as follows:

Commencing at the southeast corner of said West Half of the Southwest Quarter; thence north along the east line of said West Half of the Southwest Quarter, a distance of 658.22 feet to the actual point of beginning, said point being the northeast corner of Lot 5 of Lot D of said West Half of the Southwest Quarter; thence north along the east line of Lots 1, 2 and 3 of Lot C, a distance of 338.18 feet; thence west deflecting 89° 23' 04" left, a distance of 667.49 feet to the centerline of Varner Street according to the plat of said Lots C and D of the West Half of the Southwest Quarter; thence south deflecting 90° 29' 59" left along said centerline, a distance of 759.37 feet to a line parallel with and distant 248.00 feet north of the south line of said West Half of the Southwest Quarter; thence east along said parallel line, a distance of 133.46 feet to the east line of said Lot 1 of Lot D; thence south deflecting 90° 25' 20" right along said east line, a distance of 248.00 feet to the south line of said West Half of the Southwest Quarter; thence east along said south line, a distance of 267.99 feet; thence north deflecting 89° 37' 39" left along the east line of said Lot 3 of Lot D, a distance of 658.26 feet to the northeast corner of said Lot 3 of Lot D; thence east deflecting 89° 38' 10" right along the north line of Lots 4 and 5 of said Lot D of the West Half of the Southwest Quarter, a distance of 267.42 feet to the point of beginning. Subject to the right of way of Wright County Highway Number 35 over the most southerly 33 feet thereof.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Buffalo on the property herein ordered annexed shall be increased in substantially equal proportions over a period of 3 years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is August 1st, 1979.

Dated this 1st day of August, 1979

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

A handwritten signature in dark ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a large, stylized 'T' and 'M'.

Terrence A. Merritt
Executive Director