

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF BUFFALO AND THE)
TOWN OF BUFFALO FOR THE ORDERLY)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF BUFFALO)

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 May 21, 1979, at Buffalo, Minnesota and continued from time to time. The hearing was conducted by Terrence A. Merritt and Robert W. Johnson pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Municipal Board Members Robert J. Ferderer and County Commissioners Paul McAlpine and Lowell Zachman, ex-officio members of the Board. The City of Buffalo appeared by and through Roger Tesch, the Township of Buffalo appeared by and through William Radzwill, and the petitioners appeared by and through Brad Larson. Testimony was heard, and the 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 and duly accepted by the Minnesota Municipal Board.

II. A resolution was filed by one of the signatories to the joint resolution, the City of Buffalo, on April 19, 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 the north 65.00 acres of the N½ of the NE¼ of Section 19, Township 120, Range 25, Wright County, Minnesota lying and being west of the center of the Buffalo and Monticello Wagon Road described as follows: Beginning at the northwest corner of said N½ of the NE¼; thence east along the north line thereof a distance of 1056.19 feet to the center line of Minnesota State Highway Number 25; thence southwesterly along said center line a distance of 1178.06 feet to a line parallel with and distant 1100.00 feet south of the north line of said N½ of the NE¼; said parallel line being the south line of the said north 65 acres; thence west along said parallel line a distance of 657.81 feet to the west line of said N½ of the NE¼; thence north along said west line a distance of 1100.00 feet to the point of beginning.

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 City of Buffalo is approximately 1,573 acres. The total area of the territory subject to annexation is approximately 21 acres.
- C. The perimeter of the area to be annexed borders the municipality by approximately 1,178 feet.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: open land with southern 1/3 of the area wooded.

V. Population Data

A. The City of Buffalo:

- 1. The present estimated population is 4,738 (MMB Order OA-108-15, May 21, 1980)

B. The area subject to annexation:

- 1. In 1970, there were 0 residents.
- 2. The present estimated population is 0.

C. The Township of Buffalo:

- 1. The present estimated population is 1,881 (MMB Order OA-108-15, May 21, 1980)

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:

Residential, institutional, commercial, industrial, agricultural and vacant land.

b. In the area subject to annexation:

Institutional

c. In the Township of Buffalo

Residential, insitutional, commercial, agricultural, and vacant land.

B. Transportation:

1. The present transportation network is:

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

C. Land use controls and planning, including comprehensive plans, in the city.

1. In the City of Buffalo:

- a. Zoning: yes
- b. Comprehensive Plan: yes
- c. Official Map: yes
- d. Planning Commission: yes
- e. Other: Orderly Annexation Agreement: yes

2. In the County of Wright

- a. Zoning: yes

3. 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
- 3. Fire protection and rating: through Contract with the City
- 4. Police protection: sheriff
- 5. Street improvements: yes
- 6. Street maintenance: yes
- 8. Administrative services: Township Board

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 the following services:

- 1. Fire protection and rating: through Contract with the township.

D. Existing or potential environmental problems and the need for additional services to resolve these problems: Potentially the septic system of the Church will be unable to handle the increased demands upon it, given its age and construction as well as contaminate the Church water supply.

E. The following services will be available to the annexed area within two years: Sewer, water, police and fire protection.

VIII. Tax Base

A. In the City of Buffalo, the tax base includes the following:

Residential property, commercial property, industrial property, agricultural property, and vacant land.

B. In the Township of Buffalo, the tax base includes the following:

Residential property, commercial property, agricultural land, and vacant land.

IX. Tax Data

A. In the City of Buffalo:

1. Mill rate in 1979 was 10.470.

B. In the Township of Buffalo

1. Mill rate in 1979 was 8.286.

C. In the area subject to annexation:

1. Mill rate in 1979 was 8.286.

C. Mill rate in the respective governmental units:

1. County in 1979 was 22.760.
2. School district in 1979 was 51.532.
3. Township in 1979 was 8.286.

X. Annexation to the City of Buffalo is the best alternative.

- A. There will be no effect on area school districts and or adjacent communities if the proposed annexation is annexed.
- B. The town government is inadequate to deliver the requested services to the area proposed for annexation.
- C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
- D. Buffalo Township can continue to function without the area subject to annexation.

XI. The annexation is consistent with the joint agreement.

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. Three years will be required to effectively 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 the north 65.00 acres of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 19, Township 120, Range 25, Wright County, Minnesota lying and being west of the center of the Buffalo and Monticello Wagon Road described as follows: Beginning at the northwest corner of said N $\frac{1}{2}$ of the NE $\frac{1}{4}$; thence east along the north line thereof a distance of 1056.19 feet to the center line of Minnesota State Highway Number 25; thence southwesterly along said center line a distance of 1178.06 feet to a line parallel with and distant 1100.00 feet south of the north line of said N $\frac{1}{2}$ of the NE $\frac{1}{4}$; said parallel line being the south line of the said north 65 acres; thence west along said parallel line a distance of 657.81 feet to the west line of said N $\frac{1}{2}$ of the NE $\frac{1}{4}$; thence north along said west line a distance of 1100.00 feet to the point of beginning.

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 May 22, 1980.

Dated this 22nd day of May, 1980

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director