

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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

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

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on August 15, 1979 at Buffalo, Minnesota. The hearing was conducted by Thomas J. Simmons 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 the City Attorney, Roger Tesch, the petitioner's were represented by Kim Johnson, and the Township of Buffalo was represented by its Chairman, James Weldele. Testimony was heard and records and exhibits were received. A continued hearing was held on February 22, 1980.

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 Buffalo and the Township of Buffalo and duly filed with the Minnesota Municipal Board.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Buffalo, on June 22, 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:

All that part of the North one-half of the Southwest Quarter of Section 19, Township 120, Range 25, which lies South and West of the Northeast right of way line of Minn. T.H. No. 55.

Lot A of the Northwest Quarter South of the Northeast line of Minn. T.H. No. 55 except tract conveyed to Helen C. Hoffman by deed in the Register of Deeds Office of said County in Book 163 of Deeds, page 409, all in Section 19, Township 120, Range 25.

That part of SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 19, Township 120, Range 25, lying within the right of way lines of Minn. Trunk Highway No. 55 and the Soo Line Railroad.

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 Buffalo.
- b. The total area of the City of Buffalo is 1572 acres. The total area of the territory subject to annexation is approximately 82 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is approximately 10-15% or 850 feet.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: wooded - semi-rolling, approximately 20 acres under cultivation.

5. Population Data

a. The City of Buffalo

- 1) Past population 1970: 3,275
- 2) Present estimated population is approximately 4,721. (State Planning Agency estimate January, 1980.)
- 3) Projected population by year 2,000: 9,040

b. The area subject to annexation

1. Present population: -0-
2. Projected population: about 350-400

c. Township of Buffalo

- 1) Past population growth: 1970 - 1,236
- 2) Present estimated population is 1,898. (State Planning Agency estimate November 16, 1979.)

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality. Residential development is anticipated and is consistent with the plans of the City of Buffalo.

- b. What land use controls are presently being employed.

1) In the City of Buffalo

- a) Zoning - yes
- b) Subdivision regulations - yes
- c) Housing and bulidng codes - yes

2) In the area to be annexed:

- a) Zoning - yes, by County of Wright
- b) Subdivision regulations - yes - by Wright County
- c) Housing and building codes - yes - by Wright County

- c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Buffalo with necessary growth space? The proposed area for annexation will help meet some of the required growth space of the City.
- d. The present pattern of physical development is:
  - 1) In the City of Buffalo:
    - a) Residential - yes
    - b) Industrial - yes
    - c) Commercial - yes
    - d) Institutional - yes
  - 2) In the area subject to annexation:
    - a) Wooded area with about 20 acres under cultivation.

7. Governmental Services

- a. Presently, the Township of Buffalo provides the area subject to annexation with the following services:
  - 1) Water - no
  - 2) Sewer - no
  - 3) Fire Protection - contract with City
  - 4) Police Protection - by County Sheriff
  - 5) Street Improvements - no
  - 6) Street Maintenance - no
  - 7) Recreational - no
  - 8) Other - no
- b. Presently, the City of Buffalo provides its citizens with the following services:
  - 1) Water - yes
  - 2) Sewer - yes
  - 3) Fire Protection - yes
  - 4) Police Protection - yes
  - 5) Street Improvements - yes
  - 6) Street Maintenance - yes
  - 7) Recreational - yes
  - 8) Other - yes, parks and administrative services
- c. Presently the City of Buffalo provides the area subject to annexation with the following services:
  - 1) Water - no
  - 2) Sewer - no
  - 3) Fire protection - under contract
  - 4) Police Protection - no
  - 5) Street Improvements - no
  - 6) Street Maintenance - no
  - 7) Recreational - no
- d. Plans to extend municipal services to the area subject to annexation include the following: All municipal services would be extended after annexation.
- e. There are no existing or potential pollution problems in this area.
- f. The City of Buffalo is capable of and it is practical for it to provide to the area proposed for annexation with all municipal services within the next two years.

8. Fiscal Data

- a. Assessed valuation for 1979 is \$11,982,238. The present bonded indebtedness as of December 31, 1978 is \$2,305,000.

b. In the area subject to annexation, the assessed valuation for 1979 is \$11,850 for one of the Parcels and \$6,377 for the other Parcel for a total 1978 assessed valuation of \$18,227. The present bonded indebtedness in the Township -- none.

c. The mill rates for the following units of government are:

1. County - 1977 - 22.530  
          1978 - 22.971  
          1979 - 22.760
2. School Districts - 1977 - 51.932
3. Township - 1977 - 3.007  
              1978 - 9.123  
              1979 - 8.286
4. City - 1977 - 17.817  
          1978 - 11.992  
          1979 - 10.470

d. The annexation will have no effect upon area school districts.

9. Transportation:

1. The City contains: State, county and city roads.
2. The area subject to annexation is bordered on the west by County Highway 12 and on the northeast by the Soo Line Railroad.

10. Buffalo Township can continue to function without the area subject to annexation.

11. Governmental services could not be better provided through incorporation or annexation to an adjacent municipality.

12. The annexation is consistent with the orderly annexation joint agreement.

#### 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 Buffalo is capable of providing 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 period of three years.

5. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact II.

#### O R D E R

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

All that part of the North one-half of the Southwest Quarter of Section 19, Township 120, Range 25, which lies South and West of the Northeast right of way line of Minn. T.H. No. 55.

Lot A of the Northwest Quarter South of the Northeast line of Minn. T.H. No. 55 except tract conveyed to Helen C. Hoffman by deed in the Register of Deeds Office of said County in Book 163 of Deeds, page 409, all in Section 19, Township 120, Range 25.

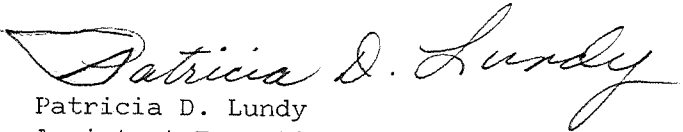
That part of SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 19, Township 120, Range 25, lying within the right of way lines of Minn. Trunk Highway No. 55 and the Soo Line Railroad.

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 three 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 May 21, 1980.

Dated this 21st day of May, 1980

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

  
Patricia D. Lundy  
Assistant Executive Director