

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

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

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on October 17, 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 Roger Tesch, the Township of Buffalo appeared by and through William Radzwill, and the petitioners appeared by and through Kim Johnson. 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

- 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 August 23, 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:

Lots 18, 19, 20, 21, 22, 23, and 24 of Auditor's Subdivision No. 3 in Section 30, Township 120, Range 25, according to plat of record, excepting therefrom the following described tracts:

- 1. All that part of said Lot 21 lying Westerly of the West line of said Lot 18 projected in a southerly direction to the shore-line of Buffalo Lake.
- 2. All that part of said Lot 19 described as follows: Beginning at the Northwest corner of said Section 30; thence East on said section line 136 feet; thence South 33 feet to point of beginning; thence East parallel with the North line of said Section 30, 84 feet to a point which is on the East line of said Lot 19;

thence South on the East line of said Lot 19, 176 feet to a point; thence West parallel with the North line of said Lot 19, 84 feet to a point; thence North parallel with the East line of said Lot 19, 176 feet to point of beginning, together with all that certain tract bounded on the South by this excepted tract, bounded on the East and West by the East and West lines of this excepted tract projected Northerly to the Northerly section line of said Section 30 and bounded on the North by the Northerly section line of said Section 30.

3. Commencing at the Northwest corner of said Section 30; thence Easterly along the North line of said Section 30, 220 feet to the West line of said Lot 18 projected in a Northerly direction; thence at right angles 33 feet to the South right-of-way line of public road for a point of beginning; thence South along the West line of said Lot 18, 297 feet; thence at right angles East 73.3 feet; thence at right angles North 297 feet to the South right-of-way line of said road; thence in a Westerly direction along said South right-of-way line 73.3 feet to the point of beginning, together with all that certain tract bounded on the South by this excepted tract, bounded on the East and West by the East and West lines of this excepted tract projected Northerly to the Northerly section line of said Section 30 and bounded on the North by the Northerly section line of said Section 30,

together with a tract lying Southerly of said Lots 21, 22, 23, 24 and Westerly of the East line of said Lot 24 projected in a Southerly direction to the shoreline of Buffalo Lake and Easterly of the West line of said Lot 18 projected Southerly to the shoreline of Buffalo Lake and Northerly of the shoreline of Buffalo Lake.

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 1,572 acres. The total area of the territory subject to annexation is 41.4 acres.
- C. The perimeter of the area to be annexed is bordered by the municipality along approximately 1200-1300 feet of the proposed area's boundary.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: the northern portion is steeply sloped leveling out to low lands in the southern portion by Lake Buffalo. The majority of the land is open with some woods.

V. Population Data

- A. The City of Buffalo
 1. In 1970, there were 3,275 residents.
 2. The present estimated population is approximately 4,721. (State Planning Agency estimate January, 1980.)
 3. By 1990, the projected population is 6,800.
- B. The area subject to annexation:
 1. The present estimated population is 17.
- C. The Township of Buffalo:
 1. The present estimated population is 1,898. (State Planning Agency estimate November 16, 1979.)

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, agriculture, and vacant land.
- b. In the area subject to annexation: Residential, institutional, and vacant land.
- c. In the Township of Buffalo: Residential, institutional, commercial, industrial, agricultural, and vacant land.

2. Area Being Developed

- a. In the City of Buffalo area for expansion:
 1. Residential: some by Lake Pulaski.
 2. Industrial Land: NE of the City
 3. Commercial: along Highway 25 and 55.
 4. Institutional: along Highway 25 North of Highway 55.

B. Transportation

1. The present transportation network is:
 - a. In the City of Buffalo: State, County, City Roads.
 - b. In the area subject to annexation: County Roads 35 and 12

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

1. In the City of Buffalo:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: yes
 - d. Fire Code: yes
 - e. Housing and Building Code: yes
2. The Township of Buffalo relies upon Wright County.
3. In the County of Wright:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plan: yes
 - d. Building and Housing code: yes
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
3. Fire protection and rating: contract with the City of Buffalo
4. Police protection: County Sheriff
5. Street improvements: yes
6. Street maintenance: yes

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

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

C. The City 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 Township
4. Police protection: no
5. Street improvements: no
6. Street maintenance: no
7. Recreational: yes--the City's parks are available to those residents
8. Administrative services: no

D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the extension of sewer and water lines.

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

VIII. Tax Base

- A. In the City of Buffalo, the tax base includes the following: Residential property, commercial property, industrial property, agricultural property vacant land and non-taxable property.
- B. In the Township of Buffalo, the tax base includes the following: Residential property, commercial property, industrial property, agricultural land, vacant land and non-taxable property.
- C. In the area subject to annexation, the tax base includes the following: Residential property and non-taxable property and vacant land.

IX. Tax Data

- A. In the City of Buffalo:
 1. Mill rate in 1979 was 10.470.
 2. Bonded indebtedness in 12/21/78 was \$2,305,000.
- 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.
- D. 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 is no projected adverse effect on area school districts and on adjacent communities if the proposed area is annexed.
- B. The town government is not adequate to deliver the requested and needed 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. Present assessed valuation of the Town of Buffalo: \$6,275,495
 - E. 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 for 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 annexation would be in the best interests of the area proposed for annexation.

IV. The annexation is consistent with terms of the joint agreement.

V. Three years will be required to effectively provide full municipal services to the annexed area.

VI. 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:

Lots 18, 19, 20, 21, 22, 23, and 24 of Auditor's Subdivision No. 3 in Section 30, Township 120, Range 25, according to plat of record, excepting therefrom the following described tracts:

1. All that part of said Lot 21 lying Westerly of the West line of said Lot 18 projected in a southerly direction to the shoreline of Buffalo Lake.
2. All that part of said Lot 19 described as follows: Beginning at the Northwest corner of said Section 30; thence East on said section line 136 feet; thence South 33 feet to point of beginning; thence East parallel with the North line of said Section 30, 84 feet to a point which is on the East line of said Lot 19; thence South on the East line of said Lot 19, 176 feet to a point; thence West parallel with the North line of said Lot 19, 84 feet to a point; thence North parallel with the East line of said Lot 19, 176 feet to point of beginning, together with all that certain tract bounded on the South by this excepted tract, bounded on the East and West by the East and West lines of this excepted tract projected Northerly to the Northerly section line of said Section 30 and bounded on the North by the Northerly section line of said Section 30.

3. Commencing at the Northwest corner of said Section 30; thence Easterly along the North line of said Section 30, 220 feet to the West line of said Lot 18 projected in a Northerly direction; thence at right angles 33 feet to the South right-of-way line of public road for a point of beginning; thence South along the West line of said Lot 18, 297 feet; thence at right angles East 73.3 feet; thence at right angles North 297 feet to the South right-of-way line of said road; thence in a Westerly direction along said South right-of-way line 73.3 feet to the point of beginning, together with all that certain tract bounded on the South by this excepted tract, bounded on the East and West by the East and West lines of this excepted tract projected Northerly to the Northerly section line of said Section 30 and bounded on the North by the Northerly section line of said Section 30,

together with a tract lying Southerly of said Lots 21, 22, 23, 24 and Westerly of the East line of said Lot 24 projected in a Southerly direction to the shoreline of Buffalo Lake and Easterly of the West line of said Lot 18 projected Southerly to the shoreline of Buffalo Lake and Northerly of the shoreline of Buffalo Lake.

II. IT IS FURTHER ORDERED: That the population of the City of Buffalo has increased by 17 persons to 4,738 persons for all purposes until the next Federal Census.

III.. IT IS FURTHER ORDERED: That the population of the Township of Buffalo has decreased by 17 persons to 1,881 persons for all purposes until the next Federal Census.

IV. 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.

V. 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
St. Paul, Minnesota 55101

Terrence A. Merritt
Terrence A. Merritt
Executive Director