

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 ANNEXATION)	<u>CONCLUSIONS OF LAW,</u>
OF CERTAIN LAND TO THE CITY OF BUFFALO)	<u>AND ORDER</u>

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. The City of Buffalo appeared by and through Roger Tesch, the Township of Buffalo appeared by and through William Radzwill. 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 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:

The North Half of Lot 2 of Lot E of the West Half of the Southwest Quarter of Section 20, Township 120, Range 25.

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

IV. Geographic Features

- The area subject to annexation is unincorporated and abuts the City of Buffalo
- The total area of the territory subject to annexation is $\frac{1}{2}$ acre.
- The perimeter of the area to be annexed is approximately 75% bordered by the municipality.

- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: open land

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 population is one.

C. The Township of Buffalo:

- 1. In 1970, there were 1,236 residents.
- 2. The present 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: Residential, institutional, commercial, industrial, agricultural and vacant land.
- b. In the area subject to annexation: residential
- c. In the Township of Buffalo: residential, institutional, commercial, industrial, 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: City 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:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Planning Commission: yes

- 2. 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. Fire protection and rating: yes
- 2. Street improvements: yes
- 3. 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
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. Street improvements: yes
2. Street maintenance: yes

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: extension of sewer and water.

F. The following services will be available to the annexed area within 2 - 6 years: Sewer, water, street maintenance, fire and police 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, industrial property, agricultural land, and vacant land.

C. In the area subject to annexation, the tax base is: Residential property.

IX. Tax Data

A. In the City of Buffalo:

1. Mill rate in 1979 is 10.470.

B. In the Township of Buffalo:

1. Mill rate in 1979 is 8.286.

C. In the area subject to annexation:

1. Mill rate in 1979 is 8.286.

D. Mill rate in the appropriate jurisdictions:

1. County in 1979 is 22.76.
2. School district in 1979 is 51.532.
3. Township in 1979 is 8.286.

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

A. There is no effect on area school districts and on adjacent communities if the area is annexed.

B. The town government is inadequate to deliver 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 proposed annexation area: \$2,315
 - 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 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 does not conflict 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:

The North Half of Lot 2 of Lot E of the West Half of the
Southwest Quarter of Section 20, Township 120, Range 25.

II. IT IS FURTHER ORDERED: That the population of the City of Buffalo has increased by one person to 4,579 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 one persons to 1,470 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
November 16, 1979.

Dated this 16th day of November, 1979

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director