

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

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF BUFFALO AND)	<u>FINDINGS OF FACT,</u>
THE 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 January 16, 1980 at Buffalo, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was County Commissioner Lowell Zachman, ex-officio member 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.

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 October 29, 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 Section 32, Township 120, Range 25, Wright County, Minnesota, lying and being northeasterly of the north-easterly right-of-way line of the Soo line Railroad Company.

The south 453 feet of the east 3/8 of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$; and the east 400 feet of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, subject to the right-of-way of a township road over the west 33 feet thereof; all in Section 33, Township 120, Range 25, Wright County, Minnesota.

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 is approximately 2,478 acres. The total area of the territory subject to annexation is approximately 230 acres.
- C. The perimeter of the area to be annexed is approximately 20% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: flat terrain, with no major bluffs, no rivers and Lake Mary to the south of the area.

V. Population Data

A. The City of Buffalo:

- 1. In 1970, there were 3,275 residents. The 1979 State Planning estimate was 4,579.
- 2. The present estimated population is approximately 4,738 (MMB Order OA-108-15, May 21, 1980.)
- 3. By 1990, the projected population is 6,800.

B. The area subject to annexation:

- 1. The present estimated population is one single family of approximately 3-4 people.
- 2. By 2000, the projected 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. The City of Buffalo has the following types of land uses: Residential, institutional, commercial, industrial, agricultural and vacant land.
- b. The area subject to annexation has the following types of land uses: Institutional, commercial, agricultural and vacant land.
- c. The Township of Buffalo has the following types of land uses: Residential, institutional, commercial, industrial, agricultural and vacant land.

2. Area for Expansion

a. In the City of Buffalo:

- 1. Residential: development space is available to the North and West of the City
- 2. Institutional: development space is available along Highway 25.
- 3. Commercial: development space is available along the intersection Highway 25 and 55.
- 4. Industrial: Development space is along Highway 55.

B. Transportation:

1. The present transportation network is:
 - a. In the City of Buffalo: County, City and State roads
 - b. In the area subject to annexation: County and State 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:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Comprehensive Plans: yes
 - e. Building Inspector: yes
 - f. Planning Commission: yes
2. In the County of Wright:
 - a. Zoning: yes
 - b. Subdivision Regulations: yes
 - c. Building Housing Code: 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 a contract with the City of Buffalo
4. Police protection: County Sheriff
5. Street improvements: yes
6. Street maintenance: is primarily through the County and State
7. Administrative Services: Town 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
9. Other: Electrical service: yes: garbage collection, yes

C. The City of Buffalo provides the area subject to annexation with the following services:

1. Fire protection and rating: yes by contract with Township
2. Police protection: yes
3. Recreational: yes
4. Other: garbage collection: yes

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

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

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 includes the following: Commercial property, industrial property, agricultural property, and vacant land.

IX. Tax Data

- A. In the City of Buffalo:
 - 1. Mill rate in 1980 is 12.371.
 - 2. Bonded indebtedness in 1979 was \$2,030,000.
 - B. In the Township of Buffalo:
 - 1. Mill rate in 1980 is 11.926.
 - C. In the area subject to annexation:
 - 1. Mill rate in 1980 is 11.926.
 - D. Mill rate in the respective governmental units:
 - 1. County in 1980 is 24.926.
 - 2. School district in 1979 was 51.532.
 - 3. Township in 1980 is 11.926.
- 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 proposed annexation is granted.
 - 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.

IX. Alteration of Boundaries

The area subject to annexation should be decreased to the property described as follows:

All that part of Section 32, Township 120, Range 25, Wright County, Minnesota, lying and being northeasterly of the northeasterly right-of-way line of the Soo line Railroad Company.

The south 453 feet of the east $\frac{3}{8}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the east 400 feet of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, subject to the right-of-way of a township road over the west 33 feet thereof; all in Section 33, Township 120, Range 25, Wright County, Minnesota excepting therefrom:

GUN CLUB PROPERTY

The west 440.00 feet of the south 60 rods of the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 32, Township 120, Range 25, Wright County, Minnesota subject to Minnesota State Highway Number 55 over the southwesterly corner thereof.

HENSON PROPERTY

That part of the West Half of the East Half of the Southeast Quarter of Section 32, Township 120, Range 25, Wright County, Minnesota described as follows: Beginning at a point on the east line of said West Half of the East Half of the Southeast Quarter distant 91.8 feet south of northeast corner thereof; thence north along the said east line a distance of 91.80 feet to the said northeast corner; thence west along the north line of said west Half of the East half of the Southeast Quarter a distance of 611.35 feet to the northeasterly right-of-way line of Minnesota State Highway Number 55; thence southeasterly deflecting 129° 43' 30" left along said right-of-way line a distance of 460.00 feet; thence northeasterly deflecting 90° left a distance of 410.08 feet to the point of beginning.

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

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:

All that part of Section 32, Township 120, Range 25, Wright County, Minnesota, lying and being northeasterly of the northeasterly right-of-way line of the Soo line Railroad Company.

The south 453 feet of the east $\frac{3}{8}$ of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the east 400 feet of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ subject to the right-of-way of a township road over the west 33 feet thereof; all in Section 33, Township 120, Range 25, Wright County, Minnesota excepting therefrom:

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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 three 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 Buidling
St. Paul, Minnesota 55101

Terrence A. Merritt

Terrence A. Merritt
Executive Director

MEMORANDUM

The Minnesota Municipal Board finds that the property proposed for annexation has met the statutory criterion for annexation. Excluded from the area approved for annexation are two parcels of land, one known as the "Henson property" and the other known as the "Gun Club property."

Pursuant to a motion by counsel for Henson and the Gun Club and acquiescence thereto by the parties of record through their counsel the evidence adduced at the hearings on MMB Docket Number OA-108-17 dealt only with the reduced area that was approved for annexation. The Municipal Board is aware that the symmetry of the area could be improved through the inclusion of the "Henson property" and the "Gun Club property". There was no evidence before the Municipal Board upon which the Board could use as the basis for such a decision, at this time.

The Municipal Board does take notice of the peculiar nature of the use for which the "Gun Club property" is used namely shooting trap. The inclusion or exclusion of the "Gun Club property" within the City of Buffalo will not necessarily prevent or insure the continuation of its present use. The Municipal Board believes that the non-annexed property addressed herein, will be assimilated into the future of the City of Buffalo through the course of municipal maturation.

The "Gun Club property" and the "Henson property" though presently surrounded by the City of Buffalo, should the present annexation proposal be granted, are adjacent to State Highway 55 which is maintained by the State of Minnesota, so that if necessary, the Township has access to the area without dependence upon the City of Buffalo for the maintenance of access.

The Municipal Board grants the reduced area annexation with the perception that the irregular boundaries presently resulting, therefrom, will be solved through the process of municipal maturation.