

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Michelle Bogenrief	Ex-Officio Member
Paul McAlpine	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION )	
BETWEEN THE CITY OF BUFFALO AND THE TOWN )	<u>FINDINGS OF FACT,</u>
OF BUFFALO FOR THE ORDERLY ANNEXATION OF )	<u>CONCLUSIONS OF LAW,</u>
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 December 8, 1982, at Buffalo, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Robert W. Johnson, Vice Chairman of the Board, and County Commissioners Paul McAlpine and Michelle Bogenrief, Ex-Officio Members of the Board. The City of Buffalo appeared by and through Roger Tesch, and the property owners appeared by and through Kim Johnson.

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 Town 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 November 4, 1982, requesting the annexation of certain property within the orderly annexation area. The resolution contained all of the information required by Statute including a description of the property subject to annexation which is as follows:

The West 733.34 feet of the North half of the Southeast quarter of the Southeast quarter Section 31, Township 120, Range 25, Wright County, Minnesota; except therefrom the north four rods, containing 10.0 acres.

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

IV. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 10 acres in size and abuts the City of Buffalo by approximately 50%.

V. The area proposed for annexation is somewhat low, hilly with soils of the hayden loam, glencoe silty clay loam variety with a 2% - 6% slope. According to the SCS analysis, approximately 80% of the area proposed for annexation is prime agricultural land.

VI. In 1970 the City of Buffalo's population was 3,275, its population in 1980 was 4,560, and its current population is 4,568.

VII. The Town of Buffalo had a population of 1,236 in 1970, and its population in 1980 was 1,870.

VIII. There is no present population in the area proposed for annexation, nor was there any population in either 1970 or 1980. It is projected by the City Planner that in 5 years the annexation area will have a population of between 20 and 40.

IX. Presently the annexation area is used for agricultural purposes, with an anticipated residential use.

X. The proposed residential use is consistent with the adjacent lands located within the City of Buffalo. The proposed residential use is compatible with the Buffalo Comprehensive Plan.

XI. The City of Buffalo presently provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvement and maintenance, administrative services, recreational opportunities, health inspection and library.

XII. The City of Buffalo presently provides the area subject to annexation with fire protection through a contract with the Township, recreational opportunities, and library services.

XIII. The City of Buffalo is willing and able to provide the area subject to annexation with all of the services it presently provides residents within the City of Buffalo, if the area is annexed.

XIV. The Town of Buffalo provides the area proposed for annexation with fire protection through a contract with the City of Buffalo and administrative services.

XV. The City of Buffalo has 6 miles of highways and 20 of streets within its corporate limits.

XVI. The Town of Buffalo has 150 miles of roads within its borders.

XVII. The area proposed for annexation has no highways, streets, or roads presently within it.

XVIII. If the area proposed for annexation is annexed, new streets will be built within the development to serve the development, consistent with traffic patterns of adjacent residential areas. The streets will be developed to service adjacent vacant areas in the event there is continued residential development.

XIX. The City of Buffalo has sanitary sewer and water lines adjacent to the area proposed for annexation with capacity to service the area proposed for annexation. These lines were developed with the capacity to serve not only the annexation area, but the remaining 30 acres within the 40 acre tract that the annexation area is a part of.

XX. The City of Buffalo has a zoning ordinance, subdivision regulations, official map, capital improvements program and budgets, fire code, Minnesota building code, Minnesota plumbing code, sanitation ordinance, energy conservation program and urban renewal program.

XXI. The Town of Buffalo has a zoning ordinance, subdivision regulations, and an official map.

XXII. The County of Wright has a zoning ordinance, subdivision regulations, official map, Minnesota building code, shoreland ordinance, flood plain ordinance, wild and scenic rivers ordinance, sanitation ordinance, and human services program.

XXIII. The comprehensive plans of the City, Township and County all designate the area proposed for annexation as a residential use area.

XXIV. In the City of Buffalo 60% of the area is for residential use, 15% is for institutional use, 20% is for commercial use, 1% for industrial use, 1% for agricultural use and 3% vacant land.

In the City of Buffalo there remains undeveloped land zoned for the following: residential use, 30 acres; commercial use, 25 acres; agricultural use, 40 acres.

XXV. In the Town of Buffalo 15% of the land is used for residential purposes, 5% for institutional purposes, 2% for commercial purposes, 2% for industrial purposes and 76% for agricultural purposes.

Presently in the Town of Buffalo there remains 20 acres of land undeveloped that is zoned for residential use.

XXVI. There are presently no potential environmental problems related to the development of the area proposed for annexation.

XXVII. The present City of Buffalo has an assessed valuation of approximately \$21,000,000 and its mill levy is 13.481.

XXVIII. The assessed valuation of the Town of Buffalo in 1982 is approximately \$10,000,000 with a mill levy of 9.969.

XXIX. The mill levy of the County of Wright in 1982 is 26.271. The mill levy for the school district in 1982 is 50.884.

XXX. The City of Buffalo has a bonded indebtedness of \$3,080,630. The Town of Buffalo has no present bonded indebtedness.

XXXI. The fire insurance rating for the City of Buffalo is 6. The Town of Buffalo has a fire insurance rating of 8.

XXXII. The Township does not have the ability to provide public sewer and water to the area proposed for annexation.

XXXIII. The City of Buffalo is the only municipality adjacent to the area proposed for annexation.

XXXIV. The Town of Buffalo can continue to function without undue hardship if the area proposed for annexation is annexed.

XXXV. The annexation is consistent with the joint resolution for orderly annexation between the Town of Buffalo and the City of Buffalo.

#### 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 of the area proposed for annexation.

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

V. The annexation is consistent with the terms of the joint resolution for orderly annexation.

VI. Three years will be required to effectively provide full municipal services to the annexed area or to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

VII. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

#### O R D E R

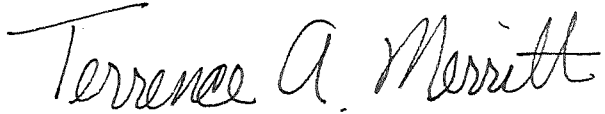
I. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact II be and the same hereby is annexed to the City of Buffalo, Minnesota, the same as if it had been originally a part thereof.

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 February 22, 1983.

Dated this 22nd day of February, 1983.

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

A handwritten signature in cursive script that reads "Terrence A. Merritt". The signature is written in dark ink and is positioned above the printed name and title.

Terrence A. Merritt  
Executive Director