

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
LeRoy Engstrom	Ex-Officio Member
Basil Schillewaert	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF BUFFALO AND THE)	
TOWN OF BUFFALO FOR THE ORDERLY ANNEXA-)	<u>FINDINGS OF FACT,</u>
TION OF CERTAIN LAND TO THE CITY OF)	<u>CONCLUSIONS OF LAW,</u>
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 28, 1983, at Buffalo, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Basil Schillewaert and LeRoy Engstrom, Ex-Officio Members of the Board. The City of Buffalo appeared by and through Roger Tesch and the property owners of the annexation area appeared by and through John A. Cornell. 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

1. 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.

2. A resolution was filed by one of the signatories to the joint resolution, the City of Buffalo, on November 7, 1983. The resolution

contained all of the information required by Statute including a description of the property subject to annexation, which is as follows:

Property owned by Harris J. Schaar: (Parcel a)

The South 125 feet of the North 252.8 feet of a tract of land in the Southeast Quarter of Section 19, Township 120, Range 25, described as follows: Beginning at the center of said Section 19; thence South on the quarter line, a distance of 276.4 feet; thence deflect $91^{\circ}31'$ left for a distance of 481.8 feet to West right of way line of Trunk Highway #25; thence North on said right of way for a distance of 276.4 feet to the quarter line; thence West along the quarter line for a distance of 481.8 feet to point of beginning.

Excepting therefrom the following described tract: The West 250 feet of the following described tract, towit: The South 125 feet of the North 252.8 feet of a tract of land in the Southeast Quarter of Section 19, Township 120, Range 25, described as follows: Begin at the center of said Section 19; thence South on the quarter line 276.4 feet; thence deflect $91^{\circ}31'$ left, 481.8 feet to the West right of way of Trunk Highway No. 25; thence North on said right of way, 276.4 feet to the quarter line; thence West along the quarter line 481.8 feet to point of beginning.

Also excepting therefrom the following described tract: The East 231.8 feet of the North 65 feet of the South 125 feet of the North 252.8 feet of the West 481.8 feet of the Northwest Quarter of the Southeast Quarter of Section 19, Township 120, Range 25 and bounded on the East by State Highway #25. Hereby reserving a roadway easement over the South 10 feet of the tract last described. And hereby grant a roadway easement over the North 10 feet of the tract owned by Schaar, said easement being same as the easement granted in Book 208 of Deeds, page 42.

Property owned by Leslie C. Huikko and Marleen B. Huikko, husband and wife: (Parcel b)

The East 250.0 feet of the following described tract: Commencing at the center of Section 19, Township 120, Range 25; thence South along the quarter line of said Section 19, 353.8 feet to the Northwest corner of the Oscar Wagner property for a point of beginning; thence Easterly along the North line of said Oscar Wagner property, 481.8 feet more or less to the West right of way line of Trunk Highway No. 25 as now travelled; thence North along said right of way line 101.6 feet; thence West on a line parallel with the North line of said Oscar Wagner property 481.8 feet more or less to the quarter line of said Section 19; thence South 101.6 feet to the point of beginning, subject to an easement on the Northerly 16.5 feet thereof to be used for ingress and egress; and:

All of the following described tract: Commencing at the center of Section 19, Township 120, Range 25; thence South along the quarter line of said Section 19, 353.8

feet to the Northwest corner of the Oscar Wagner property for a point of beginning; thence Easterly along the North line of said Oscar Wagner property 481.8 feet more or less to the West right of way line of Trunk Highway No. 25 as now travelled; thence North along said right of way line 101.6 feet; thence West on a line parallel with the North line of said Oscar Wagner property 481.8 feet more or less to the quarter line of said Section 19; thence South 101.6 feet to the point of beginning, except therefrom thence East 250 feet thereof. Subject to an easement on the Northerly 16.5 feet thereof to be used for ingress and egress.

Property owned by Anthony P. Fischer and Lois J. Fischer, husband and wife:
(Parcel c)

That part of the North 125 feet of the South 332 feet of the North 686.4 feet of the Southeast Quarter of Section 19, Township 120, Range 25, lying West of the west right-of-way line of State Trunk Highway # 25 as now located and east of a line drawn from a point on the North line thereof distant 300.00 feet West of the said right-of-way line as measured along the said North line to a point on the South line thereof distant 270.00 feet West of the said West right-of-way line as measured along said South line.

Property owned by Michael R. Goodale: (Parcel d)

That part of the South 332.00 feet of the North 41.60 rods (686.40 feet) of the Southeast Quarter of Section 19, Township 120, Range 25, Wright County, Minnesota, which lies westerly of Minnesota State Highway Number 25 as now located, Easterly of the West 181.80 feet thereof, and that part of the North 125.00 feet of said South 332.00 feet of the North 41.60 rods which lies Westerly of a line drawn from a point on the North line thereof distant 300.00 feet Westerly of the Westerly right-of-way line of said Highway, as measured along said Northerly line, to a point on the South line of the North 125.00 feet of the South 332.00 feet of said North 41.60 rods (686.40 feet) distant 270.00 feet Westerly of said Westerly right-of-way line, as measured along said South line of said North 125.00 feet of the South 332.00 feet of the North 41.60 rods (686.40 feet). Containing 1.50 acres.

Subject to an ingress and egress easement over that part lying easterly of the West 181.80 feet of the South 16.00 feet of the north 41.60 rods (686.40 feet) of said Southeast Quarter lying westerly of Minnesota State Highway Number 25, as now located.

3. Due, timely and adequate legal notice of the hearing was published, served, and filed.
4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 3.7 acres in size and abuts the City of Buffalo by approximately 50%.
5. The area proposed for annexation has a clay base with flat land of

less than 5% slopes.

6. In 1970, the City of Buffalo's population was 3,275, its population in 1980 was 4,560, and its current population is 4,570.

7. In 1970, the Town of Buffalo had a population of 1,236, in 1980 its population was 1,457, and its current population is 1,465.

8. There are no residents in the annexation area.

9. The annexation area is presently used for commercial development. It is anticipated that any further development in the annexation area will be of a commercial nature.

10. The City of Buffalo has a Comprehensive Plan and Zoning Ordinance.

11. The commercial use of the land proposed for annexation is consistent with the city's Comprehensive Plan.

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

13. The City of Buffalo presently provides the annexation area with fire protection and recreational opportunities.

14. The Town of Buffalo presently provides the annexation area with police protection and street improvements and maintenance.

15. If annexed, the city is willing to provide the area with water, sanitary sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services and recreational opportunities. Waste collection for commercial property is by private contractor.

16. Presently, city sewer and water lines are adjacent to the annexation area.

17. Wright County has identified the annexation area's source of pollution as inadequate septic systems in the annexation area.

18. The annexation of the area was sought to allow for the extension of

sewer and water lines to the annexation area to alleviate the pollution problem.

19. The city's Waste Water Treatment Facility and water system have been expanded and have the capacity to service the area proposed for annexation.

20. The area proposed for annexation is adjacent to Minnesota State Highway #25 and is accessible off of Highway 25. There are no other streets or roads within the area proposed for annexation.

21. In 1983, the City of Buffalo had an assessed valuation of approximately \$20,013,461, and its mill levy is 21.4.

22. In 1983, the Town of Buffalo had an assessed valuation of approximately \$10,427, 308, and its mill levy is 9.418.

23. The mill levy for Wright County is 23.953, and the mill levy for the school district is 50.474.

24. The annexation area and the City of Buffalo are presently served by the same school district.

25. The City of Buffalo has a fire insurance rating of 6.

26. The Town of Buffalo does not have the ability to provide public sewer and water to the area proposed for annexation.

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

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

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

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 and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the area proposed for annexation.

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

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

6. 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.

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

O R D E R

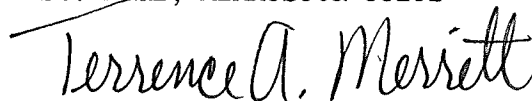
1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be and the same hereby is annexed to the City of Buffalo, Minnesota, the same as if it had been originally a part thereof.

2. 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.

3. IT IS FURTHER ORDERED: That the effective date of this order is February 17, 1984.

Dated this 17th day of February, 1984.

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

A handwritten signature in black ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a horizontal line above the first name.

Terrence A. Merritt
Executive Director