

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Paul McAlpine	Ex-Officio Member
Michelle Bogenrief	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF BUFFALO AND THE TOWN)
OF BUFFALO FOR THE ORDERLY ANNEXATION OF)
CERTAIN LAND TO THE CITY OF BUFFALO)
PURSUANT TO MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414 on August 20, 1986, 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 Kenneth F. Sette, Chair, Shirley J. Mihelich, Vice Chair, and County Commissioners Paul McAlpine and Michelle Bogenrief, Ex-Officio Members of the Board. The City of Buffalo appeared by and through Paul Weingarden, City Attorney and the Town of Buffalo made no appearance. 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 May 30, 1986. The resolution contained all of the information required by statute including a description of the property subject to annexation, which is as follows:

Parcel A: The North Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 29, Township 120, Range 25, Wright County, Minnesota.

and

Parcel B: The South Half of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 29, Township 120, Range 25, Wright County, Minnesota.

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 10 acres in size and abuts the City of Buffalo by approximately 15%.

5. The area proposed for annexation is not prime ag land.

6. In 1970, the City of Buffalo's population was 3,275, its population in 1980 was 4,560, and its current population is 4,911. It is projected that in five years the City of Buffalo's population will be 6,243.

7. In 1970, the Town of Buffalo's population was 1,236, its population in 1980 was 1,870, and its current population is 2,054.

8. There are currently two residents in the area proposed for annexation.

9. One half of the area proposed for annexation is presently used for commercial/residential use and the remaining half is agricultural land.

The proposed use of the agricultural land would be for an auction barn, which would be a planned unit development under the city's Land Use Plan.

10. The City of Buffalo has a comprehensive plan, zoning ordinance, subdivision regulations, official map, capital improvements program, fire code, Minnesota Building Code, Minnesota Plumbing Code, shoreland ordinance, floodplain ordinance, sanitation ordinance, and an urban renewal program.

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

12. The County of Wright has a comprehensive plan, zoning ordinance, subdivision regulations, official map, fire code, Minnesota Building Code, Minnesota Plumbing Code, shoreland ordinance, floodplain ordinance, wild and scenic rivers ordinance, sanitation ordinance, human services program, and an energy conservation program.

13. The projected use of the land is compatible with city development policies.

14. If the planned unit development is not approved, the area proposed for annexation would be zoned one half commercial and the remaining land agricultural.

There are no plans for residential development in the annexation area.

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

16. The City of Buffalo presently provides the annexation area with fire protection, recreational opportunities, and library services.

17. If the area proposed for annexation is annexed, the city is willing to provide it with all of the services it presently provides the residents of the City of Buffalo.

Presently, sewer and water lines are approximately one mile west of the area proposed for annexation. The city is willing to extend sewer and water to the area proposed for annexation. The city anticipates development occurring to the east of the present sewer and water lines into which it intends to extend municipal services, thereby bringing the lines somewhat closer to the area proposed for annexation.

18. The owner of the auction barn will need to comply with all of the United States Department of Agriculture requirements for auction barns that sell livestock.

19. Present water and sewer service for the residents in the area proposed for annexation is by private well and septic system.

20. The area proposed for annexation is adjacent to a county road.

21. In 1986, the City of Buffalo's mill levy is 28.369.

22. In 1986, the Town of Buffalo's mill levy is 9.869.

23. The mill levy for Wright County is 20.308. The mill levy for the school district is 54.907.

24. The proposed annexation is not anticipated to have any impact on the 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 population of the City of Buffalo is increased by two persons.

4. IT IS FURTHER ORDERED: That the population of the Town of Buffalo is decreased by two persons.

5. IT IS FURTHER ORDERED: That the effective date of this order is October 7, 1986.

Dated this 7th day of October, 1986.

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


Terrence A. Merritt
Executive Director