

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Paul McAlpine	Ex-Officio Member
Lowell Zackman	Ex-Officio Member

-----  
IN THE MATTER OF THE JOINT RESOLUTION)  
BETWEEN THE CITY OF BUFFALO AND THE )  
TOWNSHIP OF BUFFALO FOR THE ORDERLY )  
ANNEXATION OF CERTAIN LAND TO THE )  
CITY OF BUFFALO )  
-----

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, as amended, on January 10, 1978 at Buffalo, Minnesota. The hearing was conducted by Gerald J. Isaacs pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Paul McAlpine and Lowell Zackman, ex-officio members 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

1. That a joint resolution for orderly annexation was adopted by the City of Buffalo and the Township of Buffalo and duly filed with the Minnesota Municipal Board.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Buffalo on October 25, 1977 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:

That part of Section 29, Township 120, Range 25, described as follows: Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence West along the 1/16th line of said Section 29 to the Northwest corner of the East 36 acres of the Southwest Quarter of the Northeast Quarter of said Section 29; thence South along the West line of said East 36 acres to the East/West quarter line of said Section 29; thence West along the East/West quarter line of said Section 29 to the northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 29; thence continuing West on said East/West quarter line 522.84 feet to the Northeast corner of a tract of land recorded in Book 259 of Deeds, pages 631-632; thence South along the East line of said described tract 282.91 feet to the Southeast corner thereof; thence West along the South line of said described tract 175 feet to the East line of a tract recorded in Book 219 of Deeds, pages 501-502; thence South along the East line of said described tract to the Southeast corner thereof; thence West along the South line of said described tract and the South line of said described tract continued to the centerline of Minnesota State Highway No. 55; thence in a Southeasterly direction along the centerline of Minnesota State Highway No. 55 to its intersection with the centerline of County State Aid Highway No. 34 extended in a

Westerly direction; thence East along the centerline of County State Aid Highway No. 34 and the centerline of County State Aid Highway No. 34 extended in a Westerly direction to the East line of the West Half of the Southeast Quarter of said Section 29; thence North along the East line of said West Half of the Southeast Quarter of Section 29 to the Northeast corner thereof; thence East along the South line of the Southeast Quarter of the Northeast Quarter to the West line of said Section 29; thence North along the West line of said Section 29 to the point of beginning, containing 192.87 acres, more or less,

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Buffalo.
- b. The total area of the territory subject to annexation is 198 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 25 percent.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Terrain flat - 2-6% slope, clay-loam soil.

5. Population Data:

- a. The City of Buffalo
  1. Steady growth - 1970 population 3,275  
1978 population 4,318
- b. The area subject to annexation
  1. Present population: 14
- c. Buffalo Township - 1970 population 1,236  
present population 1,471

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council/state planning agency. An industrial park is proposed.
- b. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Buffalo with necessary growth space? Yes.
- c. The present pattern of physical development is:
  1. In the area subject to annexation: there is a county market food store, home, large storage building, farmstead and the balance of land is agricultural.

7. Governmental Services

- a. Presently, the Township of Buffalo provides the area subject to

annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract with City of Buffalo.
- 4) Police Protection - Unknown
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes

b. Presently, the City of Buffalo provides its citizens with the following services:

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - Yes
- 4) Police Protection - Yes
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Unknown

c. Presently, the City of Buffalo provides the area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract
- 4) Police Protection - No

d. Plans to extend municipal services to the area subject to annexation include the following: sewer, water, police, and garbage service will be made available to the area.

e. That the City of Buffalo is capable of and it is practical for it to provide to the area proposed for annexation municipal services within the next three years.

8. Fiscal Data

- a. In the City of Buffalo, the mill rate has declined from 17 to 11.
- b. In the area subject to annexation, the assessed valuation is \$161,818.
- c. The township of Buffalo has no present bonded indebtedness.
- d. The mill rate trends in the following units of government are:
  - 1) Buffalo Township-rising-1977 mill rate 9.123
  - 2) School mill rate 1977 - 60.112
- e. Will the annexation have any effect upon area school districts? No.

9. A storage building has been illegally constructed on the following described property within the area proposed for annexation:

A tract of land in the Southwest Quarter of Section 29, Township 120, Range 25 described as follows: Commencing at the Southwest corner of said Section 29; thence East along the section line 2145 feet; thence deflect left  $87^{\circ} 0'$  for a distance of 1122 feet to the point of beginning of the following described tract; thence deflect left  $93^{\circ} 58'$  for a distance of 57.9 feet; thence deflect right  $34^{\circ} 45'$  for a distance of 164.2 feet; thence deflect right  $34^{\circ} 51'$  for a distance of 200 feet; thence deflect right  $110^{\circ} 56'$  for a distance of 208 feet; thence deflect right  $78^{\circ} 33'$  for a distance of 284 feet to the point of beginning, containing 1.03 acres.

10. The County of Wright is currently in the process of forcing the removal of the building as described in Finding of Fact #9.

#### 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.
3. The City of Buffalo is capable of providing the services required by the area described herein within a reasonable time.
4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a three year period.
5. An order should be issued by the Minnesota Municipal Board annexing the area described herein effective 30 days from the date of the order with the exception of the property described in Finding of Fact 9, which should be annexed effective Jan. 1, 1979.

#### O R D E R

I. IT IS HEREBY ORDERED: That the following described property lying in the Township of Buffalo, County of Wright, State of Minnesota, be and the same hereby is annexed to the City of Buffalo the same is if it had originally been made a part thereof:

That part of Section 29, Township 120, Range 25, described as follows: Commencing at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 29; thence West along the 1/16th line of said Section 29 to the Northwest corner of the East 36 acres of the Southwest Quarter of the Northeast Quarter of said Section 29; thence South along the West line of said East 36 acres to the East/West quarter line of said Section 29; thence West along the East/West quarter line of said Section 29 to the northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 29; thence continuing West on said East/West quarter line 522.84 feet to the Northeast corner of a tract of land recorded in Book 259 of Deeds, pages 631-632; thence South along the East line of said described tract 282.91 feet to the Southeast corner thereof; thence West along the South line of said described tract 175 feet to the East line of a tract recorded in Book 219 of Deeds, pages 501-502; thence South along the East line of said described tract to the Southeast corner thereof; thence West along the South line of said described tract and the South line of said described tract continued to the centerline of Minnesota State Highway No. 55; thence in a Southeasterly direction along the centerline of Minnesota State Highway No. 55 to its intersection with the centerline of County State Aid Highway No. 34 extended in a Westerly direction; thence East along the centerline of County State Aid Highway No. 34 and the centerline of County State Aid Highway No. 34 extended in a Westerly direction to the East line of the West Half of the Southeast Quarter of said Section 29; thence North along the East line of said West Half of the Southeast Quarter of Section 29 to the Northeast corner thereof; thence East along the South line of the Southeast Quarter of the Northeast Quarter to the East line of said Section 29; thence North along the East line of said Section 29 to the point of beginning, containing 192.87 acres, more or less, excepting therefrom the following described property:

A tract of land in the Southwest Quarter of Section 29, Township 120, Range 25 described as follows: Commencing at the Southwest corner of said Section 29; thence East along the section line 2145 feet; thence deflect left  $87^{\circ} 0'$  for a distance of 1122 feet to the point of beginning of the following described tract; thence deflect left  $93^{\circ} 58'$  for a distance of 57.9 feet; thence deflect right  $34^{\circ} 45'$  for a distance of 164.2 feet; thence deflect right  $34^{\circ} 51'$  for a distance of 200 feet; thence deflect

right  $110^{\circ} 56'$  for a distance of 208 feet; thence deflect right  $78^{\circ} 33'$  for a distance of 284 feet to the point of beginning, containing 1.03 acres.

II. IT IS FURTHER ORDERED: That the following-described property lying in the Township of Buffalo, County of Wright, State of Minnesota, be and the same hereby is annexed to the City of Buffalo the same as if it has originally been made a part thereof; this order to be effective January 1, 1979:

A tract of land in the Southwest Quarter of Section 29, Township 120, Range 25 described as follows: Commencing at the Southwest corner of said Section 29; thence East along the section line 2145 feet; thence deflect left  $87^{\circ} 0'$  for a distance of 1122 feet to the point of beginning of the following described tract; thence deflect left  $93^{\circ} 58'$  for a distance of 57.9 feet; thence deflect right  $34^{\circ} 45'$  for a distance of 164.2 feet; thence deflect right  $34^{\circ} 51'$  for a distance of 200 feet; thence deflect right  $110^{\circ} 56'$  for a distance of 208 feet; thence deflect right  $78^{\circ} 33'$  for a distance of 284 feet to the point of beginning, containing 1.03 acres.

III. IT IS FURTHER ORDERED: That the mill levy of the City of Buffalo on the property herein ordered annexed shall be increased insubstantially equal proportions over a period of three years to equality with the mill levy of the property already within the City.

IV. IT IS FURTHER ORDERED: That the population of the City of Buffalo be and the same hereby is increased by 14 to 4,332 for all purposes until the next Federal Census.

V. IT IS FURTHER ORDERED: That the population of the Town of Buffalo be and the same hereby is decreased by 14 to 1,457 for all purposes until the next Federal Census.

VI. IT IS FURTHER ORDERED: That pursuant to M.S. 414.01, Subd. 12, this order hereby stayed for a period of 30 days during which time and party of record may demand an oral review by the full Municipal Board.

VII. IT IS FURTHER ORDERED: That the effective date of this order is August 29, 1978.

Dated this 29th day of August, 1978

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

  
Patricia D. Lundy  
Assistant Executive Director