

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Sydney Nelson	Ex-Officio Member
A. Hubert Nordgren	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION  
BETWEEN THE CITY OF FERGUS FALLS AND  
THE TOWNSHIP OF FERGUS FALLS FOR THE  
ORDERLY ANNEXATION OF CERTAIN LAND TO  
THE CITY OF FERGUS FALLS  
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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 July 6, 1978 at Fergus Falls, Minnesota. The hearing was conducted by William A. Neiman, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Sydney Nelson and A. Hubert Nordgren, ex-officio members of the Board. The City of Fergus Falls appeared by and through David Nycklemoe and the township appeared by and through Robert Sefkow. 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 Fergus Falls and the Township of Fergus Falls on September 3, 1974 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 Fergus Falls, on March 28, 1978 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:

The Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty-two (32); that portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-two (32) lying east of the centerline of Interstate Highway No. 94; and the West Half (W $\frac{1}{2}$ ) of Section Thirty-three (33), all in Fergus Falls Township, Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, excepting therefrom the following described tract of land, to-wit:

Part of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty-two (32), Township One Hundred Thirty-three (133), Range Forty-three (43), described as follows: Beginning at the Northeast corner of said Section 32; thence South 89 degrees 49 minutes West 2330.0 feet along the section line to the East right-of-way line of Interstate Highway Number 94; thence Southerly along said right-of-way line approximately 2730 feet to a point located 1648.3 feet West and 154.0 feet North from the Southeast corner of said Northeast Quarter (NE $\frac{1}{4}$ ) of Section 32; thence East 543.3

feet; thence North 83.0 feet; thence East 305.2 feet; thence North 627.2 feet; thence East 811.1 feet to the East line of said Section 32; thence North 00 degrees 45 minutes East 1800.0 feet along the section line to the point of beginning.

-and-

That part of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Thirty-three (33), Township One Hundred Thirty-three (133), Range Forty-three (43), described as follows: Beginning at the Northwest corner of said Section 33; thence South 00 degrees 45 minutes West 1800.0 feet along the section line; thence South 89 degrees 52 minutes East 1321.8 feet; thence North 00 degrees 20 minutes East 462.2 feet; thence North 00 degrees 45 minutes East 466.5 feet; thence South 89 degrees 22 minutes East 1318.5 feet to the East line of said Northwest Quarter (NW $\frac{1}{4}$ ); thence North 00 degrees 45 minutes East 860.0 feet to the Northeast corner thereof; thence North 89 degrees 22 minutes West 2637.0 feet to the place of beginning.

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 Fergus Falls.
- B. The total area of the territory subject to annexation is 375 acres.
- C. The perimeter of the area to be annexed is 56% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: Rolling hills, partially wooded.

V. Population Data

- A. The City of Fergus Falls:
  - 1. In 1970, there were 12,443 residents.
  - 2. The present estimated population is 12,724.
  - 3. By 1980, the projected population is 13,500.
- B. The area subject to annexation
  - 1. The present estimated population is 14.
  - 2. The projected population is unknown.
- C. The Township of Fergus Falls:
  - 1. In 1970, there were 877 residents.
  - 2. The present estimated population is 927.
  - 3. By 1980, the projected population is unknown.

VI. Development Issues

- A. The pattern of physical development in the City of Fergus Falls is residential and commercial and in the area proposed for annexation, the development is commercial.
- B. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Fergus Falls:
  - a. Zoning - Yes
  - b. Subdivision Regulations - Yes
  - c. Comprehensive Plan - Yes
  - d. Official Map - Unknown
  - e. Capital Improvements Program - Unknown
  - f. Fire Code - Yes
  - g. Building Code - Yes
  - h. Planning Commission - Yes
2. In the Township of Fergus Falls:
  - a. Zoning - Yes
  - b. Subdivision Regulations - Yes

VII. Governmental Services

- A. The Town of Fergus Falls provides the area subject to annexation with the following services:
  1. Water - No
  2. Sewer - No
  3. Fire protection and rating - Yes
  4. Police protection - No
  5. Street Improvements - Yes
  6. Street maintenance - Yes
  7. Recreational - No
  8. Other - Ambulance
- B. The City of Fergus Falls 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. Other - Hospital, library, solid waste disposal, ambulance, airport and building code inspection
- C. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: Plans are to provide all services within a reasonable time.
- D. Services will be available to the annexed area within 4 years.

VIII. Tax Data

- A. In the City of Fergus Falls:
  1. Assessed valuation in 1977 was \$38,926,537.
  2. Mill rate in 1977 was 33.10
  3. Bonded indebtedness in 1977 was \$6,791,000
- B. In the area subject to annexation:
  1. Assessed valuation in 1977 was \$507,945.10.
  2. Mill rate in 1977 was 3.96
  3. Bonded indebtedness in 1977 was 0

IX. Is annexation to the City of Fergus Falls the best alternative?

- A. Relationship and effect if the proposed annexation on area school districts and on adjacent communities: None.
- B. Adequacy of town government to deliver services to the area proposed for annexation: Not able to service heavy commercial development.
- C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? No.
- D. Present assessed valuation of the Town of \$3,555,008:

D. Cont'd

Present assessed valuation of proposed annexation area: \$507,945.

New valuation of the Town of Fergus Falls if entire area is annexed: \$3,047,063

E. Can Fergus Falls Township continue to function without the area subject to annexation? Yes.

X. 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 existing township form of government is not adequate to protect the public health, safety, and welfare.

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

V. The annexation does not conflict with a term of the joint agreement.

VI. Four (4) years will be required to effectively provide full municipal services to the annexed area.

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 situated in the County of Otter Tail, State of Minnesota, be and the same is hereby annexed to the City of Fergus Falls, Minnesota, the same as if it had been originally made a part thereof:

The Northeast Quarter (NE $\frac{1}{4}$ ) of Section Thirty-two (32); that portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty-two (32) lying east of the centerline of Interstate Highway No. 94; and the West Half (W $\frac{1}{2}$ ) of Section Thirty-three (33), all in Fergus Falls Township, Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, excepting therefrom the following described tract of land, to-wit:

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II. IT IS FURTHER ORDERED: That the mill levy of the City of Fergus Falls on the property herein ordered annexed shall be increased in substantially equal portions over a period of Four (4) 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 August 21, 1978.

Dated this 21st day of August ,1978

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



William A. Neiman  
Executive Director