

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Clarence Kremer	Ex-Officio Member
Robert Gambrino	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION
BETWEEN THE CITY OF ST. JOSEPH AND
THE TOWNSHIP OF ST. JOSEPH FOR THE
ORDERLY ANNEXATION OF CERTAIN LAND
TO THE CITY OF ST. JOSEPH.

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 23, 1978 at St. Joseph, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Clarence Kremer and Robert Gambrino, ex-officio members of the Board. The City of St. Joseph appeared by and through Robert G. Johnson, City Clerk and Thomas G. Jovanovich, City Attorney. All evidence was stipulated to by the City of St. Joseph and the Township of St. Joseph.

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 St. Joseph and the Township of St. Joseph 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 St. Joseph, 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:

Blocks One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8), together with Outlot B, 8th Avenue Southeast, 9th Avenue Southeast, 10th Avenue Southeast, East Able Street, and East Baker Street, all in Cloverdale Estates, Second Addition, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minn.; ALSO the South 160 feet of the North 888 feet of the West 125 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 474.38 feet West of the East line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29) and on the South line of Highway, thence South 183.38 feet, thence West 88 feet, thence North 177.16 feet to the Highway, thence East 88.26 feet to the point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the North 165 feet of the West 102 feet southerly of the Road of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 386.12 feet West of the East line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) and on South line of Highway, thence South 190.5 feet, thence West 88 feet, thence North 183.88 feet to Highway, thence Northeast on Highway to point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 297.86 feet West of the East line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) and on South line of Highway, thence South 197.32 feet, thence West 88 feet, thence North 190.6 feet to Highway, thence Northeast to point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the South 80 feet of the West 125 feet of the North 1,048 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 99.29 feet West of the East line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) and on South line of Highway, thence South 212.44 feet, thence West 132 feet, thence North 202.36 feet to Highway, thence East 132.38 feet to beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 231.67 feet West of East line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) and on South line of Highway, thence South 202.36 feet, thence West 66 feet, thence North 197.32 feet to Highway, thence East 66.19 feet to point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 6 rods of the North 13 $\frac{1}{3}$ rods of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) South of Highway, Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 66 feet of the West 462 feet of the North 218 feet of the East side and the North 212 feet on the

West side of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) South of Road, Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minn.; ALSO the South 80 feet of the North 968 feet of the West 125 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 636.80 feet East of the West line of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) South of Highway, thence South 168.22 feet, thence South 86 degrees West 175 feet, thence North 165 feet, thence North 85 degrees East on Highway, thence 175.40 feet to beginning, Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the South 165 feet of the North 330 feet of the West 66 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), and a fractional .27 acres of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the South 80 feet of the North 1,128 feet of the West 125 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 8 rods of the West 24 rods of the North 10 rods of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 80 feet of the West 264 feet of the North 165 feet of the East One-half of the Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 82 feet of the West 184 feet of the North 165 feet of the East One-half of the Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO Lot One (1), Block Four (4), Cloverdale Estates Addition, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota; ALSO Lot Two (2), Block Four (4), Cloverdale Estates Addition, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota.

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 St. Joseph.
 - b. The total area of the City of St. Joseph is 450 acres. The total area of the territory subject to annexation is approximately 37 $\frac{1}{2}$ acres.
 - c. The degree of contiguity of the boundaries between the annexing

municipality and the proposed annexed property is as follows: 25%.

- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Flat farm land.

5. Population Data:

- a. The City of St. Joseph.

- 1) Past population growth:

1950:	1,246
1960:	1,487
1970:	1,786

- 2) Present population:

League of Cities Estimate:	2,539
Revenue Sharing Estimate:	2,649

- 3) Projected population:

1980:	2,980
2000:	4,274

- b. The area subject to annexation:

- 1) Past population growth:

Two or three single family dwellings per year until 1973 or 1974.

- 2) Present population growth:

None in the last four or five years.

- 3) Present population:

76

- 4) Projected population:

1980-1985: 850

6. Development Issues:

- a. The City of St. Joseph has a Comprehensive Plan for the development of the area subject to annexation. These plans include services for City water, City sanitary sewer, City storm sewer, and streets, curbs and gutters. These improvements should be completed by Fall, 1978.

b. Land use controls presently being employed:

- 1) In the City of St. Joseph
 - a) Zoning - Yes
 - b) Subdivision regulations - Yes
 - c) Housing and building codes - Yes
- 2) In the area to be annexed:
 - a) Zoning - Yes
 - b) Subdivision regulations - No
 - c) Housing and building codes - Yes

c. The City of St. Joseph has little present space to provide for single family dwelling units.

The City of St. Joseph has a community need to provide low rent and/or rent subsidized housing for the elderly and low/moderate income families in the community. The City has few vacant houses or apartment units that are affordable by low income families. In the past many families have been forced to move to rent subsidized apartments in other towns. One intent of the proposed project in the area to be annexed is to satisfy this community need by making a portion of the site available for the development of apartments and/or single family dwellings for low and moderate income families.

d. The present pattern of physical development is:

- 1) In the City of St. Joseph:

The present pattern of physical development in the City of St. Joseph is primarily residential with some commercial, institutional and industrial growth.
- 2) In the area subject to annexation:

The present pattern of physical development in the area subject to annexation is solely residential. Presently,

there are 19 single family dwelling units. There are presently plans for 39 single family dwelling units with 13 multiple dwelling units also planned for.

7. Governmental Services:

- a. Presently, the Township Of St. Joseph provides the area subject to annexation with the following services:
 - 1) Water - None
 - 2) Sewer - None
 - 3) Fire Protection - The City of St. Joseph provides fire protection to the area subject to annexation under a contract with the Town of St. Joseph.
 - 4) Police Protection - None
 - 5) Street Improvements - None
 - 6) Street Maintenance - None
 - 7) Recreational - None
- b. Presently, the City of St. Joseph provides its citizens with the following services:
 - 1) Water - Yes
 - 2) Sewer - Yes
 - 3) Fire Protection - Yes
 - 4) Street Improvements - Yes
 - 5) Street Maintenance - Yes
 - 6) Recreational - Yes
 - 7) Police Protection - Yes
- c. Presently the City of St. Joseph provides the area subject to annexation with the following services:
 - 1) Water - No
 - 2) Sewer - No

- 3) Fire Protection - The City of St. Joseph provides fire protection to the area subject to annexation under a contract with the Town of St. Joseph.
 - 4) Police Protection - No
 - 5) Street Improvements - No
 - 6) Street Maintenance - No
 - 7) Recreational - Yes
- d. Plans to extend municipal services to the area subject to annexation include the following;

The City of St. Joseph plans to extend water, sanitary sewer, storm sewer and streets, curbs and gutters to the area to be annexed. The project area consists of approximately 40 acres of which a portion is developed and about two-thirds has been platted. The construction of the City services will begin in the latter part of March, 1978.

The City of St. Joseph plans to loop 4,000 L.F. of 6 inch and 2,500 L.F. of 8 inch watermain through this tract. Hydrants shall be installed to provide fire protection. In addition, 5,500 L.F. of 8 inch and 10 inch sanitary sewer and storm sewer shall be extended into the area. Services shall be installed to the lot lines and streets shall be constructed to provide access.

Because wells in this region are currently becoming degraded by waste water seepage, the City and individuals of the area feel it is necessary to extend utilities now. The proposed project would eliminate the contaminated private wells and individual sewage systems.

Finally, the proposed project would satisfy a further community need by expanding water and sewer capabilities

to handle expected growth and expansion of the City.

- e. There are existing or potential pollution problems which are:

There is presently ground water pollution caused by the practice of present home owners discharging sewage into the soil through use of individual home disposal systems. There is also well contamination in the area which may be caused by seepage of the cesspool systems. This source of ground water pollution would be eliminated with the construction of City sewer and City water systems.

The Township is unable to remedy the well contamination in the area to be annexed. Presently the Township does not have facilities to construct an adequate sanitary sewer and water service to the area to be annexed.

- f. That the City of St. Joseph is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within a reasonable time.

8. Fiscal Data:

- a. In the City of St. Joseph, the assessed valuation is \$3,075,691.00, the mill rate trend is

1975 - 28.08
1976 - 24.67
1977 - 30.28

and the present bonded indebtedness is \$461,314.00 as of January 1, 1978.

- b. In the area subject to annexation, the assessed valuation is \$131,086.00, the mill rate is 7.06, and the present bonded indebtedness is \$45,000.00.

- c. The mill rate trends in the following units of government are:

1) County - 1975 - 17.62
 1976 - 18.67
 1977 - 17.39

2) School Districts - 1975 - 65.95
1976 - 60.65
1977 - 55.65

- d. The proposed annexation does not effect the area's school district and will have no effect on adjacent communities.

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 St. Joseph 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 3 year period.
5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

IT IS HEREBY ORDERED: That the following described property lying in the Township of St. Joseph, County of Stearns, State of Minnesota, be and the same hereby is annexed to the City of St. Joseph the same as if it has originally been made a part thereof:

Blocks One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8), together with Outlot B, 8th Avenue Southeast, 9th Avenue Southeast, 10th Avenue Southeast, East Able Street, and East Baker Street, all in Cloverdale Estates, Second Addition, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minn.; ALSO the South 160 feet of the North 888 feet of the West 125 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 474.38 feet West of the East line of the Northeast Quarter of

the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29) and on the South line of Highway, thence South 183.38 feet, thence West 88 feet, thence North 177.16 feet to the Highway, thence East 88.26 feet to the point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the North 165 feet of the West 102 feet southerly of the Road of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 386.12 feet West of the East line of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) and on South line of Highway, thence South 190.5 feet, thence West 88 feet, thence North 183.88 feet to Highway, thence Northeast on Highway to point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 297.86 feet West of the East line of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) and on South line of Highway, thence South 197.32 feet, thence West 88 feet, thence North 190.6 feet to Highway, thence Northeast to point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the South 80 feet of the West 125 feet of the North 1,048 feet of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 99.29 feet West of the East line of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) and on South line of Highway, thence South 212.44 feet, thence West 132 feet, thence North 202.36 feet to Highway, thence East 132.38 feet to beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 231.67 feet West of East line of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) and on South line of Highway, thence South 202.36 feet, thence West 66 feet, thence North 197.32 feet to Highway, thence East 66.19 feet to point of beginning, all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 6 rods of the North $13\frac{1}{3}$ rods of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) South of Highway, Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 66 feet of the West 462 feet of the North 218 feet of the East side and the North 212 feet on the West side of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) South of Road, Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minn.; ALSO the South 80 feet of the North 968 feet of the West 125 feet of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO beginning 636.80 feet East of the West line of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) South of Highway, thence South 168.22 feet, thence South 86 degrees West 175 feet, thence North 165 feet, thence North 85 degrees East on Highway, thence 175.40 feet to beginning, Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota;

ALSO the South 165 feet of the North 330 feet of the West 66 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), and a fractional .27 acres of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), all in Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County Minnesota; ALSO the South 80 feet of the North 1,128 feet of the West 125 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 8 rods of the West 24 rods of the North 10 rods of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 80 feet of the West 264 feet of the North 165 feet of the East One-half of the Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO the East 82 feet of the West 184 feet of the North 165 feet of the East One-half of the Southeast Quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$), Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota; ALSO Lot One (1), Block Four (4), Cloverdale Estates Addition, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota; ALSO Lot Two (2), Block Four (4), Cloverdale Estates Addition, according to the plat thereof on file and of record in the Office of the County Recorder in and for Stearns County, Minnesota.

IT IS FURTHER ORDERED: That the mill levy of the City of St. Joseph on the property herein ordered annexed shall be increased in substantially equal proportions over a period of 3 years to equality with the mill levy of the property already within the City.

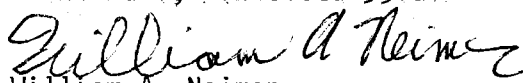
IT IS FURTHER ORDERED: That the population of the City of St. Joseph be and the same hereby is increased by 76 for all purposes until the next Federal Census. The new population is 2,725.

IT IS FURTHER ORDERED: That the population of the Township of St. Joseph be and the same hereby is decreased by 76 for all purposes until the next Federal Census. The new population is 2,099.

IT IS FURTHER ORDERED: That the effective date of this order is February 8, 1978.

Dated this 8th day of February, 1978,

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101


William A. Neiman
Executive Secretary