

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)	<u>FINDINGS OF FACT,</u>
ORDERLY ANNEXATION OF CERTAIN LAND)	<u>CONCLUSIONS OF LAW,</u>
TO THE CITY OF ST. JOSEPH)	<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 February 23, 1978 and April 17, 1978 at St. Joseph, Minnesota. The hearing was conducted by William A. Neiman, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance was County Commissioner Clarence Kremer, ex-officio member of the Board. The City of St. Joseph appeared by and through Thomas Jovanovich and the Township appeared by and through Norbert Eikmeier and Fred Rever. 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 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, St. Joseph, on February 23, 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:

That part of the South 451.42 feet of the North 880.42 feet of the East 686.70 feet of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 9, Twp. 124, Rge. 29 which lies SW'ly of the SW'ly right of way line of the Burlington Northern R.R. together with that part of the North 880.42 feet of the West 44.00 feet of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 10 in said Twp. & Rge. which lies SW'ly of said right of way line, containing 7.15 acres. Together with that part of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 9 and that part of said NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 10 bounded as follows: On the East by the west line of Schneider's Addition, a duly recorded plat, produced northerly, on the South by a line drawn due West

from a point on said west line of said plat distant 800.00 feet northerly from its intersection with the northerly right of way line of U.S. Trunk Highway 52; On the West by a line drawn parallel with and 150.00 feet westerly of, as measured at right angles to, said west line of said plat; and on the North by the South line of the North 880.42 feet of said Sections 9 and 10, containing 1111 acres, together with an easement that is described in Book 309 of Deeds page 320, dated May 18, 1960, and as modified by agreement dated March 18, 1961 recorded in Book 33 of A&A on page 557 which runs with the land.

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 the City of St. Joseph.
- b. The total area of the City of St. Joseph is 540 acres. The total area of the territory subject to annexation is 8.26 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:
50 - 75%
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Flat land.

5. Population Data

- a. The City of St. Joseph
 - 1) Past population growth: Steady growth
 - 2) Present population: Estimated at approximately 2,600
 - 3) Projected population: By 2000 - 4,274
- b. The area subject to annexation
 - 1) Past population growth: 0
 - 2) Present population: 0
 - 3) Projected population: 2 - 3 persons

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 state planning agency? St. Joseph has done comprehensive planning for the area.
- b. What land use controls are 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 present pattern of physical development:

- 1) In the City of St. Joseph is primarily residential with some commercial, institutional, and industrial growth.
- 2) In the area subject to annexation:
 - a) Residential: No
 - b) Industrial: Yes
 - c) Commercial: No
 - d) Institutional: No

7. Governmental Services

a. Presently, the Township of St. Joseph provides the area subject to annexation with the following services:

- | | |
|---|----------------------------|
| 1) Water: No | 5) Street Improvements: No |
| 2) Sewer: No | 6) Street Improvements: No |
| 3) Fire Protection: Yes,
by contract with the City | 7) Recreational: No |
| 4) Police Protection: By County | |

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

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

c. Presently the City of St. Joseph provides the area subject to annexation with the following services:

- | | |
|---|----------------------------|
| 1) Water: No | 5) Street Improvements: No |
| 2) Sewer: No | 6) Street Maintenance: No |
| 3) Fire Protection: Yes,
by contract | 7) Recreational: Yes |
| 4) Police Protection: No | |

- d. Plans to extend municipal services to the area subject to annexation include the following: Services will be extended as required.
 - e. There are existing or potential pollution problems which are: None.
 - 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 municipal services within the next three years:
8. Fiscal Data
- a. In the City of St. Joseph, the assessed valuation is \$3,075,691.00, the mill rate trend is increasing (32.01) and the present bonded indebtedness is \$461,314.00.th
 - b. In the area subject to annexation, the assessed valuation is \$536.00, the mill rate is 9.57 and the present bonded indebtedness is \$45,000.00.
 - c. The mill rate trends in the following units of government are:
 - 1) County: Stable (17.62)
 - 2) School Districts: Slight decrease (58.55)
 - d. Will the annexation have any effect upon area school districts? No.

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 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.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the township of St. Joseph, County of Sterns, 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:

That part of the South 451.42 feet of the North 880.42 feet of the East 686.70 feet of the NE 1/4 of NE 1/4 of Sec. 9, Twp. 124, Rge. 29 which lies SW'ly of the SW'ly right of way line of the Burlington Northern R.R. together with that part of the North 880.42 feet of the West 44.00 feet of the NW 1/4 of NW 1/4 of Sec. 10 in said Twp. & Rge. which lies SW'ly of said right of way line, containing 7.15 acres. Together with that part of said NE 1/4 of NE 1/4 of Sec. 9 and that part of said NW 1/4 of NW 1/4 of Sec. 10 bounded as follows: On the East by the west line of Schneider's Addition, a duly recorded plat, produced northerly, on the South by a line drawn due West from a point on said west line of said plat distant 800.00 feet northerly from its intersection with the northerly right of way line of U.S. Trunk Highway 52; On the West by a line drawn parallel with and 150.00 feet westerly of, as measured at right angles to, said west line of said plat; and on the North by the South line of the North 880.42 feet of said Sections 9 and 10, containing 1.11 acres, together with an easement that is described in Book 309 of Deeds page 320, dated May 18, 1960, and as modified by agreement dated March 18, 1961 recorded in Book 33 of A & A on page 557 which runs with the land.

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 Three years to equality with the mill levy of the property already within the City.

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

IT IS FURTHER ORDERED: That the effective date of this order is July 7, 1978.

Dated this 7th of June, 1978.

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



William A. Neiman
Executive Director