BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Robert Gambrino	Ex-Officio Member
Clarence Kremer	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 October 13, 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 were County Commissioners Robert Gambrino and Clarence Kremer, ex-officio members of the Board. The City of St. Joseph appeared by and through Thomas Jovanovich. Testimony was heard, and records and exhibits were received.

After due 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 St. Joseph and the Township of St. Joseph on October 2, 1975 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 St. Joseph, on July 13, 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 Northeast Quarter of the Southeast Quarter (NE¼ of SE¼) of Section Ten (10), Township One hundred Twenty-four (124) North, Range Twenty-nine (29) West, Stearns County, Minnesota, described as follows:
>
> Commencing at the Northeast corner of Floyd Barnes Addition, according to the recorded plat thereof; thence North 89 degrees, 33 minutes 00 seconds East on an assumed bearing along the easterly extension of the North line of said Floyd Barnes Addition 127.14 feet to the point of beginning of the tract to be described; thence continue North 89 degrees 33 minutes, 00 seconds East along said extended line 243.27 feet; thence South 00 degrees, 02 minutes, 00 seconds East 225.70 feet to the northerly right-of-way line of County Road 134; thence South 85 degrees, 16 minutes, 00 seconds West along said right-of-way line 217.60 feet; thence North 06 degrees, 15 minutes, 51 seconds West 243.20 feet to the point 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 St. Joseph.

B. The total area of the City of St. Joseph is 548.5 acres. The total area of the territory subject to annexation is 54,615 square feet feet.

C. The perimeter of the area to be annexed is 25% bordered by the municipality.

D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: flat land

V. Population Data

A. The City of St. Joseph:

1. In 1950, there were 1,246 residents.

2. The present estimated population is 2,649.

3. By 2000, the projected population is 4,274.

B. The area subject to annexation:

1. In the past, there were 0 residents.

2. The present estimated population is 2 - 4.

3. By 2000, the projected population is 2 - 4.

C. The Township of St. Joseph:

1. In 1970, there were 1922 residents.

2. The present estimated population is 2,175.

3. By 1980, the projected population is 2,300.

VI. Development Issues

A. The pattern of physical development:

1. In the City of St. Joseph: development of all types, particularly residential, is occuring.

2. In the area subject to annexation: the development is solely residential (two single-family units).

B. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of St. Joseph:

a. Zoning - yes.

b. Subdivision Regulations - yes

c. Comprehensive Plan - yes

2. In the Township of St. Joseph:

a. Zoning - yes

b. Subdivision Regulations - No

3. The Metropolitan Council provides the following planning and land use services: not applicable

4. If there is an inconsistency between the proposed development and the planning and land use controls for the area, what is the reason for said inconsistency? There is no such inconsistency.

VII. Governmental Services

A. The Town of St. Joseph provides the area subject to annexation with the following services:

1. Water: No

2. Sewer: No

3. Fire protection: Contracts with City of St. Joseph

4. Police protection: No

5. Street improvements: No

6. Street maintenance: No

7. Recreational: No

8. Administrative services: No

B. The City of St. Joseph provides its residents 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: Yes

8. Administrative services: Yes

C. The City of St. Joseph 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

5. Street improvements: No

6. Street maintenance: No

7. Recreational: Unknown

8. Administrative servides: unknown

D. Existing or potential environmental problems and the need for additional services to resolve these problems: No such problems.

E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: All services will be available within a reasonable time.

F. The following services will be available to the annexed area within 3 years.

VII. Tax Data

A. In the City of St. Joseph:

1. Mill rate in 1978 is 32.01.

2. Bonded indebtedness in 1978 is $461,314.

3. Assessed valuation in 1978 is $3,075,691.00.

B. In the area subject to annexation:

1. Mill rate in 1978 is 9.57.

2. Assessed valuation in 1978 is 10,684.

C. Mill rate in 1978:

1. County in 1978 is 17.87.

2. School district in 1978 is 58.55.

3. Township in 1978 is 9.57.

VIII. Is annexation to the City of St. Joseph 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: Unable to deliver services.

C. Could necessary governmental services best be provided by incorporation or annexation to an adjacent municipality? No.

D. Can St. Joseph Township continue to function without the area subject to annexation? Yes.

IX. 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. Three 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.

That part of the Northeast Quarter of the Southeast Quarter (NE¼ of SE¼) of Section Ten (10), Township One hundred Twenty-four (124) North, Range Twenty-nine (29) West, Stearns County, Minnesota, described as follows:

Commencing at the Northeast corner of Floyd Barnes Addition, according to the recorded plat thereof; thence North 89 degrees, 33 minutes 00 seconds East on an assumed bearing along the easterly extension of the North line of said Floyd Barnes Addition 127.14 feet to the point of beginning of the tract to be described; thence continue North 89 degrees 33 minutes, 00 seconds East along said extended line 243.27 feet; thence South 00 degrees, 02 minutes, 00 seconds East 225.70 feet to the northerly right-of-way line of County Road 134; thence South 85 degrees, 16 minutes, 00 seconds West along said right-of-way line 217.60 feet; thence North 06 degrees, 15 minutes, 51 seconds West 243.20 feet to the point of beginning.

O R D E R

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

II. 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.

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

Dated this 11th day of December, 1978

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

William A. Neiman
Executive Director