

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Robert Gambrino	Ex-Officio Member
Keith Maurer	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
OF THE CITY OF ST. JOSEPH AND THE TOWN)	
OF ST. JOSEPH FOR THE ORDERLY ANNEXATION)	<u>FINDINGS OF FACT,</u>
OF CERTAIN LAND TO THE CITY OF ST. JOSEPH)	<u>CONCLUSIONS OF LAW,</u>
PURSUANT TO MINNESOTA STATUTES 414)	<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 March 16, 1983 at St. Joseph, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Robert W. Johnson, Vice Chairman, and County Commissioners Keith Maurer and Robert Gambrino, Ex-Officio Members of the Board. The City of St. Joseph appeared by and through John H. Scherer and the Town of St. Joseph appeared by and through Joe Bechtel, Supervisor. 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. A joint resolution for orderly annexation was adopted, by the City of St. Joseph and the Town of St. Joseph, and duly accepted by the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, the City of St. Joseph, on February 10, 1983, requesting the annexation of certain property within the orderly annexation area. The resolution contained all of the

information required by statute including a description of the property subject to annexation, which is as follows:

All that part of the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) of Section Ten (10) in Township One Hundred Twenty-four (124) North of Range Twenty-nine (29) West, lying and being Northerly of U.S. Highway No. 52 as now laid out, constructed and traveled over and across said East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) aforesaid and more particularly described within the following metes and bounds as follows, to-wit: Commencing at the Northeast corner of said East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) aforesaid, thence South along the East line of said East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) a distance of about 186 feet to the intersection with the northerly right-of-way line of said U.S. Highway No. 52 a distance of 61 feet; thence North a distance of about 186 feet to a point on the North line of said East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) which is 61 feet West of the Northeast corner thereof; thence East on said North line of the East Half of the East Half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) to the Northeast corner thereof and there terminating.

AND

The West 485 Feet of the East 546 feet of the East One-half of the Southeast Quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$) lying North of Old Highway No. 52, Section Ten (10), Township One Hundred Twenty-four (124), Range Twenty-nine (29), Stearns County, Minnesota.

AND

Approximately .87 acres lying East of Barnes Addition and North of the highway 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) which is described as follows: That part of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Ten (10), Township One Hundred Twenty-Four (124), Range Twenty-Nine (29), Stearns County, Minnesota, described as follows: Beginning at the Northeast corner of Floyd Barnes Addition thence North $89^{\circ}33'00''$ East on an assumed bearing along the Easterly extension of the North line of said Floyd Barnes Addition 127.14 feet, thence South $6^{\circ}15'51''$ East 243.20 feet to the Northerly right-of-way line of County Road 134, thence South $85^{\circ}16'00''$ West along said right-of-way line 164.34 feet to an iron monument at the Southeast corner of said Floyd Barnes Addition, thence North $4^{\circ}32'00''$ West along East line of said Floyd Barnes Addition 95.73 feet to an iron monument, thence North $2^{\circ}49'00''$ East along

said East line 43 feet to an iron monument, thence North 3°41'00" West along said East line 62.0 feet to an iron monument, thence North 86°25'00" East along said East line 23.0 feet to an iron monument, thence North 3°42'00" West along said East line 52.73 feet to an iron monument to the point of beginning.

AND

Lot 2, Block 1, Floyd Barnes Addition, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

AND

Lot 3, Block 1, Floyd Barnes Addition, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

AND

Lot Four (4), Block One (1), Floyd Barnes Addition, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota.

AND

Lot Six (6), Block Three (3), Cloverdale Estates Addition, according to the plat and survey 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. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 5.33 acres in size and abuts the City of St. Joseph by approximately 60% of its border. The City of St. Joseph is approximately 550.48 acres in size.

5. The Town of St. Joseph has a total land area of approximately 22,400 acres.

6. There are no waterways in or adjacent to the area proposed for annexation. The land is mostly level terrain.

7. In 1970, the City of St. Joseph had a population of 1,786, its population

in 1980 was 2,994, its current population is 3,030, and it is projected that in five years it will have a population of 3,484.

8. The Town of St. Joseph had a population of 1,922 in 1970, its population in 1980 was 2,916, its current population is 3,003, and it is projected that in five years it will have a population of 3,303.

9. In the area subject to annexation the population in 1970 was 15, its population in 1980 was 18, its current population is 20, and it is anticipated that in five years it will have a population of 25.

10. The City of St. Joseph has approximately 146 acres in residential use, approximately 131 acres in institutional tax exempt use, approximately 17.48 acres in commercial use, approximately 1 acre in industrial use, approximately 88.6 acres in agricultural use, and approximately 22.6 acres in vacant land.

In the City of St. Joseph, presently, there remains undeveloped land available for the following uses: residential use - 4 acres, institutional use - 12 acres, commercial use - 2 acres, industrial use - 75 acres, agricultural use - 16.6 acres, and vacant land - 109.6 acres of which 22.6 acres is available for developmental use, and the remaining 87 acres are unavailable for development.

11. St. Joseph Township has approximately 4,704 acres in residential use, approximately 6 acres in institutional use, approximately 60 acres in commercial use, approximately 500 acres in industrial use, and the remaining land in agricultural use.

12. All of the area subject to annexation is in residential-type use.

13. The City of St. Joseph has issued approximately 129 building permits in the last five years.

14. The Town of St. Joseph has issued approximately 108 building permits in the last five years.

15. The City of St. Joseph has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, fire code, a Minnesota Building Code, sanitation ordinance, an energy conservation program, and a comprehensive plan.

16. The Town of St. Joseph has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, fire code, and a comprehensive plan.

17. Stearns County has a comprehensive plan, zoning ordinance, subdivision regulations, shoreland ordinance, flood plain ordinance, wild and scenic rivers ordinance, sanitation ordinance and human services program.

18. The area proposed for annexation is within the orderly annexation zone. The proposed annexation was approved by the Joint Orderly Annexation Board, the City Planning Commission and Town Board.

19. The City of St. Joseph provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and health inspection.

20. The City of St. Joseph presently provides the area proposed for annexation with water, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and health inspection. The city provides a portion of the annexation area with sanitary sewer and storm sewer.

21. The city is willing to provide the area proposed for annexation with all of the services it presently provides the residents in the City of St. Joseph as requested.

22. The City of St. Joseph has 2 miles of highways and 13 miles of streets. The Town of St. Joseph has 2 miles of highways, 4.5 miles of streets and 55 miles of roads.

23. In the area proposed for annexation, there is .25 mile of street.

24. The area proposed for annexation is presently receiving city water as there had been ground water and water quality problems in general. These were alleviated through the extension of city central water service.

25. In 1983, the assessed valuation of the City of St. Joseph is \$5,524,014.

26. The assessed valuation of St. Joseph Township in 1983 is \$9,251,751.

27. In 1983, the assessed valuation of the area proposed for annexation is \$52,788.

28. The mill levy for Stearns County is 20.36, and for the school district affecting the area proposed for annexation, as well as the city, it is 47.44.

29. The City of St. Joseph has a mill levy of 29.56.

30. The Town of St. Joseph has a mill levy of 12.47.

31. The fire insurance rating for the City of St. Joseph is 7. The fire insurance rating for the Town of St. Joseph is 9.

32. The City of St. Joseph has a total bonded indebtedness of \$402,000.

33. The Town of St. Joseph has a total bonded indebtedness of \$120,000.

34. The proposed annexation will have no adverse impact on the school district.

35. The Town of St. Joseph does not have the ability to provide public sewer and water to the area proposed for annexation.

36. The City of St. Joseph is the only municipality adjacent to the area proposed for annexation.

37. The annexation is consistent with the joint resolution for orderly annexation between the Town of St. Joseph and the City of St. Joseph.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction over the within proceeding.

2. 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.

3. The existing township form of government is not adequate to protect the public health, safety and welfare of the area proposed for annexation.

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

5. The annexation is consistent with the terms of the joint resolution

for orderly annexation.

6. Four years will be required to effectively provide full municipal services to the annexed area or to comply with terms and conditions of the orderly annexation agreement as it relates to the mill levy step-up.

7. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 2 be and the same is hereby annexed to the City of St. Joseph, Minnesota, the same as if it had been originally a part thereof.

2. 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 four years to equality with the mill levy of the property already within the city.

3. IT IS FURTHER ORDERED: That the population of the City of St. Joseph is increased by 20.

4. IT IS FURTHER ORDERED: That the population of the Town of St. Joseph is decreased by 20.

5. IT IS FURTHER ORDERED: That the effective date of this order is May 10, 1983.

Dated this 10th day of May, 1983.

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

Terrence A. Merritt

Terrence A. Merritt
Executive Director