

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Jerome Artz	Ex-Officio Member
Wallace Ess	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION OF)	
THE CITY OF WATERTOWN AND THE TOWN OF)	<u>FINDINGS OF FACT</u>
WATERTOWN FOR THE ORDERLY ANNEXATION OF)	<u>CONCLUSIONS OF LAW</u>
CERTAIN LAND TO THE CITY OF WATERTOWN)	<u>AND ORDER</u>
PURSUANT TO MINNESOTA STATUTES 414)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on September 21, 1983 at Watertown, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Vice Chairman, and County Commissioners Jerome Artz and Wallace Ess, Ex-Officio Members of the Board. The City of Watertown appeared by and through David P. Hubert, and the Town of Watertown appeared by and through Vernon Rosckes, Township 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. That a joint resolution for orderly annexation was adopted by the City of Watertown and the Town of Watertown 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 Watertown, on August 11, 1983, requesting the

annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation, which is as follows:

Parcel A

Outlots 72 and 73, excepting therefrom the Northeasterly 105.3 feet of Outlot 72 and the Southwesterly 36.1 feet of Outlot 73, Town of Watertown, according to the recorded plat thereof. ALSO, the Northeasterly 33 feet of White Street adjoining and abutting said Outlot 72.

Parcel B

That part of Outlots 72 and 73, Town of Watertown, according to the recorded plat thereof, described as follows: The Northeasterly 105.3 feet of Outlot 72 and the Southwesterly 36.1 feet of Outlot 73.

Parcel C

Commencing at a point on the Northerly line of Outlot 54 which is 200 feet Northwesternly of the Northeast corner thereof; thence Northwesternly along said Northerly line a distance of 200 feet to the Northwest corner of said Outlot 54; thence Southwesterly along the Westerly line of said Outlot 54 a distance of 150 feet to a point; thence Southeasterly parallel to the Northerly line of said Outlot 54 a distance of 200 feet to a point; thence Northeasterly parallel to the Easterly line of said Outlot 54 a distance of 150 feet to the point of beginning, Town of Watertown, according to the recorded plat thereof.

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 3.79 acres in size, and abuts the City of Watertown by approximately 60%. The City of Watertown is approximately 630 acres in size.

5. The Mapes Creek stream bed and related wetlands are located to the west and northwest of the area proposed for annexation. The western portion of the southern most part of the area under consideration for annexation is zoned agricultural and protection area, due to the wetlands designation.

6. In 1970, the City of Watertown had a population of 1,390, in 1980,

1,818, and its current population is 1,930.

7. The Town of Watertown had a population of 1,282 in 1970, in 1980 it was 1,400, and its current population is 1,450.

8. In the area proposed for annexation, the population in 1970 was estimated at 10, its population in 1980 and currently is 8.

9. The City of Watertown has land planned for residential development, multi-family residential development, agricultural and protection areas, commercial, and industrial uses.

10. The City of Watertown has adopted a comprehensive plan and a zoning ordinance, which also controls the area proposed for annexation. Any development that would occur in the area proposed for annexation would be most likely residential in nature, which would be consistent with the comprehensive plan.

11. Presently, the area proposed for annexation is used primarily for residential with a portion of the northern most parcel being used commercially.

12. The City of Watertown provides its residents with water, sanitary sewer, waste water treatment storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and civil defense. Garbage collection within the city is available from a private firm.

13. The City of Watertown presently provides the area proposed for annexation with fire protection through a contract with the township, police protection, street improvements and maintenance, administrative services, recreational opportunities, and civil defense. The northern most parcel containing the residential and commercial uses is using city water.

14. The City of Watertown will provide the area proposed for annexation with all of the services it presently provides the residents of the City of Watertown, and is not providing the annexation area, should the annexation

area be annexed.

15. The Town of Watertown presently provides the area proposed for annexation with fire protection through a contract with the city.

16. Presently water and sewer service are provided to the annexation area by private wells and septic systems except for the commercial/residential area, which receives city water.

17. The city would provide water service and sewer service to the area proposed for annexation and would require hook-up should the on-site systems fail.

18. The property owners are presently using on-site septic systems, which has the potential to cause problems for the Mapes Creek area, given its close proximity.

19. The City of Watertown intends to upgrade Jackson Street and install new sewer and water capable of servicing the area proposed for annexation. Further, included in the upgrading of Jackson Street the city plans to construct storm water drain basins to direct runoff of the street to State Highway 25 ditch, instead of the present water course, which is overland to the highway ditch.

20. The city also presently provides road maintenance and services to all of that portion of White Street, which is the southern most portion of the area proposed for annexation, since it is used by city residents south of that parcel.

21. In 1983, the City of Watertown had an assessed valuation of \$7,167,736. In 1983, the city's mill levy was 20.675. In 1983, the city had a total bonded indebtedness of \$2,665,000.

22. In 1983, the Town of Watertown had an assessed valuation of \$9,711,474. The town, in 1983, had a mill levy of 4.939. The town had no bonded indebtedness in 1983.

23. In the area proposed for annexation, the assessed valuation in 1983 is \$33,590.

24. In 1983, the mill levy for the county was 29.287, for the school district it was 50.305, and for the Special Taxing District, .773.

25. The City of Watertown has a fire insurance rating of 7. The Town of Watertown has a fire insurance rating of 10.

26. The area proposed for annexation and the City of Watertown are serviced by the same school district.

27. The Town of Watertown does not have the ability to provide public sewer and water to the area proposed for annexation.

28. The Town of Watertown can survive without the area proposed for annexation.

29. The City of Watertown is the only municipality adjacent to the area proposed for annexation.

30. The annexation is consistent with a majority of the provisions of the joint resolution for orderly annexation between the Town of Watertown and the City of Watertown.

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 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 majority of the terms of the joint resolution for orderly annexation.

6. Five years will be required to effectively provide full municipal services to the annexed area or to comply with the 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 hereby is annexed to the City of Watertown, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the population of the City of Watertown is increased by 8.

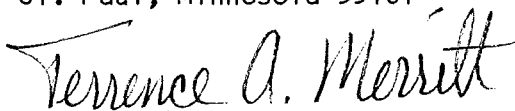
3. IT IS FURTHER ORDERED: That the population of the Town of Watertown is decreased by 8.

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

5. IT IS FURTHER ORDERED: That the effective date of this order is July 2, 1984.

Dated this 2nd day of July, 1984.

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


Terrence A. Merritt
Executive Director

M E M O R A N D U M

The Board has determined in its Findings of Fact, Conclusions of Law, and Order, that it has jurisdiction in OA-120-1. The Board's jurisdiction vested when the criterion set forth in M.S. 414.0325, Subdivision 1 had been met. The Board received a resolution of one of the signatories to the orderly annexation agreement, the City of Watertown, requesting the annexation of the area proposed for annexation. Further, the City of Watertown performed all of the necessary filing requirements pursuant to statute and the Board's rules. M.S. 414.0325, Subdivision 3 states in part, "The board may deny the annexation if it conflicts with any provision of the joint resolution." The Board's authority is not circumscribed by the terms of the joint agreement. Thus, the Board may order the annexation if it meets the statutory criterion. The testimony supported the appropriateness of the area for annexation. The only major disagreement was that some of the property owners did not wish annexation. The Board approved the annexation based on the testimony which it examined in light of the factors and criterion set forth in M.S. 414.0325.

The board, in ordering the annexation, notes that the city on record indicated a willingness to look at deferred assessments for the senior citizen property owners in the area proposed for annexation for the street and sewer improvements. The board urges the city to adopt such a policy.

The board notes with pleasure that the City of Watertown and the Town of Watertown have exhibited a good working relationship. The board urges both the town and the city to continue this relationship to allow them to address issues of mutual concern.

JAM - 7-2-84