

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Melvin Wichelman	Ex-Officio Member
LeRoy Pinske	Ex-Officio Member

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

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 19th, 1982 at Gaylord, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners LeRoy Pinske and Melvin Wichelman, Ex-Officio Members of the Board. The City of Gaylord appeared by and through Douglas Nesvig and the Town of Dryden appeared by and through Gerhard Podratz, Town Board Chairman. 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

I. That a joint resolution for orderly annexation was adopted by the City of Gaylord and the Town of Dryden and duly accepted by the Minnesota Municipal Board. A resolution was filed by one of the signatories to the joint resolution, the City of Gaylord, on February 25th, 1982 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:

That part of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter all in Section 32, Township 113, Range 28, Sibley County, Minnesota, described as follows:

Commencing at the Northeast corner of said Southwest Quarter of the Northwest Quarter of Section 32; thence on an assumed bearing of South 89 degrees 50 minutes 50 seconds West a distance of 31.80 feet to the Northwest corner of WESTGATE ADDITION according to the recorded plat thereof; thence on a bearing of South along the west line of said WESTGATE ADDITION a distance of 1060.00 feet to the point of beginning of the tract to be described; thence continuing on a bearing of South on said west line of WESTGATE ADDITION a distance of 627.91 feet to a point 100 feet northerly as measured at right angles from the centerline of Trunk Highway 19 as now located; thence

South 72 degrees 35 minutes 45 seconds West parallel and 100.00 feet a distance from said Trunk Highway 19 centerline a distance of 387.74 feet; thence on a bearing of North a distance of 741.60 feet; thence North 89 degrees 38 minutes 40 seconds East a distance of 370.00 feet to the point of beginning. This tract contains 5.8 acres of land and is subject to any and all easements of record.

II. Due, timely and adequate legal notice of the hearing was published, served and filed.

III. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 5.8 acres in size, and abuts the City of Gaylord by approximately 30% of its border.

IV. There are no public waterways included in the area proposed for annexation.

V. The area subject to annexation has a flat terrain with soils that are a medium-fine texture.

VI. In 1970 the City of Gaylord had 1,720 people, in 1980 it had 1,933 people, and its current population is 1,971 people.

VII. The Town of Dryden in 1970 had 567 people, in 1980 it had 543 people, and its current population is 543.

VIII. The area subject to annexation had no population in 1970, 1980, or presently.

IX. The area proposed for annexation is currently under the zoning and land use control of the City of Gaylord. The north 250' of the area proposed for annexation is zoned R-2 (multiple family residential) and the south 350' of the area is zoned B-3 (highway commercial).

X. The present owners of the area proposed for annexation intend to build a Production Credit Association office in the southern half of the area proposed for annexation with adjacent parking.

XI. The proposed building by the owners of the area proposed for annexation would be permitted as a conditional use under the Gaylord zoning and land use controls. The Production Credit Association would have to apply for a conditional use permit.

There appears to be no problem in acquiring such a permit should the area be annexed.

XII. The City of Gaylord has a zoning and land use ordinance which also extends to the area proposed for annexation.

XIII. The City of Gaylord provides its residents with water, sanitary sewer, storm sewer, solid waste collection, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, and an ambulance.

XIV. The City is willing to provide all of its services to the area proposed for annexation.

XV. The city presently provides ambulance service, recreational opportunities, and fire protection to the area proposed for annexation.

XVI. The Town of Dryden provides the following services to the township residents: fire protection, street improvements and maintenance, administrative services, and ambulance.

XVII. The area proposed for annexation will have city water extended to it immediately, if it is annexed. The sanitary sewer system service for the area proposed for annexation is being reviewed and the projected building would be serviced by a septic tank system. The city would allow the use of such a system until such time as the city provided the area proposed for annexation with sewer service. Presently the city is developing a feasibility study for the extension of new sewer services to the western section of the City of Gaylord.

XVIII. There are no environmental pollution problems in the area proposed for annexation at this time.

XIX. Access to the area proposed for annexation is off of Trunk Highway No. 19. The service road off of Trunk Highway 19 would eventually extend northward to 10th Street as needed. Streets right-of-ways have been planned for by the owner of the area proposed for annexation and incorporated into the development plans.

XX. Dryden Township presently has no plans to provide the area proposed for annexation with either water service or sanitary sewer.

XXI. Presently the City of Gaylord has a bonded indebtedness of \$2,421,000.

The Town of Dryden has no bonded indebtedness.

XXII. The mill levy for the City of Gaylord is 34.72, for the Town of Dryden is 3.35, for Sibley County is 18.10, for the school district is 37.95, and for special taxing district it is .11.

XXIII. The fire insurance rating for the City of Gaylord is 6 and for the Town of Dryden it is 10.

XXIV. The area proposed for annexation will remain in the same school district if it is annexed to the City of Gaylord.

XXV. The City of Gaylord is the only municipality adjacent to the area proposed for annexation.

XXVI. The Town of Dryden can continue to function if the area proposed for annexation is annexed.

XXVII. The annexation is consistent with the joint resolution for orderly annexation between the Town of Dryden and the City of Gaylord.

#### 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 of the area proposed for annexation.

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

V. The annexation is consistent with the terms of the joint resolution for orderly annexation.

VI. Four 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.

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

#### O R D E R

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

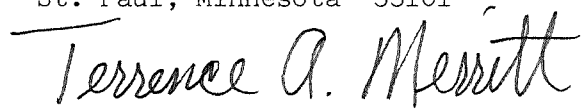
II. IT IS FURTHER ORDERED: That the mill levy of the City of Gaylord on the property herein ordered annexed shall be increased in substantially

equal proportions over a period of four years to equality with the mill levy of the property already within the city.

III. IT IS FURTHER ORDERED: That the effective date of this order is June 23, 1982.

Dated this 23rd day of June, 1982

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

A handwritten signature in dark ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a horizontal line under the first name.

Terrence A. Merritt  
Executive Director