

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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| Robert J. Ferderer | Chairman |
| Kenneth F. Sette | Vice Chairman |
| Richard A. Sand | Commissioner |
| Donald Becke | Ex-Officio Member |
| Gerald Kreger | Ex-Officio Member |

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| IN THE MATTER OF THE JOINT RESOLUTION) | |
| OF THE CITY OF GAYLORD AND THE TOWN) | <u>FINDINGS OF FACT,</u> |
| OF DRYDEN FOR THE ORDERLY ANNEXATION) | <u>CONCLUSIONS OF LAW,</u> |
| OF CERTAIN LAND TO THE CITY OF GAYLORD) | <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 December 21, 1983 at Gaylord, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners Donald Becke and Gerald Kreger, Ex-Officio Members of the Board. The City of Gaylord appeared by and through Douglas Nesvig, City Attorney. The Town of Dryden made no appearance. 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 Gaylord and the Town of Dryden 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 Gaylord, on October 6, 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:

Beginning at a point in the center of a public road and on the East line of Government Lot Number Five (5), 720.2' North of the Southeast corner of Government Lot Number Five (5), thence running North on the line between Government Lot Four (4) and Government Lot Five (5), a distance of 516 feet there intersecting the Meander Line of Lake Titloe, thence South 82°00' East along said Meander Line a distance of 189.9 feet, thence running South on a line parallel with the North and South line common to Government Lots Numbered Four (4) and Five (5) a distance of 414 feet to the center of a public road, thence running Southwesterly along the center line of said public road a distance of 207.5 feet to the point of beginning and containing 2.00 acres more or less, inclusive of road right-of-way.

All being in Section Number Twenty-Eight (28), Township Number One Hundred Thirteen (113), North of Range Number Twenty-Eight (28).

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 2 acres in size, and abuts the City of Gaylord by approximately 39% of its border.

5. The area proposed for annexation is adjacent to Lake Titloe, which is classified as a general development water. The terrain of the annexation area is flat and the soil of the annexation area is medium-fine texture.

6. In 1970, the City of Gaylord had a population of 1,720, its population in 1980 was 1,933, and its current population is 1,987.

7. In 1970, the Town of Dryden had a population of 567, its population in 1980 was 543, and its current population is 543.

8. The area proposed for annexation had a population of 2 in 1970 and in 1980, currently it is 4.

9. The area proposed for annexation is currently under the zoning and land-use control of the City of Gaylord. The annexation area is presently zoned R-1, which is single or two-family residential development.

10. The present owners of the area proposed for annexation requested the annexation to receive city sewer.

11. The area adjacent to the annexation area as well as the annexation

area itself, are residential in nature.

12. The City of Gaylord presently 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 ambulance service.

13. The City of Gaylord presently provides sanitary sewer, solid waste collection and disposal, fire protection, recreational opportunities, ambulance service, and zoning to the area proposed for annexation. The annexation area is presently adjacent to both city sewer and water lines.

14. The city is willing to provide the annexation area with water, storm sewer, police protection, street improvements and maintenance, and administrative services.

15. The Town of Dryden presently provides the annexation area with street improvements and maintenance, administrative services, ambulance service, and contracts with the City of Gaylord for fire protection.

16. Access to the annexation area is by Lincoln Avenue, East, which abuts the property under consideration.

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

18. The City of Gaylord has an assessed valuation of \$6,770,205. Its mill levy is 38.07.

19. The Town of Dryden has an assessed valuation of \$8,567,522. Its mill levy is 3.12.

20. The City of Gaylord has a bonded indebtedness of \$2,239,000.

21. The Town of Dryden has no bonded indebtedness.

22. In 1982, collectible 1983, the county mill rate was 17.51, the school district mill rate was 37.6, and the special taxing district was .12.

23. The assessed valuation of the area proposed for annexation is \$8,285.

24. The present fire insurance rating for the City of Gaylord is 6. The present fire insurance rating for the Town of Dryden is 10. The present fire insurance rating for the annexation area is 8.

25. The annexation area and the City of Gaylord are within the same school district and the annexation will have no affect on the school district.

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

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

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

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 those municipal services which it isn't already providing the annexation area 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 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 is hereby annexed to the City of Gaylord, 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 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.

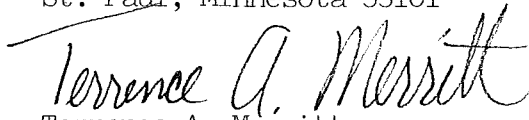
3. IT IS FURTHER ORDERED: That the population of the City of Gaylord is increased by 4.

4. IT IS FURTHER ORDERED: That the population of the Town of Dryden is decreased by 4.

5. IT IS FURTHER ORDERED: That the effective date of this order is February 14, 1984.

Dated this 14th day of February, 1984.

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


Terrence A. Merritt
Executive Director