

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Wallace Staples	Ex-Officio Member
Lawrence Kopel	Ex-Officio Member

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IN THE MATTER OF THE JOINT RESOLUTION	)	<u>FINDINGS OF FACT,</u> <u>CONCLUSIONS OF LAW,</u> <u>AND ORDER</u>
BETWEEN THE CITY OF MORRIS AND THE	)	
TOWN OF DARNEN FOR THE ORDERLY ANNEXATION	)	
OF CERTAIN LAND TO THE CITY OF MORRIS	)	

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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 December 5, 1979, at Morris, Minnesota. The hearing was conducted by Thomas J. Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Wallace Staples and Lawrence Kopel, ex-officio members of the Board. The City of Morris appeared by and through Michael M. Fluegel, the Township of Darnen appeared by and through its Chairman, Knute Christensen, and the objectors appeared by and through Ray E. Holmquist. 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 Morris and the Township of Darnen 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 Morris, on October 17, 1979 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:

Those portions of the Southwest quarter (SW<sup>1</sup>/<sub>4</sub>) and the Southeast quarter (SE<sup>1</sup>/<sub>4</sub>) of Section 2, Township One Hundred Twenty-four (124) North, Range forty-two (42) West, existing outside the present corporate limits of the City of Morris, amounting to 194 acres more or less; and

That portion of the Southwest quarter (SW<sup>1</sup>/<sub>4</sub>) of Section 1, Township One Hundred Twenty-four (124) North, Range forty-two (42) West existing outside the present corporate limits of the City of Morris, amounting to 27 acres more or less; and

The Northeast quarter (NE<sup>1</sup>/<sub>4</sub>) of Section 11, Township One Hundred Twenty-four (124) North, Range forty-two (42) West, amounting to 160 acres more or less.

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

IV. That at said hearing the property proposed for annexation was reduced, through the exclusion of the following described properties, and that the Findings of Fact herein are of the reduced area:

All that part of the SW $\frac{1}{4}$  of Section 2--Township 124--Range 42 West that is South of the Southerly boundary of the Burlington Northern Railroad Right of Way.

That portion of the Southwest quarter (SW $\frac{1}{4}$ ) of Section 1, Township One Hundred Twenty-four (124) North, Range forty-two (42) West existing outside the present corporate limits of the City of Morris, amounting to 27 acres more or less.

V. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Morris.
- B. The total area of the City of Morris is 2,770 acres. The total area of the territory subject to annexation is 310 acres.
- C. The perimeter of the area to be annexed is 50% 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 to rolling land lying within the Pomme de Terre Watershed and approximately 200 feet from the Pome de Terre River and Reservior; the soils are generally of the Formann-Aastad and Sioux-Renshaw associations.

VI. Population Data

- A. The City of Morris:
  - 1. In 1970 there were 5,366 residents.
  - 2. The present estimated population is 5,800.
  - 3. By 1990, the projected population is 6,300.
- B. The area subject to annexation:
  - 1. In 1970 there were 13 residents.
  - 2. The present estimated population is 18.
  - 3. By 1990, the projected population is 100.
- C. The Township of Darnen:
  - 1. In 1970 there were 398 residents.
  - 2. The present estimated population is 415.
  - 3. By 1990, the projected population is 440.

VII. Development Issues

- A. The pattern of physical development, including land already in use, and land in the process of being developed.
  - 1. Area in Use
    - a. In the City of Morris:

1. Residential: 1,473 acres	4. Industrial: 125 acres
2. Institutional: 570 acres	5. Agricultural: 400 acres
3. Commercial: 150 acres	6. Vacant land: 20 acres

b. In the area subject to annexation:

- |                           |                              |
|---------------------------|------------------------------|
| 1. Residential: 10 acres  | 4. Industrial: 6 acres       |
| 2. Institutional: 0 acres | 5. Agricultural: 112 acres   |
| 3. Commercial: 12 acres   | 6. Vacant land: 70 acres     |
|                           | 7. Transportation: 100 acres |

c. In the Township of Darnen:

- |                           |                               |
|---------------------------|-------------------------------|
| 1. Residential: 85 acres  | 4. Industrial: 0 acres        |
| 2. Institutional: 0 acres | 5. Agricultural: 20,550 acres |
| 3. Commercial: 25 acres   | 6. Vacant land: 1,100 acres   |

2. Area Being Developed

a. In the City of Morris: the approximate area is as follows:

- |                           |                        |
|---------------------------|------------------------|
| 1. Residential: 20 acres  | 4. Industrial: 5 acres |
| 2. Institutional: 2 acres |                        |
| 3. Commercial: 5 acres    |                        |

b. In the area subject to annexation the approximate area is as follows:

1. Residential: 10 acres
2. Industrial: 63 acres
3. Service Industry: 60 acres

B. Transportation

1. The present transportation network is:

- a. In the City of Morris: Federal, State, County and City Roads
- b. In the area subject to annexation: Federal, State, County, Township and City Roads. A main line of the Burlington Northern is within the area proposed for annexation with a branch line angling to the west, also through the area proposed for annexation.

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

1. In the City of Morris:

- a. Zoning: yes
- b. Subdivision Regulations: yes
- c. Comprehensive Plan: yes
- d. Official Map: yes
- e. Capital Improvements Program: yes
- f. Fire Code: yes
- g. Building Inspector: yes
- h. Planning Commission: yes

2. In the Township of Darnen:

- a. Zoning: yes

3. In the County of Stevens:

- a. Zoning: yes
- b. Building Inspector: yes
- c. Planning Commission: yes

4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VIII. Governmental Services

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

1. Fire protection and rating: yes, through a contract with the City of Morris
2. Street improvements: yes
3. Street maintenance: yes
4. Administrative services: yes

- B. The City of Morris provides its residents with the following services:
1. Water: yes
  2. Sewer: yes
  3. Fire protection and rating: yes
  4. Police protection: yes
  5. Street improvements: yes
  6. Street maintenance: yes
  7. Recreational: yes
  8. Administrative services: yes
- C. The City of Morris provides the area subject to annexation with the following services:
1. Water: yes
  2. Sewer: yes
  3. Fire protection and rating: through contract with the township
  4. Recreational: yes
- D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: Water is presently available and sewer will be made available during the summer of 1980.
- E. The following services will be available to the annexed area within three years: sewer and water
- F. A potential environmental problem may result from the continued development of the area with on-site septic systems which would flow into either the Green River and thence to the Pomme de Terre Reservoir, on to the Pomme de Terre Reservoir directly.

#### IX. Tax Base

- A. In the City of Morris, the tax base includes the following:
1. Residential property in 1978 was valued at \$35,016,337, generating \$802,196 in taxes or 67.4% of the total.
  2. Commercial property in 1978 was valued at \$7,006,910, generating \$344,715 in taxes or 29% of the total.
  3. Industrial property in 1978 was valued at \$641,660, generating \$32,641 in taxes or 2.6% of the total.
  4. Agricultural property in 1978 was valued at \$132,761, generating \$3,118 in taxes or 0.3% of the total.
  5. Vacant land in 1978 was valued at \$180,552, generating \$8,014 in taxes or 0.7% of the total.
  6. Non-taxable property
    - a. Institutional use in 1974 included 640 acres worth, as developed, \$23,896,000.
    - b. Other non-taxable uses in 1979 included 415 acres of parks and 34 miles of roads.
- B. In the Township of Darnen, the tax base includes the following:
1. Residential property in 1978 was valued at \$731,635, generating \$13,930 in taxes or 8.4% of the total.
  2. Commercial property in 1978 was valued at \$275,122, generating \$8,580 in taxes or 5.2% of the total.
  3. Industrial property in 1978 was valued at -0-, generating -0- in taxes or -0- of the total.

4. Agricultural property in 1978 was valued at \$9,400,256, generating \$143,018 in taxes or 86.4% of the total.
5. Vacant land in 1978 was valued at \$650, generating \$17 in taxes or .01% of the total.
6. Non-taxable property
  - a. Institutional use in 1974 included acres worth, as developed, \$207,321.
  - b. Other non-taxable uses included approximately 48 miles of roadways.

C. In the area subject to annexation, the tax base includes the following:

1. Residential property in 1978 was valued at \$54,733, generating \$10,694.78 in taxes or 82.2% of the total.
2. Commercial property in 1978 was valued at \$37,700, generating \$1,234.46 in taxes or 9.5% of the total.
3. Agricultural property in 1978 was valued at \$105,050, generating \$1,075.58 in taxes or 8.3% of the total.
4. Vacant land in 1978 was valued at \$910, generating \$9.52 in taxes or .1% of the total.
5. Non-taxable property
  - a. Institutional use in 1979 included 0 acres worth, as developed, \$0.
  - b. Other non-taxable uses (such as roadways, parks) in 1979 included 170 acres.

X. Fiscal Data

A. In the City of Morris:

1. Mill rate in 1979 is 43.25.
2. Bonded indebtedness in 1979 is \$1,195,845.14.

B. In the Township of Darnen:

1. Mill rate in 1979 is .43.
2. Bonded indebtedness in 1979 is 0.

C. In the area subject to annexation:

1. Mill rate in 1979 is .43.
2. Bonded indebtedness in 1979 is 0.

D. Mill rate in the respective governmental units.

1. County in 1979 is 25.80.
2. School district in 1979 is 49.92.
3. Township in 1979 is .43.

XI. Annexation to the City of Morris is the best alternative.

- A. There is no effect on area school districts and on adjacent communities if the proposed area is annexed.
- B. Town government is not adequate to deliver the needed services to the area proposed for annexation.
- C. Necessary governmental services would not best be provided by incorporation or annexation to an adjacent municipality other than Morris.

D. Present assessed valuation of the Town of Darnen: \$2,179,358.

Present assessed valuation of proposed annexation area: \$198,393.

New valuation of the Town of Darnen if entire area is annexed: \$1,980,965.

E. Darnen Township can continue to function without the area subject to annexation.

XII. 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 terms 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.

#### O R D E R

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

Those portions of the Southwest quarter (SW $\frac{1}{4}$ ) and the Southeast quarter (SE $\frac{1}{4}$ ) of Section 2, Township One Hundred Twenty-four (124) North, Range forty-two (42) West, existing outside the present corporate limits of the City of Morris, excepting therefrom all that part of the SW $\frac{1}{4}$  of Section 2, Township One Hundred Twenty-four (124), Range Forty-two (42) that is South of the southerly boundary of the Burlington Northern Railroad Right-of-Way; and

The Northeast quarter (NE $\frac{1}{4}$ ) of Section 11, Township One Hundred Twenty-four (124) North, Range forty-two (42) West, amounting to 160 acres more or less.

II. IT IS FURTHER ORDERED: That the population of the City of Morris has increased by 18 persons to 5,818 persons for all purposes until the next Federal Census.

III. IT IS FURTHER ORDERED: That the population of the Township of Darnen has decreased by 18 persons to 397 persons for all purposes until the next Federal Census.

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

V. IT IS FURTHER ORDERED: That the effective date of this order is June 24, 1980.

Dated this 24th day of June, 1980

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

A handwritten signature in black ink that reads "Terrence A. Merritt". The signature is written in a cursive style with a large, stylized 'T' and 'M'.

Terrence A. Merritt  
Executive Director