

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE JOINT)
RESOLUTION BETWEEN THE CITY)
OF MORRIS AND THE TOWN OF)
MORRIS FOR THE ORDERLY)
ANNEXATION OF CERTAIN LAND)
TO THE CITY OF MORRIS)

FINDINGS OF FACT
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on April 27th, 1981 at Morris, 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 Lawrence Kopel and Wallace Staples, ex-officio members of the board. The City of Morris appeared by and through Robert Dalager, and the Town of Morris appeared by and through Richard Rath, Township Chairman. Testimony was heard 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. The joint resolution for orderly annexation was adopted by the City of Morris and the Town of Morris 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 January 30th, 1981 requesting 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:

That portion of the south one-half of the northeast quarter of Section 36 of Morris Township lying south of the southerly right-of-way line of the Burlington Northern Railroad, containing 67.88 acres, more or less, and

That portion of the southeast quarter of the northwest quarter of Section 36 of Morris Township lying south of the southerly right-of-way of the Burlington Northern Railroad, containing 26.67 acres, more or less, and

That portion of the north one-half of the southeast quarter of Section 36 of Morris Township lying north of the southerly right-of-way line of the township road (East Second Street extended), north of the southerly right-of-way line of Trunk Highway 329 and north of a line between two points, the first point being formed by the intersection of the southerly right-of-way line of the township road (East Second Street extended) and

the westerly right-of-way line of Trunk Highway 59, and the second point being formed by the intersection of the southerly right-of-way line of Trunk Highway 329 and the easterly right-of-way line of Trunk Highway 59, lying outside the Morris City limits, containing 31.91 acres, more or less, and

That portion of the east half of the southwest quarter of Section 36 of Morris Township lying north of the southerly right-of-way of the township road (East Second Street extended), containing 38.18 acres, more or less, and

That portion of the east half of the southwest quarter of Section 36 of Morris Township described as follows: Beginning at the southwest corner of the southeast quarter of the southwest quarter of said Section 36, thence due east along the section line of said Section 36 a distance of 1273 feet, thence north, 11 degrees 54 minutes west, a distance of 1478.4 feet, more or less, to the southerly right-of-way line of the township road (East Second Street extended), thence south, 70 degrees 40 minutes west, along the southerly right-of-way line of township road (East Second Street extended) a distance of 1028.1 feet more or less, to the west line of the east half of southwest quarter of said section 36; thence due south along the west line of the east half of the southwest quarter of said Section 36 a distance of 1089.0 feet, more or less, to the point of beginning containing 33.24 acres, more or less.

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

IV. The area subject to annexation is unincorporated, within the orderly annexation area, approximately 198 acres in size and abuts the City of Morris by approximately 30% of its perimeter. The City of Morris is approximately 3,080 acres in size.

V. The natural terrain of the area proposed for annexation is nearly level to gently sloping. The proposed annexation area is in the Pomme de Terre watershed a sub-shed of the larger Mississippi River watershed. The Pomme de Terre River runs in a north to south direction through the area proposed for annexation and a location on the extreme eastern side of the parcel. There are no bluffs within the area proposed for annexation. The soils of the area proposed for annexation are of the Sioux-Renshaw Association. These soils are excessively drained.

VI. In 1970 the City of Morris had 5,366 residents, presently the population is estimated at 5,376, and by 1990 the projected population is 5,500.

VII. In the area proposed for annexation there presently are no residents, there were no residents in 1970, and given the projected use of the area, no population is projected by 1990.

VIII. The Town of Morris had a population of 452 residents in 1970, the present estimated population is 497, and the projected population for 1990 is 550.

IX. In the City of Morris approximately 1,483 acres are in residential use, approximately 570 acres in institutional use, approximately 162 acres are in commercial use, approximately 131 acres are in industrial use, approximately

512 acres are in agricultural use, approximately 90 acres are in vacant land, and approximately 133 acres are in transportation.

In the City of Morris there is presently being developed approximately 20 acres for residential use, two acres for institutional use, five acres for commercial use, and 60 acres for industrial use.

X. In the area proposed for annexation, there is presently 198 acres of institutional land which if not in active institutional use, is in agricultural use.

In the area proposed for annexation, there is approximately 13 acres remaining for transportation use, and the bulk of the property for institutional use.

XI. In the Town of Morris, there is approximately 100 acres in residential use, 40 acres in commercial use, 80 acres in industrial use, 20,280 acres in agricultural use and 1,100 acres in vacant land.

In the Town of Morris there is presently being developed 20 acres for residential use.

XII. The City of Morris presently has a zoning ordinance, subdivision regulations, a comprehensive plan, an official map, capital improvements program, fire code, a building inspector, and a planning commission.

XIII. The Town of Morris does not have any land use controls of its own.

XIV. The County of Stevens has a zoning ordinance, subdivision regulations, a comprehensive plan, a fire code, and a planning commission.

XV. The area is presently adjacent to either residential development or school related development, and if annexed would remain in the zoning districts presently assigned it, one and two family residential development or municipal conservancy. These present zoning designations are consistent with the City of Morris, as the City of Morris has zoning authority in the orderly annexation area.

XVII. The City of Morris is connected to its trade area and areas beyond by three major highways. U.S. Highway 59 runs through the City in a north/south direction, State Highways 28 and 9 run through Morris in east/west and northwest/southeast directions respectively. The City also has paved and unpaved streets maintained by the City throughout the City of Morris.

In the area subject to annexation U.S. Highway 59 runs in a generally north/south direction through the area proposed for annexation. State trunk

Highway 329, a local east/west road borders the tract of land along a portion of its southside and tees into U.S. Highway 59 from the East. The abandoned but not vacated extension of east second street tees into U.S. Highway 59 from the west cutting through the parcel proposed for annexation and forming a boundary for a portion of it. A private access road to the University meant to replace the East Second Street extension also tees into U.S. Highway 59 from the west. The entire north edge of the area proposed for annexation is bounded by the south right-of-way line of the Burlington Northern Railroad.

XVIII. Should a portion of second street be vacated, there is still access to the City of Morris from the area proposed for annexation along a route north of Second Street.

XIX. The Town of Morris provides the area proposed for annexation with fire protection and administrative services.

XX. The City of Morris provides its residents with water, sanitary sewer, fire protection, police protection, street improvements, street maintenance, recreational opportunities, and administrative services.

XXI. The City of Morris provides the area subject to annexation with street maintenance. The Township contracts with the City to provide fire protection to the area subject to annexation. The city provides police protection to the area subject to annexation at the request of the County Sheriff's department.

XXII. Part of the aquifer from the City of Morris draws its water supplies is located in the area proposed for annexation.

XXIII. The Pomme de Terre River runs through the area proposed for annexation on the western side and there is the potential for infiltration from septic tank drainfields into this water source.

XXIV. The City does have zoning authority in the area proposed for annexation but it does not have the authority to deny a building permit for a single family home or duplex, since the area is zoned R-1 and 2 family residents, even though the lot may be too small to accommodate a septic tank drainfield and well resulting in potential hazards to these city's aquifer.

XXV. Presently the City has no specific plans to provide city utilities to the area proposed for annexation. Prior to development such plans would be developed consistent along the lines of the services already provided to the area proposed for annexation by the City of Morris.

XXVI. In the City of Morris the tax base includes the following:

1. Residential property in 1980 was valued at \$43,359,511, generating \$832,715 in taxes or 59.5% of the total.
2. Commercial property in 1980 was valued at \$9,332,440, generating \$399,272 in taxes or 28.5% of the total.
3. Industrial property in 1980 was valued at \$833,328, generating \$35,722 in taxes or 2.6% of the total.
4. Agricultural property in 1980 was valued at \$192,700, generating \$5,670 in taxes or .4% of the total.
5. Vacant land in 1980 was valued at \$197,565, generating \$6,536 in taxes or .5% of the total

XXVII. In the Town of Morris the tax base includes the following:

1. Residential property in 1980 was valued at \$2,223,166, generating \$26,680 in taxes or 11.9% of the total.
2. Commercial property in 1980 was valued at \$362,975, generating \$10,166 in taxes or 4.5% of the total.
3. Industrial property in 1980 was valued at \$81,500, generating \$2,283 in taxes or 1.0% of the total.
4. Agricultural property in 1980 was valued at \$14,206,798, generating \$181,987 in taxes or 81.3% of the total.
5. Vacant land in 1980 was valued at \$32,700, generating \$716 in taxes or .3% of the total.

XXVIII. In the area subject to annexation the property is all owned by the University of Minnesota, at Morris, which is a state agency, thereby generating no tax to the township and in the event of annexation no tax to the City of Morris.

XXIX. The City of Morris's mill rate in 1980 was 99.96, with bonded indebtedness of \$2,114,205.

XXX. The Town of Morris had a mill rate in 1980 of 65.13 with no bonded indebtedness.

XXXI. In Stevens County the County mill rate in 1980 was 22.68, and the school district's mill rate in 1980 was 40.41.

XXXII. The area proposed for annexation is located within the same school district as the City of Morris.

XXXIII. The assessed valuation of the Town of Morris presently is \$3,438.852.

XXXIV. The present assessed valuation of the area proposed for annexation is \$69,348 but since it is tax exempt the annexation will not decrease the Morris Township assessed valuation.

XXXV. The area proposed for annexation is too small to incorporate into its own governmental unit.

XXXVI. Necessary governmental services could best be provided by annexation to the City of Morris since it is the only adjacent municipality to the area proposed for annexation.

XXXVII. A majority of the campus of the University of Minnesota at Morris is presently located within the City of Morris. The City of Morris presently provides all of the campus of the University of Minnesota, Morris with sewer and water.

XXXVIII. The inclusion of the area proposed for annexation would alleviate jurisdictional questions as to police and fire protection.

XXXIX. The area proposed for annexation presently experiences ponding during rainfall along the northern boundary of second street. The City intends to study and alleviate this problem should the area be annexed.

XL. The annexation is consistent with the joint resolution for orderly annexation between the Town of Morris and the City of Morris.

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 period.

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

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 a part thereof:

That portion of the south one-half of the northeast quarter of Section 36 of Morris Township lying south of the southerly right-of-way line of the Burlington Northern Railroad, containing 67.88 acres, more or less, and

That portion of the southeast quarter of the northwest quarter of Section 36 of Morris Township lying south of the southerly right-of-way of the Burlington Northern Railroad, containing 26.67 acres, more or less, and

That portion of the north one-half of the southeast quarter of Section 36 of Morris Township lying north of the southerly right-of-way line of the township road (East Second Street extended), north of the southerly right-of-way line of Trunk Highway 329 and north of a line between two points, the first point being formed by the intersection of the southerly right-of-way line of the township road (East Second Street extended) and the westerly right-of-way line of Trunk Highway 59, and the second point being formed by the intersection of the southerly right-of-way line of Trunk Highway 329 and the easterly right-of-way line of Trunk Highway 59, lying outside the Morris City limits, containing 31.91 acres, more or less, and

That portion of the east half of the southwest quarter of Section 36 of Morris Township lying north of the southerly right-of-way of the township road (East Second Street extended), containing 38.18 acres, more or less, and


That portion of the east half of the southwest quarter of Section 36 of Morris Township described as follows: Beginning at the southwest corner of the southeast quarter of the southwest quarter of said Section 36, thence due east along the section line of said Section 36 a distance of 1273 feet, thence north, 11 degrees 54 minutes west, a distance of 1478.4 feet, more or less, to the southerly right-of-way line of the township road (East Second Street extended), thence south, 70 degrees 40 minutes west, along the southerly right-of-way line of township road (East Second Street extended) a distance of 1028.1 feet more or less, to the west line of the east half of southwest quarter of said section 36; thence due south along the west line of the east half of the southwest quarter of said Section 36 a distance of 1089.0 feet, more or less, to the point of beginning containing 33.24 acres, more or less.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Morris and 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.

III. IT IS FURTHER ORDERED: That the effective date of this order is June 10, 1981.

Dated this 10th day of June, 1981

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
7th and Robert Streets
Saint Paul, Minnesota 55101


Terrence A. Merritt
Executive Director