

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)	<u>FINDINGS OF FACT</u>
TOWN OF DARNEN FOR THE ORDERLY)	<u>CONCLUSIONS OF LAW</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>AND ORDER</u>
CITY OF MORRIS)	

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 Darnen appeared by and through Knute Christenson, 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 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 January 30th, 1981 requesting the 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 east one-half of the northeast quarter of Section 2 of Darnen Township located west of the westerly right-of-way line of Trunk Highway 59, containing 75.35 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 and is approximately 75 acres in size and abuts the City of Morris by approximately 50% 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 subshed of the larger Mississippi River watershed. The Pomme de Terre River, running in a north to south direction, runs about one half mile east of the area proposed for annexation. The Green River, small intermittent stream, carries overflow waters from Crystal Lake in an eastern direction to the Pomme de Terre River Reservoir. This intermittent stream is located along the southern edge of the area proposed for annexation. There are no bluffs within the area proposed for annexation. The soils of the area proposed for annexation are 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 are presently 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 Darnen had a population of 398 residents in 1970, the present estimated population is 381, and by 1990 the projected population is 400.

IX. In the City of Morris, approximately 1,483 acres are in residential use, approximately 570 acres are in institutional use, approximately 162 acres are in commercial use, approximately 131 acres are industrial use, approximately 512 acres are in agricultural use, approximately 90 acres are in vacant land, and approximately 133 acres are in transportation.

X. 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.

XI. In the area proposed for annexation there is presently 75 acres of institutionally owned land in agricultural use.

XII. In the Town of Darnen there is approximately 75 acres in residential use, 13 acres in commercial use, 20,438 acres in agricultural use, and 1,030 acres in vacant land.

XIII. 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.

XIV. The Town of Darnen does not have any land use controls of its own.

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

XVI. The area is presently adjacent to residential development and school related development and if annexed would remain in the zoning districts presently assigned it namely 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 north/west, south/east directions respectively. The City also has paved and unpaved streets maintained by the City throughout the City of Morris.

The area subject to annexation U.S. Highway 59 runs in a generally north/south direction up on the eastern edge. Green River Road is an east/west running major local street, gravel at the present, but planned for hardsurfacing this summer, and it forms the southern boundary of the parcel proposed for annexation.

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

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

XX. 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.

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

XXII. 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. The area zoned R-1 and R-2 family residences even though the lot may be too small to accommodate a septic tank drainfield and well resulting in potential hazards to the city's aquifer.

XXIII. 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 services already provided to the area proposed for annexation by the City of Morris. The University of Minnesota at

Morris is presently developing a search area for a new field house which may be located in the area proposed for annexation thereby requiring extension of utilities as well as additional fire and police patrolling.

XXIV. 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 totals.
5. Vacant land in 1980 was valued at \$197,565, generating \$6,536 in taxes or .5% of the total.

XXV. In the Township of Darnen, the tax base includes the following:

1. Residential property in 1980 was valued at \$1,216,044, generating \$13,610 in taxes or 5.8% of the total.
2. Commercial property in 1980 was valued at \$433,073, generating \$9,303 in taxes or 4.1% of the totals.
3. Industrial property in 1980 was valued at \$0, generating \$0 in taxes or 0% of the total.
4. Agricultural property in 1980 was valued at \$14,774,419, generating \$187,297 in taxes or 83.0% of the total.
5. Vacant land in 1980 was valued at \$895, generating \$18 in taxes or .01% of the total.

XXVI. The area subject to annexation has no tax base since all of the property is non taxable since it is owned by the University of Minnesota at Morris.

XXVII. The City of Morris's mill rate in 1980 was 99.69, with bonded indebtedness of \$2,114,205.

XXVIII. The Town of Darnen had a mill rate in 1980 of 63.94 with no bonded indebtedness.

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

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

XXXI. The assessed valuation of the Town of Darnen presently is \$3,528,239.

XXXII. The present assessed valuation of the area proposed for annexation is \$26,279, but since it is tax exempt the annexation will not decrease the Darnen Township assessed valuation.

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

XXXIV. 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.

XXXV. The majority of the campus of the University of Minnesota at Morris is presently located within the City of Morris.

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

XXXVII. The annexation is consistent with the joint resolution for orderly annexation between the Town of Darnen 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.

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 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 east one-half of the northeast quarter of Section 2 of Darnen Township located west of the westerly

right-of-way line of Trunk Highway 59, containing 75.35
acres more or less.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Morris 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 8, 1981.

Dated this 8th day of June, 1981

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

A handwritten signature in cursive script that reads "Terrence A. Merritt".

Terrence A. Merritt
Executive Director