

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

John W. Carey	Chair
Kenneth F. Sette	Vice Chair
Shirley J. Mihelich	Commissioner
Molly Woehrlin	Ex-Officio Member
Robert Tuma	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF FARIBAULT AND THE)	<u>FINDINGS OF FACT</u>
TOWN OF WELLS FOR THE ORDERLY ANNEXATION)	<u>CONCLUSIONS OF LAW</u>
OF CERTAIN LAND TO THE CITY OF FARIBAULT)	<u>AND ORDER</u>
PURSUANT TO MINNESOTA STATUTES 414)	<u>AND MEMORANDUM OPINION</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 27, 1990, at Faribault, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were John W. Carey, Chair, Kenneth F. Sette, Vice Chair, and County Commissioners Robert Tuma and Molly Woehrlin, Ex-Officio Members of the Board. The City of Faribault appeared by and through Kurt Fischer, Attorney at Law. The Town of Wells 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. A joint resolution for orderly annexation was adopted by the

City of Faribault and the Town of Wells 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 Faribault, on April 25, 1990 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:

Part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 110 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at the Northeast corner of said Northeast Quarter of Southeast Quarter; thence South 0°03'18" West, along the East line of said Northeast Quarter of Southeast Quarter (for purposes of this description bearings are assumed and based on said East line being South 0°03'18" West), a distance of 224.50 feet; thence North 89°30'50" West, 400.01 feet; thence South 0°03'18" West, 218.01 feet; thence South 89°41'54" West, parallel with the North line of said Northeast Quarter of Southeast Quarter, 751.36 feet to a point in a line 165.00 feet easterly from and parallel with the West line of said Northeast Quarter of Southeast Quarter; thence North 0°05'14" East, along said last described parallel line, 143.33 feet to a point in the southeasterly line of Interstate Highway 35; thence along said southeasterly line of Highway 35, North 45°09'57" East, 2.25 feet; thence continue along said southeasterly line of Highway 35, North 40°11'57" East, 47.07 feet; thence continue along said southeasterly line of Highway 35 on a tangential curve, concave northwesterly (curve data: radius = 736.62 feet; delta angle = 22°52'16"; chord bearing and distance = North 28°45'49" East, 292.09 feet), an arc distance of 294.04 feet to a point in the North line of said Northeast Quarter of Southeast Quarter; thence North 89°41'54" East, along said North line, 979.03 feet to said point of beginning; subject to Bagley Avenue, also known as Western Avenue, over the easterly side of said herein described parcel; containing 8.896 acres more or less, including said Avenue right of way; subject also to easements of record.

AND

Part of the Northeast Quarter of the Southeast Quarter of Section 35, Township 110 North, Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Northeast Quarter of Southeast Quarter (for purposes of this description bearings are assumed and based on said East line being South 0°03'18" West), a distance of 224.50 feet southerly from the Northeast corner of said Northeast

Quarter of Southeast Quarter; thence North 89°30'50" West, 400.01 feet; thence South 0°13'18" West, 218.01 feet; thence North 89°41'54" East, 90.01 feet; thence South 0°03'18" West, 204.97 feet to a point in the center line of 206th Street West; thence North 86°36'49" East, along said center line of 206th Street West, 310.56 feet to a point in said East line; thence North 0°13'18" East, along said East line, 400.77 feet to said point of beginning; subject to Western Avenue over the easterly side and 206th Street over the southerly side of said herein described parcel; containing 3.376 acres, more or less, including said Street and Avenue right of way.

AND

Lot 1, WILLIAM TRAMEL'S SUB-DIVISION, RICE COUNTY, MINNESOTA, together with that part of the South one-half of 206th Street West, lying easterly from the northerly prolongation of the West line of said Lot 1, and that part of the West one-half of Western Avenue lying northerly from the easterly prolongation of the South line of said Lot 1; containing 0.755 acres, more or less, including Street and Avenue right of way.

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 12.1 acres in size, and abuts the City of Faribault for approximately 48% of its perimeter. The City of Faribault is approximately 6,400 acres in size.

5. There are no public waters in or adjacent to the subject area.

6. The soils in the subject area are Dickman Sandy Loam with a 0 to 2 percent slope.

7. The City of Faribault had a population of approximately 16,595 in 1970, approximately 16,241 in 1980, and a current population of approximately 16,308. It is projected that in five years it will have a population of approximately 17,108.

8. The Town of Wells had a population of approximately 1,398 in

1970, approximately 1,563 in 1980, and a current population of approximately 1,729. There is no present projection as to what the population will be in five years.

9. The area proposed for annexation had a population of 5 in 1970 and 1980, and has a current population of 5. It is projected that in five years it will have a population of approximately 5.

10. The City of Faribault has approximately 59% of its land in residential use, approximately 6% in institutional use, approximately 7% in commercial use, approximately 11% in industrial use, approximately 7% in agricultural use, and approximately 10% in vacant lands.

11. The Town of Wells has land in residential use, commercial use, agricultural use, and vacant lands.

12. The area proposed for annexation has approximately 7% of its land in residential use and approximately 93% in commercial use.

13. The City of Faribault has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, and a sanitation ordinance.

14. Rice County has a zoning ordinance.

15. The area proposed for annexation is presently zoned RA (Rural Residential).

16. If annexed, the area is projected to be zoned C3 (Community Commercial).

17. The City of Faribault provides its residents with water, sanitary sewer and waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative

services, and recreational opportunities.

18. The City of Faribault is willing to provide the subject area with all of the services it presently provides residents of the city.

19. The City of Faribault has approximately 107 miles of highways, streets, and roads.

20. The Town of Wells has approximately 34.75 miles of highways, streets, and roads.

21. The subject area includes portions of Western Avenue and 206th Street.

22. The 1990 tax capacity of the City of Faribault is approximately \$6,205,193.00.

23. The 1990 tax capacity of the Town of Wells is approximately \$840,116.00.

24. The 1990 tax capacity of the subject area is approximately \$20,556.00.

25. The 1990 mill rate for Rice County is 30.427 for the city and 32.220 for the subject area.

26. The 1990 local government mill rate for the City of Faribault is 20.112 and 9.354 for the subject area.

27. The 1990 mill rate for the school district is 54.490 for the city and 55.105 for the subject area.

28. The 1990 mill rate for the Special Taxing District is 1.248 for the city and .977 for the subject area.

29. The fire insurance rating for the City of Faribault is 5, and the fire insurance rating for the Town of Wells is 9.

30. The City of Faribault has a total bonded indebtedness of approximately \$11,915,000.00.

31. The proposed annexation, if completed, will not impact on the school district.

32. The Town of Wells does not have the ability to provide public sewer and water services to the area proposed for annexation.

33. The City of Faribault is the only municipality adjacent to the area proposed for annexation.

34. The annexation is consistent with the joint resolution for orderly annexation between the City of Faribault and the Town of Wells.

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 the services 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 in the area proposed for annexation.

4. The annexation will 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. 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 Faribault, Minnesota, the same as if it had been originally a part thereof.

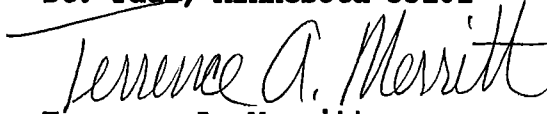
2. IT IS FURTHER ORDERED: That the population of the City of Faribault is hereby increased by 5 persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Wells is hereby decreased by 5 persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is July 10, 1990.

Dated this 10th day of July, 1990.

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


Terrence A. Merritt
Executive Director

M E M O R A N D U M

In approving the annexation of the subject property, the Board is confident that the City of Faribault will strongly consider and appropriately address the impact of the additional impervious surfaces and the resultant increase in surface water runoff. The city will need to use necessary engineering techniques to insure that the surface water runoff does not create erosion problems in the Cannon River. The city's willingness to install necessary sanitary sewer and water to deal with the problem of failing on-site systems is to be commended. TAM 7-10-90