

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Earl Radi	Ex-Officio Member
Marvin Reitmeier	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
OF THE CITY OF FERTILE AND THE TOWN OF)	<u>FINDINGS OF FACT</u>
GARFIELD FOR THE ORDERLY ANNEXATION OF)	<u>CONCLUSIONS OF LAW</u>
CERTAIN LAND TO THE CITY OF FERTILE)	<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 May 16, 1984, at Fertile, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Richard A. Sand, Commissioner, and County Commissioners Earl Radi and Marvin Reitmeier, Ex-Officio Members of the Board. The City of Fertile appeared by and through Robert Remark. The Town of Garfield made no specific 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 Fertile and the Town of Garfield 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 Fertile, on February 2, 1984, with an amendment received February 13, 1984, 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:

Beginning at a point in the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4), Section Twenty-nine (29), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian, said point being the intersection of the Burlington Northern Railroad with State Highway #32; thence northwesterly along the West boundary of Burlington Northern Railroad Right-of-Way to its intersection with the North boundary line of Section 29, Township 147, Range 44; thence West along the North boundary line of said Section 29 to the northwest corner of the NE1/4 of said Section 29; thence North on the West boundary line of SW1/4 SE1/4, Section 20, Township 147, Range 44 to the northwest corner thereof; thence East on the North boundary of said SW1/4 SE1/4, Section 20 to the intersection with the West boundary of Christian Avenue in the City of Fertile; thence North along the West boundary of said Christian Avenue to its intersection with the North boundary of the SE1/4 of said Section 20; thence continuing North and parallel with the West boundary of the NE1/4 of said Section 20 to the intersection with the North boundary line of said Section 20; thence East on the North boundary line of Section 20 and 21, Township 147, Range 44 to the northeast corner of the NW1/4 of Section 21, Township 147, Range 44; thence South on the East boundary line of the West Half of Section 21 and the East boundary line of the NW1/4, Section 28, Township 147, Range 44 to the point of intersection with the Center of the Sand Hill River; thence following the center of the Sand Hill River in a westerly direction to the point of intersection with the West boundary of the Burlington Railroad Right-of-Way; thence northwesterly along the West boundary of the Burlington Northern Railway Right-of-Way to the point of beginning, excepting therefrom the tract of land presently comprising the City of Fertile, consisting of approximately 379.12 acres.

and

The Northeast Quarter (NE1/4), Section Thirty (30), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian;

The South Half of the Southeast Quarter (S1/2 SE1/4), Section Nineteen (19), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian;

The Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4), Section Nineteen (19) Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian excepting therefrom the following described tract:

A tract of land in Section 19, Township 147 North, Range 44, West. Commencing at the East 1/4 corner of said Section 19 and proceeding westerly along East-West 1/4 line for a distance of 1523.42 feet to the true point of beginning; thence deflecting left 90 degrees 00 minutes 00 seconds for a distance of 27.57 feet; thence deflecting right 28 degrees 40 minutes 28 seconds for a distance of 302.900 feet; thence deflecting right 6 degrees 40 minutes 23 seconds for a distance of 104.89 feet; thence deflecting right 16 degrees 05 minutes 04 seconds for a distance of 235.81 feet; thence deflecting right 99 degrees 01 minutes 23 seconds for a distance of 312.59 feet; thence deflecting left 7 degrees 14 minutes 39 seconds for a distance of 133.76 feet; thence deflecting left 6 degrees 56 minutes 49 seconds for a distance of 30.61 feet; thence deflecting right 43 degrees 44 minutes 10 seconds for a distance of 124.71 feet to a point of intersection with the aforesaid East-West 1/4 line of Section 19; thence deflecting right 90 degrees 00 minutes 00 seconds for a distance of 645.80 feet to the true point of beginning;

A tract of land in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4), Section Nineteen (19), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian, described as follows, to-wit:

Commencing at the northeast corner of the NE1/4 of SE1/4, Section 19, Township 147 North, Range 44, West and thence proceeding westerly along the North boundary of said NE1/4 of SE1/4 of said Section 19 on an assumed bearing of South 89°08'04" West, for a distance of 867.00 feet to the true point of beginning; thence proceeding South 38°55'34" West, for a distance of 81.57 feet; thence proceeding South 0°00'00" West, for a distance of 102.33 feet; thence proceeding North 89°08'05" East, for a distance of 250.00 feet; thence proceeding South 1°15'33" East, for a distance

of 330.00 feet; thence proceeding South $89^{\circ}08'04''$ West, for a distance of 646.71 feet to the West line of the aforesaid NE1/4 SE1/4; thence proceeding North $0^{\circ}54'22''$ West along said West line of said Quarter-Quarter, for a distance of 495.00 feet to the northwest corner of the said Quarter-Quarter; thence proceeding North $89^{\circ}08'04''$ East along the aforesaid boundary of said NE 1/4 of SE14/, for a distance of 448.54 to the true point of beginning;

That part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4), Section Nineteen (19), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian which lies South of the following described line:

Commencing at the northwest corner of the Northeast Quarter of the Southeast Quarter of Section 19, Township 147 North, Range 44, West of the Fifth Principal Meridian; thence proceeding southerly along the West boundary of said Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) for a distance of 30 rods to the true point of beginning of the line to be described; thence proceeding easterly parallel with the North boundary of the aforesaid Quarter for a distance of 1053.58 feet to the West boundary of that tract conveyed by Forrest Christenson, a single person to Thomas Kronschnabel and Darlene N. Kronschnabel, husband and wife by Warranty Deed dated May 11, 1972 and recorded May 19, 1972 at 2:00 p.m. in Book 402 of Deeds on page 269;

That part of the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4), Section Nineteen (19), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian, described as beginning at the northeast corner of the NE1/4 SE1/4, Section 19 of said township and range; thence West along the North boundary line of the NE1/4 SE1/4, Section 19, said township and range a distance of 66 feet; thence at right angles South a distance of 350 feet; thence at right angles West a distance of 199 feet; thence at right angles South a distance of 970 feet more or less to the South boundary line of said NE1/4 SE1/4; thence East along the South boundary line of said NE1/4 SE1/4 a distance of 265 feet; thence North on the East boundary line of said NE1/4 SE1/4 a distance of 1320 feet more or less to the place of beginning, excepting therefrom that part thereof which lies northerly of a line described as follows:

Commencing at the northeast corner of the NE1/4 SE1/4 of the aforesaid Section 19; thence southerly along the East boundary of said Quarter-Quarter for a distance of 662.00 feet, to the true point of beginning of the line to be described; thence deflecting $122^{\circ}29'58''$ and proceeding northwesterly 314.21 feet more or less to the West boundary

of the tract conveyed to Thomas Kronschnabel and Darlene N. Kronschnabel, husband and wife, by deed dated May 11, 1972, and recorded May 19, 1972, in the office of the County Recorder, Polk County, Minnesota, in Book 402 of Deeds on page 269;

The South Half of the Southwest Quarter (S1/2 SW1/4), Section Twenty (20), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian;

That part of the North Half of the Northwest Quarter (N1/2NW1/4), Section Twenty-nine (29), Township One Hundred Forty-seven (147) North, Range Forty-four (44), West of the Fifth Principal Meridian, described as follows:

Beginning at a point on the North boundary of N1/2 NW1/4 20 rods West from the northeast corner of the NW1/4, Section 29, aforesaid township and range; thence running straight South about 15 rods to the center of the Sand Hill River; thence following the said Sand Hill River in a southerly direction to a point where the South line of the N1/2 NW1/4, Section 29, aforesaid township and range intersects the said Sand Hill River (being about 6 rods from the southeast corner of the N1/2 NW1/4 of said section); thence straight West to the southwest corner of the NW1/4 NW1/4 of said section; thence straight North to the northwest corner of the NW1/4 NW1/4 of said section; thence straight East to the place of beginning.

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

4. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 857 acres in size, and abuts the city by approximately 3% of the area's perimeter, which borders almost the entire boundary of the City of Fertile. The City of Fertile is approximately 278 acres in size.

5. The Town of Garfield has a total area of approximately 22,409 acres. The area proposed for annexation contains half of the Sandhill River in the area along the southern edge of the area proposed for annexation. The land varies from relatively flat to

rolling hills and slopes as you get closer to the Sandhill River. Approximately 199 acres is presently agricultural land. 597 of the acres of the area proposed for annexation are in a wildlife sanctuary.

6. In 1970 the city's population was 955, in 1980 its population was 869, and its present population is 869.

7. In 1970 the town's population was 408, in 1980 its population was 510, and its present population is 510.

8. In the area proposed for annexation the current population is 57.

9. The City of Fertile has approximately 55% of its land in residential use, approximately 15% of its land in institutional use, approximately 30% of its land in commercial use, and approximately 3% of its land in vacant areas.

10. The Town of Garfield has approximately 2% of its land in residential use, approximately 1% of its land in institutional use, approximately 3% of its land in commercial use, and approximately 94% of its land in agricultural use.

11. In the area proposed for annexation there is land in residential use, commercial use, agricultural use, and institutional use as wildlife sanctuary, which is owned by the City of Fertile.

12. The City of Fertile has approximately 10 acres of vacant land, which is not developable so that they presently have no vacant land available for development within the city limits.

13. In the City of Fertile over the past five years, there have been 14 building permits for new structures, and 47 remodeling permits.

14. In the Town of Garfield over the past five years, there have been 20 building permits and 14 remodeling permits.

15. The City of Fertile does not have a formal land-use plan or comprehensive plan.

16. The Town of Garfield has no independent land use or zoning controls.

17. The County of Polk has building controls, however, no land-use documents or controls as to zoning for land use.

18. The City of Fertile hopes to exercise control over the type of development in the area proposed for annexation so that it is more consistent with development already within the city.

19. The City of Fertile provides its residents with police protection, street improvements and maintenance, administrative services, recreational opportunities, health inspection, library, water, sanitary sewer, storm sewer, fire protection, street lights and cable t.v.

20. Presently the city provides some of the area proposed for annexation with water, sanitary sewer, storm sewer, and fire protection through a contract with the township.

21. If the area proposed for annexation is annexed, the city is willing to extend all of the services presently provided to the residents of the City of Fertile to the area proposed for annexation.

22. The Town of Garfield provides the township with fire protection through a contract with the city, street improvements and maintenance, and administrative services.

23. Solid waste is presently collected and disposed of by a private company.

24. The City of Fertile has approximately 8.5 miles of streets.

25. The Town of Garfield has approximately 30.5 miles of roads classified as "maintained" for eight months of the year.

26. In the area proposed for annexation there are no problems existing between the city and the town as agreements have been addressed for the road leading to property surrounded by the wildlife sanctuary.

27. Presently there are environmental problems existing for the city, but these will be corrected as the city has recently been granted money from the EPA/MPCA to install needed waste water treatment facilities. There are no other problems nor are there any anticipated future problems.

28. In 1984 the assessed valuation of the City of Fertile is \$1,949,365.

29. In 1984 the assessed valuation of the Town of Garfield is \$2,463,202.

30. In 1984 the assessed valuation of the area proposed for annexation is \$224,060.

31. The mill rate for Polk County in 1984 is 21.70.

32. The mill levy for the school district which services both the city and the area proposed for annexation is 46.81.

33. The Town of Garfield has a mill levy in 1984 of 11.15. The town has no bonded indebtedness.

34. The City of Fertile in 1984 has a mill levy of 42.31. In 1984 the city has a bonded indebtedness of \$999,000.

35. The insurance rating for the City of Fertile is 8 and for the Town of Garfield is 10.

36. The proposed annexation, if approved, will not impact on the school district, as all of the City of Fertile and the annexation area are within the same school district.

37. The Town of Garfield does not have the ability to provide public sewer and water to the area proposed for annexation.

38. The City of Fertile is the only municipality adjacent to the area proposed for annexation.

39. The annexation is consistent with the joint resolution for orderly annexation between the Town of Garfield and the City of Fertile.

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 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. 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 hereby is annexed to the City of Fertile, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the population of the City of Fertile is increased by 57.

3. IT IS FURTHER ORDERED: That the population of the Town of Garfield is decreased by 57.

4. IT IS FURTHER ORDERED: That the effective date of this order is August 24, 1984.

Dated this 24th day of August, 1984.

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


Terrence A. Merritt
Executive Director