

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

#21390

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Robert A. Gambrino	Ex-Officio Member
Keith H. Maurer	Ex-Officio Member

IN THE MATTER OF THE PROCEEDINGS TAKEN)	
UPON JOINT RESOLUTION OF THE TOWN OF)	
ST. CLOUD AND THE CITY OF ST. CLOUD,)	FINDINGS OF FACT,
MINNESOTA, DESIGNATING AN UNINCORPORATED)	CONCLUSIONS OF LAW
AREA AS IN NEED OF ORDERLY ANNEXATION)	AND ORDER
AND CONFERRING JURISDICTION OVER SAID)	
AREA TO THE MINNESOTA MUNICIPAL COMMISSION))	

A joint resolution of the Town of St. Cloud and of the City of St. Cloud, County of Stearns, State of Minnesota, designating unincorporated areas as in need of orderly annexation, and conferring jurisdiction over annexations in said areas to the Minnesota Municipal Commission was duly filed with the secretary of said Minnesota Municipal Commission on the 3rd day of December, 1969. The Commission of its own motion set the matter for hearing at 10:00 o'clock A.M., on the 16th day of January, 1970, at the City Hall in the City of St. Cloud, Minnesota. The hearing was transferred to the Civic Center in the City of St. Cloud to accommodate the public.

The Commission caused notice of the time and place of said hearing to be given pursuant to law.

Pursuant to said notice, said hearing was convened at the time and place fixed in said notice. All members and ex-officio members of the Commission, excepting Arthur R. Swan, were present throughout said hearing.

The City of St. Cloud appeared by and through Donard J. Kunesh, City Attorney, and Howard I. Donohue, its attorneys; the Town of St. Cloud by and through John B. Pattison, Jr., its attorney; Maurice

O'Link and Pearl O'Link by and through John E. Simonett, their attorney; the Village of Waite Park by and through Alcuin J. Ringsmuth, its mayor; Donald Lemke, Mrs. Victor Dietman, Jack Fischer, William Frantti and Mrs. Richard Corliss, and each of them appeared personally.

Evidence was then and there offered and received in support and in opposition to the annexation of the areas described in the joint resolution, and on such other matters which were properly before the Commission.

After due and careful consideration of all the evidence so offered and received, together with all the records, files and proceedings had and taken herein, and being duly advised in the premises, the Minnesota Municipal Commission now makes and files the following as and for its Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That on December 1, 1969, the City Council of the City of St. Cloud and the board of the Town of St. Cloud duly adopted a joint resolution designating those certain unincorporated areas or parcels of land described in said resolution as follows, to wit:

Those portions of Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows:

Parcel A:

All that portion of Section 2 not within the present corporate limits of the City of St. Cloud.

Parcel B:

All that part of the West $\frac{1}{2}$ of Section 3 and the East $\frac{1}{4}$ of Section 4, lying southerly of the thread of the Sauk River and not presently within the corporate limits of the City of St. Cloud.

Parcel C:

All that part of the SW $\frac{1}{4}$ of Section 4, and the SE $\frac{1}{4}$ of Section 5, lying southerly of the thread of the Sauk River and not presently within the corporate limits of the City of St. Cloud.

Parcel D:

All that part of the SW $\frac{1}{4}$ and of the southerly 100 feet of the NW $\frac{1}{4}$ of Section 8, lying easterly of the thread of the Sauk River and northerly of the southerly right-of-way line of the Great Northern Railway Company.

Parcel E:

All that part of the North $\frac{1}{2}$ of Section 23 not presently within the corporate limits of the City of St. Cloud.

Parcel G:

All those parts of the South $\frac{1}{2}$ of Section 15, the North $\frac{1}{2}$ of Section 22, the NE $\frac{1}{4}$ and E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 21, and the SE $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of Section 16 not presently within the corporate limits of the City of St. Cloud, except the following:

1. The West Half (W $\frac{1}{2}$ of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), excepting the Southerly 264 feet of the Northerly 495 feet of the Westerly 330 feet thereof; and

The Northerly 301 feet of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and that part of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) lying South of a line 301 feet South of the North line of Section 16 and lying West of a line 330 feet West of the East line of said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), excepting the South 165 feet; thereof; and

The East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), and

The North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) lying North of the Northerly Right-of-way line of State T.H. #23 and #52, and

The North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) lying North of the Northerly Right-of-Way line of State T.H. #23 and #52, excepting the Northerly Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and

Those portions of Lots 7, 8 and 9, of Block 1, Garden Acres, and that portion of 37th Avenue

North adjacent thereto and Westerly thereof, according to the plat on file in the office of the Register of Deeds for Stearns County, described as follows: The West Half ($W\frac{1}{2}$) of Lots 7 and 8, except the South 33 feet of the East 106 feet of said West Half ($W\frac{1}{2}$) of Lot 8; the West 190.3 feet of Lot 9; and that part of the West 190.3 feet of Lot 10, lying North of the Northerly Right-of-way lines of State T.H. #23 and #52;

2. That part of the East Half of the Southeast Quarter of the Northeast Quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) and the East Half of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) lying South of the center line of Minnesota Trunk Highway Number 52 as now located and established in Section Sixteen (16);

3. The East 344 feet of the North $\frac{1}{4}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, excepting therefrom the South 28 feet thereof;

4. That part of the Southwest Quarter of the Northeast Quarter and of the Northwest Quarter of the Southeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$) of Section Sixteen (16), described as follows: beginning at a point on the East line of said $SW\frac{1}{4}NE\frac{1}{4}$ 12.50 chains (825.0 feet) South of the Northeast corner thereof; thence running South 12.50 chains (825.0 feet), thence West 20 chains (1320 feet) more or less, to the North-South quarter line of said section, thence North 12.50 chains (825.0 feet) to a point 12.50 chains (825.0 feet) South of the Northwest corner of said $SW\frac{1}{4}NE\frac{1}{4}$, thence East 20 chains (1320 feet), more or less, to the point of beginning, and

The Southerly 28 feet of the Easterly 344 feet and the Westerly 184 feet of the Easterly 528 feet of the North one-quarter of the South one-half of the Southwest one-quarter of the Northeast one-quarter ($N\frac{1}{4}S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$) of Section Sixteen (16), and

Lots 16, 17, 18, 19, 20, 21 and the North Half of Lot 22 and the platted streets contiguous thereto in Garden Acres, according to the plat and survey thereof on file in the office of the Register of Deeds, Stearns County, Minnesota.

as in need of orderly annexation, said joint resolution also conferring jurisdiction over annexations in said areas, and each of them, to the Minnesota Municipal Commission, which joint resolution was filed with the secretary of the Minnesota Municipal Commission

on the 3rd day of December, 1969.

2. That in addition to the above described parcels, the joint resolution described an additional parcel designated as Parcel F, and that Parcel F is not subject to the Findings of Fact, Conclusions of Law, and Order herein contained.

3. That after the filing of said joint resolution the annexation of the areas or parcels described in said resolution and hereinbefore described was initiated by this Commission of its own motion.

4. That due and timely notice of the hearing in said annexation proceedings was given, served and published as required by statute.

5. That the areas or parcels of land, and each of them, described in the joint resolution and herein described, are now, or are about to become, urban or suburban in nature and character, and that each of said areas or parcels of land adjoin the City of St. Cloud.

6. That the areas and parcels of land, and each of them, designated in the joint resolution as Parcels A, B, D, and E are now urban or suburban in character and it is reasonably expected that the full range of municipal services will be available within a three-year period as required and requested. That parcels C and G are about to become urban or suburban in character and it is reasonably expected that the full range of urban services will be available within a five-year period as required and requested.

7. That the Town of St. Cloud has certain property which is required by said town to continue to effectively carry on its governmental functions, and to meet its obligations.

8. That the population of the City of St. Cloud at the time of the last census in 1965 was 37,746, and that the population of the lands described in the joint resolution was 2,278 on January 16, 1970.

9. That the area of the City of St. Cloud is approximately 10.5 square miles, about 6700 acres, and that the area of the lands herein described is approximately 1,473 acres.

10. That the Town of St. Cloud has no bonded indebtedness.

11. That the Town of St. Cloud has property in the area designated as in need of orderly annexation valued at approximately \$6,000.00, and that said property is the Town's investment in a temporary traffic control semaphore.

12. That the assessed value of all real and personal property in that part of the City of St. Cloud lying in Stearns County, and in the Township of St. Cloud for the years 1966 to 1970 was as follows:

	<u>City of St. Cloud</u>	<u>Township of St. Cloud</u>
1966	\$12,585,800.00	\$1,593,042.00
1967	12,933,473.00	2,322,412.00
1968	13,450,324.00	2,503,942.00
1969	13,962,617.00	2,731,121.00
1970	14,861,954.00	2,852,360.00

13. That the past and future probable expansion with respect to population increase and construction of the City of St. Cloud is such that it cannot be accomplished within the existing corporate limits of said city, and that it is necessary in order to provide for such future and probable expansion that the said city annex unincorporated adjoining areas, and that the areas described herein are suitable for such purpose in carrying out such future and probable expansion.

14. That the taxes upon the property in the areas described herein can reasonably be expected to increase, but that the expected increase will be proportional to the expected benefits inuring to said areas as the result of said annexations.

15. That there is a present existing and reasonably anticipated need for the full range of municipal governmental services in the areas and parcels, and each of them, described herein.

16. That the City of St. Cloud is capable of and that it is feasible and practical for it to provide the full range of municipal services to the herein described areas and parcels, and each of them, within a reasonable time.

17. That municipal government and services are required in the areas or parcels of land, and each of them, described herein for the preservation and protection of public health, welfare and safety of said areas or parcels of land, and each of them, and of the inhabitants thereof, and of the City of St. Cloud and of the Town of St. Cloud.

CONCLUSIONS OF LAW

That the Minnesota Municipal Commission for this its Conclusions of Law herein determines:

1. That the Minnesota Municipal Commission duly acquired and now has jurisdiction of the above-entitled proceeding.

2. That the areas or parcels of land, and each of them, described herein each adjoin and abut the City of St. Cloud, and each is so conditioned and so located as to be properly subjected to the municipal government of the City of St. Cloud, Minnesota.

3. That the interests of the City of St. Cloud and the Town of St. Cloud, and the areas or parcels of land, and each of them, herein described, will be best served by the annexation of said areas or parcels of land, and each of them, to the City of St. Cloud.

4. That municipal government and services are required in the areas or parcels of land, and each of them, described herein for the preservation and protection of public health, welfare and safety of said areas or parcels of land, and each of them, and of the

inhabitants thereof, and of the City of St. Cloud and of the Town of St. Cloud.

5. That the Town of St. Cloud is not presently capable of or disposed to furnish the municipal services which the areas or parcels of land, and each of them, requires, that the City of St. Cloud is capable of and it is practicable for it to provide such services presently or when they become necessary, and that the annexation of said areas or parcels of land, and each of them, will not affect the government of the Town of St. Cloud, which will be fully capable of continuing after the annexation.

6. That the mill rate levy for municipal purposes on parcels A, B, D, and E shall be increased in substantially equal proportions over a three-year period to equality with the mill levy on property already within the municipality. That the mill rate levy for municipal purposes on parcels C and G shall be increased in substantially equal proportions over a five-year period to equality with the mill levy on property already within the municipality.

7. That the property and obligations of the town as of this date shall remain the property and obligations of the town.

8. That the Town of St. Cloud shall convey its interest in the herein described temporary traffic control semaphore to the City of St. Cloud. That the City of St. Cloud shall pay to the Town of St. Cloud \$6,000.00 for this interest.

9. The population of the City of St. Cloud shall for all purposes reflect the population of the area herein ordered annexed.

10. An order should be issued by the Municipal Commission ordering the annexation of the areas or parcels of land, and each of them, herein described to the City of St. Cloud.

11. Let an order for such annexation be entered and filed accordingly.

O R D E R

IT IS HEREBY ORDERED: That those certain areas or parcels of land, and each of them, lying in and being a part of the County of Stearns, State of Minnesota, and described as follows, to-wit:

Those portions of Township 124 North, Range 28 West, Stearns County, Minnesota, described as follows:

Parcel A:

All that portion of Section 2 not within the present corporate limits of the City of St. Cloud

Parcel B:

All that part of the West $\frac{1}{2}$ of Section 3 and the East $\frac{1}{4}$ of Section 4, lying southerly of the thread of the Sauk River and not presently within the corporate limits of the City of St. Cloud.

Parcel C:

All that part of the SW $\frac{1}{4}$ of Section 4, and the SE $\frac{1}{4}$ of Section 5, lying southerly of the thread of the Sauk River and not presently within the corporate limits of the City of St. Cloud.

Parcel D:

All that part of the SW $\frac{1}{4}$ and of the southerly 100 feet of the NW $\frac{1}{4}$ of Section 8, lying easterly of the thread of the Sauk River and northerly of the southerly right-of-way line of the Great Northern Railway Company.

Parcel E:

All that part of the North $\frac{1}{2}$ of Section 23, not presently within the corporate limits of the City of St. Cloud.

Parcel G:

All those parts of the South $\frac{1}{2}$ of Section 15, the North $\frac{1}{2}$ of Section 22, the NE $\frac{1}{4}$ and E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 21, and the SE $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ of Section 16 not presently within the corporate limits of the City of St. Cloud, except the following:

1. The West Half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), excepting the Southerly 264 feet of the Northerly 495 feet of the Westerly 330 feet thereof; and

The Northerly 301 feet of the East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), and that part of the East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) lying South of a line 301 feet South of the North line of Section 16 and lying West of a line 330 feet West of the East line of said Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), excepting the South 165 feet thereof; and

The East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), and

The North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) lying North of the Northerly Right-of-Way line of State T.H. #23 and #52, and

The North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) lying North of the Northerly Right-of-Way line of State T.H. #23 and #52, excepting the Northerly Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), and

Those portions of Lots 7, 8, and 9, of Block 1, Garden Acres, and that portion of 37th Avenue North adjacent thereto and westerly thereof, according to the plat on file in the office of the Register of Deeds for Stearns County described as follows: the West Half ($W\frac{1}{2}$) of Lots 7 and 8, except the South 33 feet of the East 106 feet of said West Half ($W\frac{1}{2}$) of Lot 8; the West 190.3 feet of Lot 9; and that part of the West 190.3 feet of Lot 10, lying North of the Northerly Right-of-way lines of State T.H. #23 and #52;

2. That part of the East Half of the Southeast Quarter of the Northeast Quarter ($E\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$) and the East Half of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$) lying South of the Center line of Minnesota Trunk Highway Number 52 as now located and established in Section Sixteen (16);

3. The East 344 feet of the North $\frac{1}{4}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 16, excepting therefrom the South 28 feet thereof;

4. That part of the Southwest Quarter of the Northeast Quarter and of the Northwest Quarter of the Southeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$) of Section Sixteen (16), described as follows: Beginning at a point on the East line of said $SW\frac{1}{4}NE\frac{1}{4}$ 12.50 chains (825.0 feet) South of the Northeast corner thereof; thence running South 12.50 chains (825.0 feet), thence West 20 chains (1320 feet) more or less, to the North-South quarter line of said section, thence North 12.50 chains (825.0 feet) to a point 12.50 chains (825.0 feet) South of the Northwest corner of said $SW\frac{1}{4}NE\frac{1}{4}$, thence East 20 chains (1320 feet), more or less, to the point of beginning, and

The Southerly 28 feet of the Easterly 344 feet and the Westerly 184 feet of the Easterly 528 feet of the North one-quarter of the South one-half of the Southwest one-quarter of the Northeast one-quarter ($N\frac{1}{4}S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$) of Section Sixteen (16) and

Lots 16, 17, 18, 19, 20, 21 and the North Half of Lot 22 and the platted streets contiguous thereto in Garden Acres, according to the plat and survey thereof on file in the office of the Register of Deeds, Stearns County, Minnesota,

be and the same hereby are, and each of them is, annexed to the City of St. Cloud, Minnesota.

IT IS FURTHER ORDERED: That the annexations herein ordered be effective immediately.

IT IS FURTHER ORDERED: That the mill rate levy of the City of St. Cloud on parcels A, B, D and E shall be increased in substantially equal proportions over a three-year period to equality with the mill levy on the property already within the City of St. Cloud, and that the mill levy of the City of St. Cloud on parcels C and G shall be increased in substantially equal proportions over a five-year period to equality with the mill rate levy on the property already within the City of St. Cloud.

IT IS FURTHER ORDERED: That the Town of St. Cloud execute an instrument conveying its interest in the herein described temporary traffic control semaphore to the City of St. Cloud, and that upon delivery of said instrument to said City, said City shall pay the sum of \$6,000.00 to said Town.

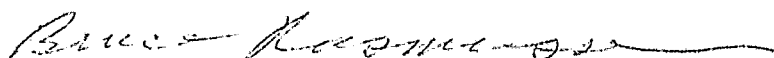
IT IS FURTHER ORDERED: That the property and obligations of the Town of St. Cloud, except for the herein described temporary traffic control semaphore, shall remain the property and obligations of said Town.

IT IS FURTHER ORDERED: That the population of the City of St. Cloud shall be increased by 2,278 persons for all purposes.

That the 1970 census figures shall be amended for all purposes to reflect this increase if the census, as taken, does not comprehend the annexation herein ordered.

Dated this 3rd day of March, 1970

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota 55101



Bruce Rasmussen
Secretary

#21390

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

MAR 4 - 1970



Secretary of State

A-1739 St. Cloud

M E M O R A N D U M

The Commission is herewith ordering annexed to the City of St. Cloud six of seven parcels designated as in need of orderly annexation by the joint resolution of the City and Town of St. Cloud. The evidence was overwhelming that these areas are now or are about to become urban or suburban in character.

Parcel F is not subject to this order. There was some testimony that this area may be better served by annexation to the Village of Waite Park, and the Commission is therefore reserving judgment on this parcel.

All of the property subject to this order is presently benefiting to some extent from the municipal services of the City of St. Cloud. Parcels A, B, D and E are virtually fully urbanized in the sense that they are nearly fully developed, and the evidence showed that it is reasonable to expect that the full range of municipal services will be available to these parcels within three years. Parcels C and G are not as fully urbanized, and the evidence showed that it would be reasonable to expect that the full range of municipal services would be available to these parcels within five years. The differential tax imposed on these parcels reflects these facts.

The Commission has given thoughtful consideration to the circumstances of the O'Link property as presented by able counsel. Such consideration did not convince the Commission that the situation of the O'Link property differed in any relevant way from adjacent properties.

The Town of St. Cloud has property within the area herein ordered annexed valued at approximately \$6000.00, representing the Town's investment in a temporary traffic control semaphore. Upon

delivery to the City of an instrument transferring whatever interest the Town has in this installation, we are ordering the City to pay to the Town the sum of \$6000.00. It is our understanding that the Highway Department will allow the City a credit of this amount at some future date.

The Commission commends the residents and officials of the Town and City for their initiative which has led to new legislation of state-wide significance. We believe a major first step has been taken toward the goal of improved government of the St. Cloud metropolitan area. We urge continued efforts.

#21390