

A-2456(OA)-5 Hutchinson, City of
Acoma, Township of

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Ernie Bullert	Ex-Officio Member
Lawrence Fiecke	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
BETWEEN THE CITY OF HUTCHINSON AND)
ACOMA, LYNN, HASSAN, AND HUTCHINSON)
TOWNSHIPS FOR THE ORDERLY ANNEXATION)
OF CERTAIN LAND TO THE CITY OF HUTCH-)
INSON)

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 May 21, 1976 at Hutchinson, Minnesota. The hearing was conducted by Chairman, Tom Simmons pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Ernie Bullert and Lawrence Fiecke, ex-officio members of the Board. The City of Hutchinson appeared by and through John Keefe and several property owners and town board officials were present. 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. That a joint resolution for orderly annexation was adopted by the City of Hutchinson and the Townships of Acoma, Lynn, Hassan, and Hutchinson and duly filed with the Minnesota Municipal Board.

2. A resolution was filed by one of the signatories to the joint resolution, the City of Hutchinson, on April 20, 1976 requesting annexation of certain properties within the orderly annexation area in Acoma Township. The resolution contained all the information required by statute including a description of the territory subject to annexation

29544

which is as follows: (excepting that part of the area already within Hutchinson mistakenly included in the petition).

All that part of the Southwest Quarter of Section 25 Township 117 North Range 30 West and the North Half of Northwest Quarter of Section 36 T 117 North R 30 West described as beginning at an iron monument in place at the Southwest corner of said Southwest Quarter of Section 25; thence on an assumed bearing of North $1^{\circ} 10' 00''$ East along the line of occupation for a distance of 1727.10 feet to the centerline of McLeod County Highway No. 12; thence on a bearing of South $56^{\circ} 46' 00''$ East along said centerline for a distance of 2016.83 feet; thence on a bearing of South $89^{\circ} 47' 10''$ East along a line of occupation for a distance of 932.20 feet; thence on a bearing of South $1^{\circ} 16' 00''$ West along a line of occupation for a distance of 620.85 feet to an iron monument in place at the southeast corner of said Southwest Quarter; thence on a bearing of North $89^{\circ} 55' 00''$ West along the South line of said Southwest Quarter for a distance of 565.92 feet to the said centerline of McLeod County Highway No. 12; thence on a bearing of South $8^{\circ} 37' 00''$ East along said centerline for a distance of 338.96 feet; thence along tangent centerline curve, radius 2181.89 feet, central angle $19^{\circ} 23'$, an arc distance of 738.14 feet; thence on a bearing of South $28^{\circ} 00' 00''$ East along tangent centerline of said McLeod County Highway No. 12 for a distance of 296.68 feet to a point 16.50 feet North of the South line of said North Half of Northwest Quarter of Section 36; thence on a bearing of South $90^{\circ} 00' 00''$ West parallel with and 16.50 feet distant from the said South line of North Half of Northwest Quarter for a distance of 1531.71 feet; thence on a bearing of North $0^{\circ} 45' 00''$ East for a distance of 1291.73 feet to the said South line of Southwest Quarter of Section 25; thence on a bearing of North $89^{\circ} 55' 00''$ West along said South line of Southwest Quarter for a distance of 994.98 feet to the point of beginning;

Excepting therefrom the following described tracts of land:

That part of the Northwest Quarter of Section 36 Township 117 North Range 30 West described as commencing at the Northeast corner of said Northwest Quarter; thence westerly along the North line of said Northwest Quarter a distance of 1319.22 feet to the point of beginning of the parcel herein described; thence southerly deflecting $88^{\circ} 07'$ left a distance of 279.65 feet; thence Easterly, parallel with said North line, a distance of 805.19 feet to the centerline of County Highway No. 12; thence Northerly along said centerline a distance of 282.74 feet to said North line; thence westerly along said North line a distance of 753.50 feet to the point of beginning.

Also excepting.

That part of the Southwest Quarter of Section 25 Township 117 North Range 30 West described as commencing at the Southwest corner of said Southwest Quarter; thence Easterly along the South line of said Southwest Quarter a distance of 2075.78 feet to the point of beginning of the parcel herein described; thence Easterly along the South line of said Southwest Quarter a distance of 565.92 feet to an iron monument in place at the Southeast corner of said Southwest Quarter; thence on a bearing of North $1^{\circ} 16' 00''$ East a distance of 620.85 feet; thence on a bearing of North $89^{\circ} 47' 10''$ West a distance of 932.20 feet to the centerline of McLeod County Highway No. 12; thence Southeasterly along said centerline to the South line of said Southwest Quarter, the point of beginning.

Also excepting.

That part of the Southwest Quarter of Section 25 Township 117 North Range 30 West described as commencing at the Southwest corner of said Southwest Quarter; thence Easterly along the South line of said Southwest Quarter a distance of 2075.78 feet to the point of beginning of the parcel herein Described: Thence Easterly along the South line of said Southwest Quarter a distance of 565.92 feet to an iron monument in place at the Southeast corner of said Southwest Quarter; thence on a bearing of North 1° 16' 00" East a distance of 620.85 feet; thence on a bearing of North 89° 47' 10" West a distance of 932.20 feet to the centerline of McLeod County Highway No. 12; thence Southeasterly along said centerline to the South line of said Southwest Quarter, the point of beginning.

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Hutchinson.
- b. The total area of the territory subject to annexation is about 30 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is approximately 30 - 40%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: developable property

5. Population Data

- a. The area subject to annexation
 - 1) Past population growth: 0
 - 2) Present population: 0
 - 3) Projected population: Increase as one parcel is developed into ten single family units.

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the state

planning agency. One property owner, a country club, intends to finish an 18 hole golf course, and the other will build ten single family units.

- b. What land use controls are presently being employed.
 - 1) In the City of Hutchinson
 - a) Zoning - Yes
 - b) Subdivision regulations - Unknown
 - c) Housing and building codes - Unknown, except insofar as state law applies
 - d) Other - Unknown
 - c. Does the City require future growth space? Unknown. If so, will the area subject to annexation provide the City of Hutchinson with necessary growth space? Yes, a better recreational facility will be developed as well as more residential units.
 - d. The present pattern of Physical development is:
 - 1) In the City of Hutchinson:
 - a) Residential - Yes
 - b) Industrial - Yes
 - c) Commercial - Yes
 - d) Institutional - Yes
 - 2) In the area subject to annexation:
 - a) Residential - No
 - b) Industrial - No
 - c) Commercial - No
 - d) Institutional - No

7. Governmental Services

- a. Presently, the City of Hutchinson provides its citizens with the following services:
 - 1) Water - Yes
 - 2) Sewer - Yes
 - 3) Fire Protection - Yes
 - 4) Police Protection - Yes
 - 5) Street Improvements - Unknown
 - 6) Street Maintenance - Unknown
 - 7) Recreational - Yes
 - 8) Other - Unknown
- b. Plans to extend municipal services to the area subject to annexation include the following: Hutchinson will immediately provide water, fire, police, and recreation. Sewers, both sanitary and storm, are programmed for future construction.
- c. There are existing or potential pollution problems which are: None

d. That the City of Hutchinson is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next five (5) years.

8. Fiscal Data

- a. In the area subject to annexation, the assessed valuation is \$10,491.00, the mill rate is 3.65.
- b. Will the annexation have any effect upon area school districts?
Unknown

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.
3. The City of Hutchinson is capable of providing the services required by the area described herein within a reasonable time.
4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a five (5) year period.
5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the following described property lying in the Township of Acoma, County of McLeod, State of Minnesota be and the same hereby is annexed to the City of Hutchinson the same as if it had originally been made a part thereof: (excepting that part of the area already within Hutchinson mistakenly included in the petition).

All that part of the Southwest Quarter of Section 25 Township 117 North Range 30 West and the North Half of Northwest Quarter of Section 36 T 117 North R 30 West described as beginning at an iron monument in place at the Southwest corner of said Southwest Quarter of Section 25; thence on an assumed bearing of North 1° 10' 00" East along the line of occupation for a distance of 1727.10 feet to the centerline of McLeod County Highway No. 12; thence on a bearing of South 56° 46' 00" East along said centerline for a distance of 2016.83 feet; thence on a bearing of South 89° 47' 10" East along a line of occupation for a distance of 932.20 feet; thence on a bearing of South 1° 16' 00" West along a line of occupation for a distance of 620.25 feet to an iron monument in place at the Southeast corner of said Southwest Quarter; thence on a bearing of North 89° 55' 00" West along the South line of said Southwest Quarter for a distance of 505.92 feet to the said centerline of McLeod County Highway No. 12;

thence on a bearing of South $8^{\circ} 37' 00''$ East along said centerline for a distance of 338.96 feet; thence along tangent centerline curve, radius 2181.89 feet, central angle $19^{\circ} 23'$, an arc distance of 738.14 feet; thence on a bearing of South $28^{\circ} 00' 00''$ East along tangent centerline of said McLeod County Highway No. 12 for a distance of 296.58 feet to a point 16.50 feet North of the South line of said North Half of Northwest Quarter of Section 36; thence on a bearing of South $90^{\circ} 00' 00''$ West parallel with and 16.50 feet distant from the said South line of North Half of Northwest Quarter for a distance of 1531.71 feet; thence on a bearing of North $0^{\circ} 45' 00''$ East for a distance of 1241.73 feet to the said South line of Southwest Quarter of Section 35; thence on a bearing of North $89^{\circ} 55' 00''$ West along said South line of Southwest Quarter for a distance of 934.98 feet to the point of beginning;

Excepting therefrom the following described tracts of land:

That part of the Northwest Quarter of Section 36 Township 117 North Range 30 West described as commencing at the Northeast corner of said Northwest Quarter; thence westerly along the North line of said Northwest Quarter a distance of 1319.22 feet to the point of beginning of the parcel herein described; thence southerly deflecting $88^{\circ} 07'$ left a distance of 279.65 feet; thence Easterly, parallel with said

North line, a distance of 805.19 feet to the centerline of County Highway No. 12; thence Northerly along said North line; thence a distance of 282.74 feet to said North line; thence westerly along said North line a distance of 753.30 feet to the point of beginning.

Also excepting.

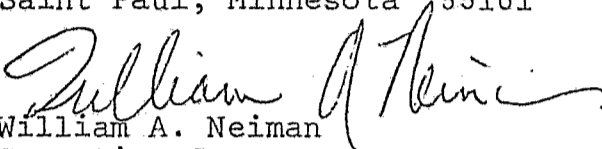
That part of the Southwest Quarter of Section 25 Township 117 North Range 30 West described as commencing at the Southwest corner of said Southwest Quarter; thence Easterly along the South line of said Southwest Quarter a distance of 2075.73 feet to the point of beginning of the parcel herein described; thence Easterly along the South line of said Southwest Quarter a distance of 565.92 feet to an iron monument in place at the Southeast corner of said Southwest Quarter; thence on a bearing of North $1^{\circ} 16' 00''$ East a distance of 620.85 feet; thence on a bearing of North $89^{\circ} 47' 10''$ West a distance of 932.20 feet to the centerline of McLeod County Highway No. 12; thence Southeasterly along said centerline to the South line of said Southwest Quarter, the point of beginning.

IT IS FURTHER ORDERED: That the mill levy of the City of Hutchinson on the property herein ordered annexed shall be increased in substantially equal proportions over a period of five (5) years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the effective date of this order is
June 3, 1976.

Dated this 3rd day of June, 1976

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101


William A. Neiman
Executive Secretary

#29544

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 7 1976

Secretary of State