

An Equal Opportunity Employer



Phone: 296-2428

STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

December 20, 1976

Mr. Mark Winkler
Deputy Secretary of State
State Office Building
Saint Paul, Minnesota

Re: Municipal Board Docket Number A-2955 Perham

Dear Mr. Winkler:

The subject order of the Minnesota Municipal Board makes the following changes in the population of the named units of government:

The population of _____
is increased by NO CHANGES

The population of _____
is decreased by NO CHANGES

A new municipality named _____
has been created with a population of _____

The _____
has been dissolved.

Official date of the Order December 16, 1976

c.c. Mr. Wallace O. Dahl
Director
Tax Research Division
205 Centennial Building

Hazel Reinhardt
State Demographer
101 Capitol Square Building

pd
Patricia D. Lundy
Assistant Executive Secretary

30147 STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 22 1976
John Andrew Mire
Secretary of State

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
A. Hubert Nordgren	Ex-Officio Member
Bert Hovland	Ex-Officio Member

IN THE MATTER OF THE PETITION/)
 RESOLUTION FOR ANNEXATION OF)
 CERTAIN LAND TO THE CITY OF)
 PERHAM)

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 September 20, 1976 at Perham, Minnesota. The hearing was conducted by Thomas J. Simmons, Chairman pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners A. Hubert Nordgren of Henning, Minnesota and Bert Hovland of Pelican Rapids, Minnesota. The City of Perham appeared by and through M.J. Daly, Attorney, and Irvine, Ramstad, Quam and Briggs Law Firm appeared for Perham Township. 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. On May 15, 1976, a copy of a petition for annexation by Bernard O. Palubicki and Richard M. Palubicki, sole property owners, was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

That part of the Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$), Section Twenty-two (22), Township One Hundred Thirty-six (136), Range Thirty-nine (39), Otter Tail County Minnesota, described as follows:

Commencing at the northeast corner of said Section 22, thence on an assumed bearing of South 89 degrees 52 minutes 30 seconds West and on the northerly line thereof for a distance of 75 feet to the point of beginning of tract to be described; thence continuing south 89 degrees 52 minutes 30 seconds West and on the northerly line of said section for a distance of 836.44 feet; thence South no degrees no minutes 05 seconds West and parallel to the easterly line of said section 22 for a distance of 1146.14 feet to the northerly right-of-way line of State Trunk Highway No. 10 as shown by the Plat labelled STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-5 as of public record in the office of the Register of Deeds in and for said Otter Tail County; thence easterly on said right-of-way line for a distance of 720.28 feet to an intersection point in said right-of-way; thence continuing on said right-of-way and on a bearing of North 08 degrees 50 minutes 03 seconds East for a distance of 802.17 feet; thence North no degrees 07 minutes 50 seconds West and on the right-of-way of State Trunk Highway 78 for a distance of 299.49 feet to the point of beginning, containing 20.63 acres, of which 0.63 acres lies within the Township Road, subject to the rights of the public in Township Road over the northerly 33 feet thereof.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Perham Township on July 9, 1976. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

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

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Perham.
- b. The total area of the City of Perham is 1,131.56 acres. The total area of the territory subject to annexation is 20 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: Adjoins.
- d. The natural terrain of the area is open prairie land, no hills or streams or major bluffs.

4. Population Data

- a. The City of Perham has an estimated population of 2,100, the projected population is 2,200.
- b. The area subject to annexation has a present population of none, the projected population is to have a proposed Shopping Center including a Red Owl Store, Hardware Store, Restaurant and Specialty Shop.

5. Development Issues

- a. The City of Perham will construct a water system and place a fire hydrant at the northwest corner of the proposed annexation, also bids have been let for a 500,000 gallon water tower and 2,500 gallon per minute well.
- b. Land use controls presently being employed in the City of Perham are zoning, housing and building codes.
- c. In the area to be annexed, Perham Township has a zoning ordinance, no housing and building codes.
- d. In the City of Perham since 1970 there have been constructed 51 new homes and two apartment buildings with a capacity of 38 apartment units. The area annexed, required for future growth space is a Red Owl Store, Hardware Store, Restaurant and Specialty Shop.
- e. The present pattern of physical development is:
 - 1) In the City of Perham
 - a) Residential
 - b) Commercial
 - 2) In the area subject to annexation:
 - a) Commercial
- f. The effect of the annexation on adjacent communities will be none.

6. Governmental Services

- a. Presently the Township of Perham provides the area subject to annexation with no services except the Township of Perham has a contract with the City of Perham for fire protection, there being no water system in the township, the Perham Fire Department has a pumper and 500 gallon tank and provides fire services for adjoining townships.
- b. Presently, the City of Perham provides its citizens with the following services:
 - 1) Water
 - 2) Sewer
 - 3) Fire Protection
 - 4) Police Protection
 - 5) Street Improvements
 - 6) Street Maintenance
 - 7) Recreational

7. Fiscal Data

- a. In the City of Perham, the assessed valuation trend is as follows:

<u>Mill Rates</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>
City of Perham	15.08	19.70	20.73
Perham Township	6.99	6.63	7.56
County	21.00	21.55	20.89

- b. Perham City bonded indebtedness: \$1,134,000.00
c. School District 549 indebtedness: \$610,000.00
d. County indebtedness: \$315,000.00
e. Bonded indebtedness of area subject to annexation: None
f. Market value of area subject to annexation: \$1,650.00
g. Assessed value of area subject to annexation: \$550.00
h. 1974 real estate tax of area subject to annexation: \$18.64
i. The annexation will have no effect upon school districts.
8. Annexation to the City of Perham is the best alternative for the following reasons:

- a. Governmental services cannot be better provided for by the incorporation of the area subject to annexation.
b. Perham Township cannot provide the services required.
c. Perham Township can continue to function without the area subject to annexation.

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 character.
3. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.
4. The best interest of the City of Perham and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Perham can carry on the functions of government without undue hardship.
6. There is a reasonable relationship between the increase in revenue for the City of Perham and the value of benefits conferred upon the area subject to annexation.

7. 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 property described herein situated in the County of Otter Tail, State of Minnesota, be and the same is hereby annexed to the City of Perham, Minnesota, the same as if it had been originally made a part thereof:

That part of the Northeast Quarter of Northeast Quarter (NE $\frac{1}{4}$ of NE $\frac{1}{4}$), Section Twenty-two (22), Township One Hundred Thirty-six (136), Range Thirty-nine (39), Otter Tail County Minnesota, described as follows:

Commencing at the northeast corner of said Section 22, thence on an assumed bearing of South 89 degrees 52 minutes 30 seconds West and on the northerly line thereof for a distance of 75 feet to the point of beginning of tract to be described; thence continuing south 89 degrees 52 minutes 30 seconds West and on the northerly line of said section for a distance of 836.44 feet; thence South no degrees no minutes 05 seconds West and parallel to the easterly line of said section 22 for a distance of 1146.14 feet to the northerly right-of-way line of State Trunk Highway No. 10 as shown by the Plat labelled STATE HIGHWAY RIGHT OF WAY PLAT NO. 56-5 as of public record in the office of the Register of Deeds in and for said Otter Tail County; thence easterly on said right-of-way line for a distance of 720.28 feet to an intersection point in said right-of-way; thence continuing on said right-of-way and on a bearing of North 08 degrees 50 minutes 03 seconds East for a distance of 802.17 feet; thence North no degrees 07 minutes 50 seconds West and on the right-of-way of State Trunk Highway 78 for a distance of 299.49 feet to the point of beginning, containing 20.63 acres, of which 0.63 acres lies within the Township Road, subject to the rights of the public in Township Road over the northerly 33 feet thereof.

IT IS FURTHER ORDERED: That the effective date of this order is December 16, 1976.

Dated this 16th day of December, 1976

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

William A. Neiman
William A. Neiman
Executive Secretary

#30147
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 22 1976

James Anderson Howe
Secretary of State