

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Norris Hirsch	Ex-Officio Member
Gordon Burkland	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
BETWEEN THE CITY OF BUFFALO AND THE)	
TOWN OF BUFFALO FOR THE ORDERLY ANNEX-)	<u>FINDINGS OF FACT,</u>
ATION OF CERTAIN LAND TO THE CITY OF)	<u>CONCLUSIONS OF LAW,</u>
BUFFALO)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on March 28, 1977 at Buffalo, Minnesota. The hearing was conducted by Commissioner Gerald Isaacs, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Norris Hirsch and Gordon Burkland, ex-officio members of the Board. The City of Buffalo appeared by and through Roger Tesch, City Attorney. Merle E. Walters, a property owner, appeared on his own behalf and Ralph Ordorff represented Buffalo 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. That a joint resolution for orderly annexation was adopted by the City of Buffalo and the Township of Buffalo 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 Buffalo, on December 27, 1976 requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

The North 300 feet of the SW $\frac{1}{4}$ of Section 17, Township 120, Range 25, Wright County, Minnesota, lying east of the center line of Minnesota trunk highway Number 25, and that part of Government Lot 3 of Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows: Commencing at the southwest corner of said Government Lot 3: thence S 89° 15' 24" E, along the South line of said Government Lot 3, a distance of 444.00 feet to the southeasterly right of way line of Minnesota State Highway Number 25 and the actual point of beginning; thence northeasterly, along said right of way line, on a non-tangent curve, concave southeasterly, a distance of 607.66 feet; thence N 41° 34' 30" E, along said right of way line, a distance of 326.38 feet; thence S 38° 13' 33" E, a distance of 777 feet more or less to the shoreline of Lake Pulaski; thence southwesterly, along said shoreline, a distance of 143 feet more or less to the south line of said Government Lot 3; thence N 89° 15' 24" W, along said south line, a distance of 999 feet more or less to the point of beginning, containing 16.2 acres more or less.

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 Buffalo.
- b. The total area of the territory subject to annexation is approximately 16 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 25%, the area proposed for annexation adjoins the City of Buffalo on the north side and Lake Pulaski on the east side.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: the area proposed for annexation abuts Lake Pulaski.

5. Population Data

- a. The area subject to annexation has no population.

6. Development Issues - The City of Buffalo recently purchased 14 acres of the 16 acres proposed for annexation for a park addition. The remaining two acres have been petitioned by the sole property owner.

7. Governmental Services

- a. Presently the City of Buffalo provides the area subject

to annexation with the following services:

- 1) Fire Protection - by contract with the township
- b. Plans to extend municipal services to the area subject to annexation include the following: The city will provide police protection, water, sewer, and garbage collection in the immediate future.
- c. That the City of Buffalo is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next three (3) years.

8. Fiscal Data

- a. In the area subject to annexation, the assessed valuation for the 2 acres is \$360. The 14 acres owned by the City for a park addition will be tax exempt. The mill rate is 2.89 for 1975.
- b. Will the annexation have any effect upon area school districts? No.

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 Buffalo 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 three (3) year period.
5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

IT IS HEREBY ORDERED: That the following described property lying in the Township of Buffalo, County of Wright, State of Minnesota, be and the same hereby is annexed to the City of Buffalo the same as if it had originally been made a part thereof:

The North 300 feet of the SW $\frac{1}{4}$ of Section 17, Township 120,

Range 25, Wright County, Minnesota, lying east of the center line of Minnesota trunk highway Number 25, and that part of Government Lot 3 of Section 17, Township 120, Range 25, Wright County, Minnesota, described as follows: Commencing at the southwest corner of said Government Lot 3; thence S 89° 15' 24" E, along the South line of said Government Lot 3, a distance of 444.00 feet to the southeasterly right of way line of Minnesota State Highway Number 25 and the actual point of beginning; thence northeasterly, along said right of way line, on a non-tangent curve, concave southeasterly, a distance of 607.66 feet; thence N 41° 34' 30" E, along said right of way line, a distance of 326.38 feet; thence S 38° 13' 33" E, a distance of 777 feet more or less to the shoreline of Lake Pulaski; thence southwesterly, along said shoreline, a distance of 143 feet more or less to the south line of said Government Lot 3; thence N 89° 15' 24" W, along said south line, a distance of 999 feet more or less to the point of beginning, containing 16.2 acres, more or less.

IT IS FURTHER ORDERED: That the mill levy of the City of Buffalo on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three (3) years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: Pursuant to M.S. 414.01, Subd. 12, this order is hereby stayed for a period of 30 days.

IT IS FURTHER ORDERED: That the effective date of this order is May 3, 1977.

Dated this 4th day of May, 1977

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

Patricia D. Lundy
 Patricia D. Lundy
 Assistant Executive Secretary

#30503
 STATE OF MINNESOTA
 DEPARTMENT OF STATE
 FILED
 MAY 5 - 1977
Joseph Andrew Howe
 Secretary of State