

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs Chairman
Robert W. Johnson Vice Chairman
Thomas J. Simmons Member
Otto Schalow Ex-Officio Member
Francis Murphy Ex-Officio Member

IN THE MATTER OF THE ORDERLY)
ANNEXATION OF CERTAIN LAND)
TO THE CITY OF BRAINERD)

AMENDED
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 December 29, 1977, at Brainerd, Minnesota. The hearing was conducted by Robert W. Johnson, Vice Chairman, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Otto Schalow and Francis Murphy, ex-officio members of the Board. The City of Brainerd appeared by and through D. A. Larson and Crow Wing Township was represented by Don Crust, Township Clerk. 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 resolution was filed by stipulation of the parties to the orderly annexation proceeding, the City of Brainerd and Crow Wing Township; on May 9, 1977, 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:

All of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 1, Township 44, Range 31, lying Northerly and Westerly of the Easterly and/or Southerly right-of-way for T.H. No. 371 except the part of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Westerly of the Westerly right-of-way for said highway which lies South of the North 528 feet thereof and which lies East of the West five(5) acres of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, and,

All that part of the South 335 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36, Township 45, Range 31, which lies Westerly of the Easterly right-of-way for the Burlington Northern Railroad right-of-way and which lies Easterly of the Westerly right-of-way line for the T. H. No. 371, Crow Wing County, Minnesota.

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 Brainerd.
- b. The total area of the territory subject to annexation is 17.4 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: 85 - 90% bordered by the municipality.

4. Population Data

- a. The City of Brainerd
 - 1) Past population growth: steady growth
 - 2) Present population: in 1974 - 11,667
 - 3) Projected population: continuing growth
- b. The area subject to annexation
 - 1) Past population growth: None
 - 2) Present population: None
 - 3) Projected population: None

5. 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? Region 5 is furnishing data and information for the area.
- b. What land use controls are presently being employed in the City of Brainerd?
 - a) Zoning - Yes
 - b) Subdivision regulations - Yes
 - c) Housing and building codes - Yes
 - d) Other - comprehensive planning

c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Brainerd with necessary growth space? Yes, the area includes some open areas.

d. The present pattern of physical development is:

1) The City of Brainerd is experiencing development of all types.

2) In the area subject to annexation:

a. Residential - No

b. Industrial - No

c. Commercial - Yes

d. Institutional - No

6. Governmental Services

a. Presently, the Township of Crow Wing provides the area subject to annexation with the following services:

1) Water - No

5) Street Improvements - Unknown

2) Sewer - No

6) Street Maintenance - Unknown

3) Fire Protection - Contracts with Brainerd.

7) Recreational - Unknown

4) Police Protection - County sheriff.

b. Presently, the City of Brainerd provides its citizens with the following services:

1) Water - Yes

5) Street Improvements - Yes

2) Sewer - Yes

6) Street Maintenance - Yes

3) Fire Protection - Yes

7) Recreational - Yes

4) Police Protection - Yes

8) Other - Electrical

c. Presently the City of Brainerd provides the area subject to annexation with the following services:

1) Water - No

5) Street Improvements - No

2) Sewer - No

6) Street Maintenance - No

3) Fire Protection - Yes, by contract.

7) Recreational - Unknown

4) Police Protection - No

d. Plans to extend municipal services to the area subject to annexation include the following: all services will be extended within a reasonable time, including water, sanitary sewer, and electrical.

- e. There are existing or potential pollution problems which are: None.
- f. That the City of Brainerd is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next 3 years.

7. Fiscal Data

- a. In the City of Brainerd, the assessed valuation is \$27,227,167, the mill rate is 26.29 and the present bonded indebtedness is \$2,515,000.
- b. In the area subject to annexation, the assessed valuation is \$1,142,843, the mill rate is 10.76 and the present bonded indebtedness is 0.
- c. The mill rates in the following units of government are:
 - 1) County - 23.37
 - 2) School Districts - 47.22
 - 3) Township - 10.76
- d. Will the annexation have any effect upon area school districts? No.

- 8. The City of Brainerd will have increased costs as a result of the proposed annexation. Said costs will be approximately \$8,175 over a ^{three}~~five~~-year period (1978-¹⁹⁸⁰~~1982~~).

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 Brainerd 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 3 year period.
- 5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.
- 6. The proposed annexation will enlarge the existing municipality and result in increased costs to the City of Brainerd.

O R D E R

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

All of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 1, Township 44, Range 31, lying Northerly and Westerly of the Easterly and/or Southerly right-of-way for T.H. No. 371 except the part of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Westerly of the Westerly right-of-way for said highway which lies South of the North 528 feet thereof and which lies East of the West five(5) acres of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, and,

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

IT IS FURTHER ORDERED: That a special levy is hereby ordered by the Municipal Board according to the following formula: the City of Brainerd may increase its levy over and above present levy limitations for three ~~five~~ years in amounts as follows:

1978 - \$425 <u>\$2,725</u>	-1981 - \$2,000
1979 - \$1,775 <u>\$2,725</u>	-1982 - \$2,100
1980 - \$1,875 <u>\$2,725</u>	

Said levy is pursuant to Minnesota Statutes 275.50, Subd. 5, Subd. (s).

IT IS FURTHER ORDERED: That the effective date of this order is December 29, 1977.

Dated this 29th day of December, 1977.

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

William A. Neiman
William A. Neiman
Executive Secretary

Amended Order Dated this 9th day of January, 1978.

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED
JAN 11 1978

Jean Anderson Howe
Secretary of State

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MINNESOTA MUNICIPAL BOARD

William A. Neiman
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Executive Secretary