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STATE OF MINNESOTA
MUNICIPAL BOARD

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

May 19, 1980

Mr. Mark Winkler
Deputy Secretary of State
c/o Donna Scott
State Office Building
Saint Paul, Minnesota

RE: Municipal Board Docket Number A-3320 Buhl

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 City of Buhl
is increased by 5 to 1,396

The population of Town of Great Scott
is decreased by 5 to 333

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

The _____
has been dissolved.

Official date of the Order May 19, 1980, effective May 19, 1980.

C.C. Commissioner
Department of Revenue
c/o Wallace O. Dahl, Director
Tax Research Division
205 Centennial Building

Patricia D. Lundy
Patricia D. Lundy
Assistant Executive Director

R. Thomas Gillaspay, Ph.D.
State Demographer
101 Capitol Square Building

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1980

John Andrew Howe
Secretary of State

32846

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1980

John Andrew Howe
Secretary of State

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Ron Dicklich	Ex-Officio Member
Ed Hoff	Ex-Officio Member

IN THE MATTER OF THE PETITION AND RESOLUTION)
FOR ANNEXATION OF CERTAIN)
LAND TO THE CITY OF BUHL)

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 25, 1978 and continued from time to time at Buhl, Minnesota. The hearings were conducted by the then Chairman, Gerald Isaacs, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Ron Dicklich and Edwin Hoff, ex-officio members of the Board. The City of Buhl appeared by and through Jon Rice, the Township of Great Scott appeared by and through Bruce Rasmussen. 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 March 15, 1978, a resolution of the annexing municipality and a petition of a majority of the property owners were received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described:

Westerly portion: Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$), Section 20, Township 58 North, Range 19 West of the Fourth Principal Meridian North, excepting the East 650 feet thereof.

Easterly portion: Lots One to Thirty-three (1-33) inclusive, State's Addition to Buhl.

Northerly Half of Section Twenty-eight (28), Township Fifty-eight (58) North, Range Nineteen (19) West of the Fourth Principal Meridian. South Half of Southwest Quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$), Section Twenty-one (21), Township Fifty eight (58) North, Range Nineteen (19) West of the Fourth Principal Meridian. South Half of Southeast Quarter (S $\frac{1}{2}$ of SE $\frac{1}{4}$), Section Twenty-one (21), Township Fifty-eight (58) North, Range Nineteen (19) West of the Fourth Principal Meridian. North Half of Southeast Quarter (N $\frac{1}{2}$ of SE $\frac{1}{4}$), Section Twenty-one (21), Township Fifty-eight (58) North Range Nineteen (19) West of the Fourth Principal Meridian. South Half of Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$), Section Twenty-one (21), Township Fifty-eight (58), North Range Nineteen (19) West of the Fourth Principal Meridian. Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), Section Twenty-one (21), Township Fifty-eight (58), North Range Nineteen (19) West of the Fourth Principal Meridian. Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), Section

Twenty-one (21), Township Fifty-eight (58) North, Range Nineteen (19) West of the Fourth Principal Meridian. Southeast Quarter of Southeast Quarter ($SE\frac{1}{4}$ of $SE\frac{1}{4}$), Section Twenty (20), Township Fifty-eight (58) North, Range Nineteen (19) West of the Fourth Principal Meridian. Northwest Quarter of Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$), Section Twenty-one (21), Township Fifty-eight (58) North, Range Nineteen (19) West of the Fourth Principal Meridian. Excepting that part thereof which has been platted as Lots 1-33 inclusive, State's Addition to Buhl. $SW\frac{1}{4}$ of $NW\frac{1}{4}$, Section 21, Township 58 North, Range 19 West of the Fourth Principal Meridian. Excepting that part thereof which has previously been incorporated into the City of Buhl.

2. On July 26, 1979 the Minnesota Municipal Board issued three interim orders allowing for the annexation of the following described property:

Moore Addition: $NW\frac{1}{4}$ of $SE\frac{1}{4}$, Section 20, Township 58 North, Range 19 West of the 4th Principal Meridian North, excepting East 650 feet thereof.

School Forty: $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of Section 21, Township 58 North, Range 19 West of 4th Principal Meridian--excepting that part thereof which has previously been incorporated into the City of Buhl.

State Addition: Lots One to Thirty-three (1-33) inclusive, State Addition to Buhl.

3. On August 16, 1979 the Minnesota Municipal Board made a preliminary decision to decrease the area under consideration, so as to include only that property which is urban or suburban or about to become so. The decreased area is described as follows:

All that property within Township (58) North, Range (19), West of the 4th Principal Meridian described as follows:

In Section 21 - $SE\frac{1}{4}$ of the $NW\frac{1}{4}$, $SW\frac{1}{4}$ of the $NE\frac{1}{4}$, $NE\frac{1}{4}$ of the $SW\frac{1}{4}$, $E\frac{1}{2}$ of $NW\frac{1}{4}$ of the $SW\frac{1}{4}$, $S\frac{1}{2}$ of the $SW\frac{1}{4}$. All that portion of the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$ within the right of way of the Cross Range Highway.

In Section 20 - $SE\frac{1}{4}$ of the $SE\frac{1}{4}$.

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

5. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Buhl.
- b. The total area of the City of Buhl is 1680 acres. The total area of the territory subject to annexation is approximately 730 acres. The decreased area is approximately 270 acres.
- c. The perimeter of the area to be annexed is approximately 20% bordered by the municipality.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: undeveloped rolling land.

6. Population Data

- a. The City of Buhl
 1. Past population growth: 1303 (1970)
 2. Present population: 1391
 3. Projected population: increasing

- b. The area subject to annexation
 - 1. Past population growth: 0
 - 2. Present population: 5
 - 3. Projected population: this projection is difficult to make as much of the land will be used commercially
- c. The present population of Great Scott Township is 338. according to State Planning Agency estimate Spring 1979.

7. Development Issues

- a. The plans for the development of the property proposed for annexation and/or the annexing municipality are primarily commercial, industrial, and residential.
- b. What land use controls are presently being employed.
 - 1. In the City of Buhl
 - a. Zoning: yes
 - b. Subdivision regulations: yes
 - c. Housing and building codes: yes
 - 2. In the area to be annexed:
 - a. Zoning: under County regulation
 - b. Subdivision regulations: no
 - c. Housing and building codes: no
- c. The city does require future growth space. The area subject to annexation will provide the City of Buhl with necessary growth space.
- d. Development of the following types is occurring:
 - 1. In the City of Buhl:
 - a. Residential
 - b. Commercial
 - 2. In the area subject to annexation: presently the area is not being developed because of the uncertainty about the land's future and the availability of City services.
- e. There will be no effect because of the annexation on adjacent communities.

8. Governmental Services

- a. Presently, the Township of Great Scott provides the area subject to annexation with the following services:
 - 1. Water: no
 - 2. Sewer: no
 - 3. Fire Protection: yes
 - 4. Police Protection: yes
 - 5. Street Improvements: no
 - 6. Street Maintenance: yes
 - 7. Recreational: yes
 - 8. Other: garbage collection
- b. Presently, the City of Buhl provides its citizens with the following services:
 - 1. Water: yes
 - 2. Sewer: yes
 - 3. Fire Protection: yes
 - 4. Police Protection: yes
 - 5. Street Improvements: yes
 - 6. Street Maintenance: yes
 - 7. Recreational: yes
 - 8. Other: garbage collection, power, ambulance

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

1. Water: no
2. Sewer: no
3. Fire Protection: "on call"
4. Police Protection: no
5. Street Improvements: no
6. Street Maintenance: no
7. Other: ambulance by mutual aid

d. Plans to extend municipal services to the area subject to annexation include the following: fire and police protection on a full-time basis; street improvements and maintenance as necessary.

9. Fiscal^{RM} Data

a. In the City of Buhl, the assessed valuation trend as of 1978 is up, the mill rate trend as of 1978 is down and the bonded indebtedness as of 1979 is \$160,000; The mill rate payable in 1979 is 84.92.

b. In the area subject to annexation, the mill rate trend as of 1979 is down and the bonded indebtedness as of 1979 is \$0.

c. The mill rate trends in the following units of government are:

1. County: down; mill rate payable 1979 - 52.38.
2. School District: down; mill rate payable 1979 - 46.82.
3. Township: up; mill rate payable 1979 - 18.05.

d. The annexation has no effect upon the area school districts.

Annexation to the City of Buhl is the best alternative.

a. Governmental services could not be better provided for by incorporation of the area subject to annexation.

b. Governmental services could not be better provided for by consolidation or annexation of the area with an adjacent municipality other than Buhl.

c. Great Scott Township could not provide the services required.

d. Great Scott Township can continue to function without the area subject to annexation.

10. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The decreased area for 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 Buhl and the decreased area for annexation.

5. The remainder of the Township of Great Scott 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 Buhl and the value of benefits conferred upon the decreased area for annexation.

7. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

8. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

9. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of St. Louis, State of Minnesota, be and the same is hereby annexed to the City of Buhl, Minnesota, the same as if it had been originally made a part thereof:

All that property within Township (58) North, Range (19), West of the 4th Principal Meridian described as follows:

In Section 21 - SE $\frac{1}{2}$ of the NW $\frac{1}{2}$, SW $\frac{1}{2}$ of the NE $\frac{1}{2}$, NE $\frac{1}{2}$ of the SW $\frac{1}{2}$, E $\frac{1}{2}$ of NW $\frac{1}{2}$ of the SW $\frac{1}{2}$, S $\frac{1}{2}$ of the SW $\frac{1}{2}$. All that portion of the NW $\frac{1}{2}$ of the SE $\frac{1}{2}$ within the right of way of the Cross Range Highway.

In Section 20 - SE $\frac{1}{2}$ of the SE $\frac{1}{2}$.

II. IT IS FURTHER ORDERED: That the population of the City of Buhl has increased by five persons to 1396 persons for all purposes until the next Federal Census.

III. IT IS FURTHER ORDERED: That the population of the Town of Great Scott has decreased by five persons to 333 persons for all purposes until the next Federal Census.

IV. IT IS FURTHER ORDERED: That the effective date of this order is May 19, 1980.

Dated this 19th day of May

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director