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**STATE OF MINNESOTA  
MUNICIPAL BOARD**

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

February 17, 1983

Secretary of State  
c/o Donna Scott  
State Office Building  
Saint Paul, Minnesota

RE: Municipal Board Docket Number A-3777 Fergus Falls

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 Fergus Falls

is increased by No Change

The population of Town of Buse

is decreased by No Change

A new municipality named \_\_\_\_\_

has been created with a population of \_\_\_\_\_

The \_\_\_\_\_

has been dissolved.

Official date of the Order February 17, 1983

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

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

*Patricia D. Lundy*  
Patricia D. Lundy  
Assistant Executive Director

*34400*

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 22 1983

*Andrew Sen*  
Secretary of State

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 22 1983

*William Anderson*  
Secretary of State

*34408*

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Sydney G. Nelson	Ex-Officio Member
A. Hubert Nordgren	Ex-Officio Member

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IN THE MATTER OF THE PETITION AND )  
 RESOLUTION FOR THE ANNEXATION OF )  
 CERTAIN LAND TO THE CITY OF FERGUS )  
 FALLS PURSUANT TO MINNESOTA STATUTES )  
 414 )

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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 March 11th, 1981 at Fergus Falls, Minnesota and was continued from time to time. The hearing was conducted by Thomas J. Simmons, then Chairman, and Robert W. Johnson, Vice Chairman, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Minnesota Municipal Board Member, Kenneth F. Sette, and County Commissioners A. Hubert Nordgren and Sydney G. Nelson, Ex-Officio Members of the Board. The City of Fergus Falls appeared by and through William Briggs, and the Township of Buse appeared by and through Carolyn Sund, Town Clerk, and Gerald Rufer, Attorney at Law. 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

I. On December 8, 1980, a resolution and a petition of the annexing municipality was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This resolution and petition contained all the information required by statute including a description of the property subject to annexation which is as follows:

PARCEL A

All of the North Half (N $\frac{1}{2}$ ) of Section Four (4), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, except that part presently within the Corporate Limits of the City of Fergus Falls; and all of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Four (4), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West except that part South of the North right of way line of T.H. 94 and except that part presently within the Corporate Limits of the City of Fergus Falls; and all of the North Half (N $\frac{1}{2}$ ) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying East of the East right of way line of T.H. 94 and South of the North edge of the Otter Tail River flowage; and all of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, lying Northeast of the Northeast right of way line of

T.H. 94; and all of the North Half of the Northwest Quarter (N $\frac{1}{2}$  of NW $\frac{1}{4}$ ), Section Nine (9), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, lying Northeast of the Northeast right of way line of T.H. 94 except that part presently within the Corporate Limits of the City of Fergus Falls.

PARCEL B

(1) The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section Ten (10), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West.

(2) North Half (N $\frac{1}{2}$ ) Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying West of the West right of way line of the Burlington Northern Railroad, except the following described tracts:

(A) Beginning at the Southwest Corner of the Northwest Quarter (NW $\frac{1}{4}$ ), thence Easterly 680.01 feet along the South line of the Northwest Quarter (NW $\frac{1}{4}$ ); thence North 00 degrees 27 minutes 00 seconds West 650 feet; thence North 89 degrees 34 minutes 25 seconds East 287.9 feet; thence North 00 degrees 33 minutes 00 seconds West 518.45 feet; thence North 84 degrees 44 minutes 14 seconds West 457.37 feet; thence North 3 degrees 51 minutes 55 seconds East 279.33 feet; thence South 89 degrees 55 minutes 55 seconds West, 514.01 feet to the West line of Section 11; thence South along said West line of Section 11 1,495.62 feet to the point of beginning;

(B) Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of said Section 11, thence South 89 degrees 43 minutes 29 seconds East, 56 feet to point of beginning, said point being on East right of way of T.H. 59; thence South 89 degrees 43 minutes 29 seconds East 1,270.51 feet along North line of Said Section 11; thence South 89 degrees 44 minutes 00 seconds West, 963.07 feet, along North line of said Section 11; thence South 6 degrees 45 minutes 47 seconds West, 495.00 feet; thence North 89 degrees 48 minutes 35 seconds West, 2,181.04 feet to East right of way line of T.H. 59; thence Northerly along East right of way line of T.H. 59 495 feet more or less to point of beginning;

(C) Commencing at the Southwest corner of Northeast Quarter of Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ); thence North 0 degrees 21 minutes 58 seconds East, 175.00 feet; thence South 89 degrees 35 minutes 02 seconds East 78.38 feet to point of beginning, said point being on East right of way line of T.H. 59; thence South 89 degrees 35 minutes 02 seconds East, 340.00 feet; thence South 0 degrees 12 minutes 30 seconds East, 175.00 feet to South line of said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ); thence North 89 degrees 35 minutes 07 seconds West 48.28 feet; thence South 165.34 feet; thence South 6 degrees 05 minutes 49 seconds East, 115.40 feet; thence South 7 degrees 17 minutes 06 seconds East, 176.43 feet; thence South 44 degrees 05 minutes 09 seconds West, 108.81 feet; thence North 88 degrees 32 minutes 27 seconds West, 206.58 feet to the East right of way line of T.H. 59; thence Northerly and Westerly along East right of way line of T.H. 59 to point of beginning.

(3) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) of Section Eleven (11) Township One Hundred Thirty-two (132) North Range Forty-three (43) West, lying East of West right of way line of T.H. 59 except the following described tract: Beginning at the Southeast corner of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  of the SW $\frac{1}{4}$ ); thence North 00 degrees 24 minutes 30 seconds West, 878.98 feet; thence South 62 degrees 55 minutes 52 seconds West, 696.03 feet to East right of way line of T.H. 59; thence South 24 degrees 10 minutes 00 seconds East, 615.72 feet along said East right of way line to the South line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  of the SW $\frac{1}{4}$ ); thence Easterly along said South line 370 feet more or less to point of beginning, and T.H. 59 right of way adjacent to the above described tract.

(4) That part of the Southeast Quarter (SE $\frac{1}{4}$ ) and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ ) of Section (11) Township One Hundred Thirty-two(132)N.,Range Forth-three (43) West lying East of the West right of way line of T.H. 59.

(5) That part of the West Half (W. $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$  of the NW $\frac{1}{4}$ ) of Section Twelve (12), Township One Hundred Thirty-two(132)N.,Range Forty-three (43) West, lying South and West of Southwesterly right of way line of Burlington-Northern Railroad

(6) The West One Half (W. $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ ) of Section Thirteen (13) of Township One Hundred Thirty-two(132)N. Range Forty-three (43) West.

(7) That part of the Northeast Quarter (NE $\frac{1}{4}$ ) and the Northeast Quarter of the Southeast (NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ) of Section Fourteen (14) Township One Hundred Thirty-two(132)N.,Range Forty-three (43) West, lying East of the West right of way line of T.H. 59.

PARCEL C

That part of Section Two (2), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, described as follows: All of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) except that part presently within the Corporate Limits of the City of Fergus Falls; and all of the Southeast Quarter (SE $\frac{1}{4}$ ) lying North of the South right of way line of T.H. 210 and West of the East right of way line of the Burlington-Northern Railroad, except that part presently within the Corporate Limits of the City of Fergus Falls; and that part of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) lying West of the East right of way line of the Burlington-Northern Railroad; except that part presently within the Corporate Limits of the City of Fergus Falls.

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

III. The area subject to annexation is unincorporated and 994 acres in size and abuts the City of Fergus Falls by approximately 48% of its border. Parcel A abuts the City by approximately 75% of its border, Parcel B by approximately 12% of its border, and Parcel C by approximately 81% of its border. The City of Fergus Falls is approximately 6,500 acres in size.

IV. The general topography of the area subject to annexation is rolling with wetlands in low areas, with Pebble Lake located in the southeast area and the Ottertail River in the west area.

V. The population of the City of Fergus Falls in the year 1970 was 12,443, the present estimated population is 12,547, and by 1990, the projected population will be 13,700.

VI. In the area proposed for annexation the present estimated population is 55.

VII. The Town of Buse had a population of 485 in 1970, its present estimated population is 581, and it is projected that by the year 1990 its population will be 680.

VIII. The City of Fergus Falls has approximately 4,749 acres in residential use, 350 acres in institutional use, 275 acres in commercial use, 181 acres in residential use, 445 acres in agricultural use, and 500 acres in vacant land.

The City of Fergus Falls presently has the following land being developed: 60 acres for residential use, 20 acres for commercial use, and 20 acres for industrial use.

In the City of Fergus Falls there remains 100 acres for residential use, 100 acres for commercial use, and 200 acres for industrial use.

IX. In Buse Township there is 584 acres in residential use, 261 acres in commercial use, 273 acres in industrial use, 16,766 acres in agricultural use, 475 acres in vacant land, and approximately 603 acres in public land use.

X. In the area proposed for annexation, there are approximately 157 acres in commercial/industrial use, approximately 45 acres in residential use, approximately 90 acres in agricultural use, approximately 99 acres in vacant land or water and approximately 603 acres in public use.

XI. The City of Fergus Falls presently has a zoning ordinance, subdivision regulations, comprehensive plan, official map, capital improvements program, fire code, building inspector, planning commission and shoreland regulations.

XII. The Town of Buse has a zoning ordinance. The township zoning ordinance allows single family residential or agriculture uses. Any other uses of land throughout the area proposed for annexation and the remainder of the township require special-use-permits under the zoning ordinance.

XIII. The County of Ottertail has subdivision regulations, planning commission, and shoreland regulations.

XIV. The City sees expansion of its industrial development into the area denoted as Parcel A. The commercial/industrial use of Parcel C is presently compatible with the adjoining City zoning.

XV. The Town of Buse supplies the area subject to annexation with fire protection through a contract with the City of Fergus Falls.

XVI. The City of Fergus Falls provides its residents with water, sewer, fire protection, police protection, street improvements and maintenance, recreational opportunities, administrative services, refuse collection, airport service and library services.

XVII. The City of Fergus Falls provides the area subject to annexation with water to the fairgrounds, fire protection through a contract with the Township, street improvements and maintenance on City-owned property, airport, library opportunities, and refuse collection.

XVIII. The City of Fergus Falls is serviced by local, county, state and federal roads.

XIX. The area proposed for annexation is serviced by county, state, federal and township roads.

XX. The Highway 210 bypass is presently not on any Minnesota Department of Transportation Work Program or Work Proposal.

The development of the bypass could be accomplished through governmental cooperation between the Township, City, County and the State of Minnesota.

XXI. There is no evidence provided indicating any existing or potential environmental problems relative to the area proposed for annexation. One of the restaurants in Parcel A had closed because of septic system failure.

XXII. The City has indicated a willingness to provide all municipal services to the area proposed for annexation if requested.

XXIII. The City of Fergus Falls tax base includes the following present valuation:

- 1) Residential property assessed in 1980, payable 1981 was established at \$22,826,411.
- 2) Commercial property assessed in 1980, payable 1981 was established at \$13,278,620.
- 3) Industrial property assessed in 1980, payable 1981 was established at \$12,948,387.
- 4) Agricultural property assessed in 1980, payable 1981 was established at \$163,832.
- 5) Vacant land assessed in 1980, payable 1981 was established at \$314,399.

XXIV. The Town of Buse tax base includes the following present valuation:

- 1) Residential property assessed in 1980, payable 1981: \$594,477.
- 2) Commercial property assessed in 1980, payable 1981: \$648,422.
- 3) Industrial property assessed in 1980, payable 1981: \$282,844.
- 4) Agricultural property assessed in 1980, payable 1981: \$2,135,774.
- 5) Vacant land assessed in 1980, payable 1981: \$21,252.

The present assessed valuation of the Town of Buse is \$3,682,769.

XXV. In the area subject to annexation the tax base included the following:

- 1) Residential property assessed in 1980, payable 1981 was established at \$114,390.
- 2) Commercial property assessed in 1980, payable 1981 was established at \$447,155.
- 3) Industrial property assessed in 1980, payable 1981 was established at \$56,638.
- 4) Agricultural property assessed in 1980, payable 1981 was established at \$32,747.
- 5) Vacant land assessed in 1980, payable 1981 was established at \$26,887.

XXVI. The mill levy assessed in 1980, payable 1981 for the City of Fergus Falls is 29.606. At the end of 1980 the City's bonded indebtedness was \$7,621,900.

XXVII. The Township of Buse has a mill rate assessed 1980, payable 1981 of 9.504. At the end of 1980, its bonded indebtedness was 0.

XXVIII. School District for the area proposed for annexation and the City of Fergus Falls had a mill rate of 38.537 in 1980, payable 1981.

The County for 1980, payable 1981, had a levy of 19.378 mills.

XXIX. The City of Fergus Falls has prepared a Fiscal Analysis of the proposed annexation and does not anticipate a tax windfall if the area proposed for annexation is annexed.

XXX. When city streets, sewer and water are extended, the City of Fergus Falls will absorb costs for non-assessable property, as well as street intersections and oversizing.

The City also absorbs those amounts that are deferred for future assessments.

XXXI. The City of Fergus Falls is the only municipality adjacent to the area subject to annexation.

XXXII. There is no evidence that the annexation of the area subject to annexation to the City of Fergus Falls will have any adverse impact on School District #544, which is the only school district in the area.

XXXIII. The area subject to annexation should be decreased to only include that property which is now or is about to become urban or suburban in character. The decreased area to be annexed is described as follows:

That portion of Parcel A described as follows: All of the N $\frac{1}{2}$  of Sections 4 and 5, Township 132N, Range 43W lying north of south edge of Ottertail River Flowage not already within corporate limits.

#### PARCEL C

That part of Section Two (2), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, described as follows: All of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ) except that part presently within the Corporate Limits of the City of Fergus Falls; and all of the Southeast Quarter (SE $\frac{1}{4}$ ) lying North of the South right of way line of T.H. 210 and West of the East right of way line of the Burlington-Northern Railroad, except that part presently within the Corporate Limits of the City of Fergus Falls; and that part of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) lying West of the East right of way line of the Burlington-Northern Railroad; except that part presently within the Corporate Limits of the City of Fergus Falls.

XXXIV. The reduced area proposed for annexation has no population.

XXXV. The reduced area proposed for annexation can be serviced by the City of Fergus Falls.

Presently the City of Fergus Falls is not providing sewer or water to any of the reduced area proposed for annexation.

XXXVI. Annexation of the reduced area proposed for annexation to the City of Fergus Falls will have no significant adverse effect on the Township.

XXXVII. The majority of the property owners in the area to be annexed have not petitioned the Minnesota Municipal Board requesting annexation.

#### CONCLUSIONS OF LAW

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

II. The decreased area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The Municipal government is required to protect the public health, safety, and welfare in the decreased area subject to annexation.

IV. The best interests of the decreased area subject to annexation will be furthered by annexation.

V. The remainder of the Town of Buse can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in values for the City of Fergus Falls and the value of the benefits conferred upon the area subject to annexation.

VII. The City of Fergus Falls is the only city adjacent to the area proposed for annexation and therefore the 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.

VIII. This Minnesota Municipal Board order is subject to an annexation election.

IX. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact XXXIII, herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact XXXIII, herein, situated in the County of Ottertail, State of Minnesota, be and the same is hereby annexed to the City of Fergus Falls, Minnesota, the same as if it had been originally made a part thereof. The petition/resolution for the remainder of the area originally proposed for annexation is denied without prejudice.

II. IT IS FURTHER ORDERED: On April 26, 1983, which is 68 days after the entry date on this order, a public election, to be conducted as provided by law, shall be held in the entire Township of Buse and the entire City of Fergus Falls, which is the area that has been determined by the Minnesota Municipal Board to be primarily and substantially interested in or affected by the Minnesota Municipal Board order. Further, any person eligible to vote at a township or municipal election is eligible to vote at such election. The ballot for said election shall conform substantially to the following:

For Annexation                       Against Annexation

III. IT IS FURTHER ORDERED: That James Nitchals is hereby appointed as Chief Election Judge. Further, a Supplemental Order of the Board shall be issued appointing election judges and naming polling places. The local judges shall conduct the election so far as practicable in accordance with the laws regulating special elections. Further, the referendum shall be conducted as provided for in Minnesota Statutes 414.031, Subdivision 5. The polls shall be open from 7:00 a.m. to 8:00 p.m.



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

V. IT IS FURTHER ORDERED: That the annexation herein be effective April 27, 1983, provided that a majority of the votes are cast "for annexation." The Municipal Board shall upon receipt of the certificate of election results, notify all parties of record of the election results.

VI. IT IS FURTHER ORDERED: That the effective date of this order is February 17, 1983.

Dated this 17th day of February, 1983.

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

*Terrence A. Merritt*  
Terrence A. Merritt  
Executive Director

*2/17/83*