



STATE OF MINNESOTA
MUNICIPAL BOARD

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

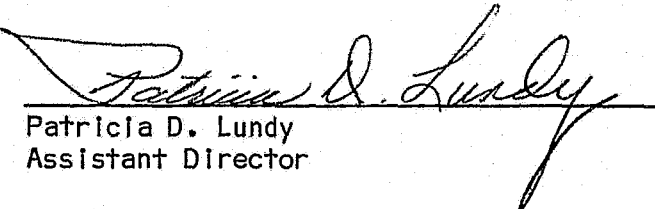
June 25, 1985

Secretary of State
c/o Donna Scott
State Office Building
St. Paul, Minnesota 55155

Re: Municipal Board Docket Number: A-3999 Garrison

The subject order of the Minnesota Municipal Board makes no changes in the population of the City of Garrison.

Official date of the Order is June 25, 1985.


Patricia D. Lundy
Assistant Director

PDL:sg

cc: Commissioner
Department of Revenue
c/o Wallace Dahl, Director
Tax Research Division
205 Centennial Building

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 28 1985
Jean Anderson
Secretary of State

34112
O.D.

A-3999 Garrison

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 28 1985

Jean Anderson Stowe
Secretary of State

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Leo Kostek	Ex-Officio Member
Howard Peterson	Ex-Officio Member

36112

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF GARRISON PURSUANT TO)
MINNESOTA STATUTES 414)

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 July 13, 1983 and October 24, 1984 at Garrison, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were then Vice Chairman, Robert W. Johnson, Kenneth F. Sette, Vice Chairman, and County Commissioners Howard Peterson and Leo Kostek, Ex-Officio Members of the Board. The City of Garrison appeared by and through John Person, the Town of Garrison appeared by and through Thomas Borden, and the petitioner appeared by and through John E. Daubney.

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 April 1, 1983, a copy of the petition for annexation by the sole property owner was filed with the Minnesota Municipal Board. The petition

contained all the information required including a description of the territory subject to annexation which is as follows:

The property proposed for annexation is located in Section Twelve (12), Township Forty-four (44), Range Twenty-eight (28) and in Larson's Plat according to the plat thereof on file and of record in the office of the County Recorder in Crow Wing County and is described as follows:

Lots Seven (7) and Eight (8), Larson's Plat according to the plat thereof on file and of record in the office of the County Recorder in Crow Wing County, Minnesota,

AND ALSO

That part of Government Lot One (1), Section Twelve (12), Township Forty-four (44), Range Twenty-eight (28) described as that strip of land lying between the right-of-way of the former Scenic Highway and the West line of Lot Seven (7), Larson's Plat between the extension of the North and South property lines of Lot Seven (7),

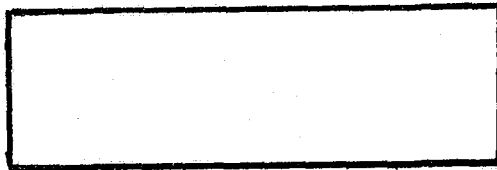
AND

That part of Lot One (1), Section Twelve (12), Township Forty-four (44), Range Twenty-eight (28), described as follows: Commencing at the Northwest corner of said Lot Eight (8), thence in a Northwesterly direction along the northeasterly boundary of said Lot Eight (8), extend to the Southeasterly boundary line of the Scenic Highway, then Southwesterly along the Southeasterly boundary line of said Scenic Highway a distance of 100.13 feet to the point of intersection of the Southwesterly line of said Lot Eight (8) extended, thence Southeasterly along the Southwesterly line of Lot Eight (8) extended to the Southwest corner of said Lot Eight (8), thence Northeasterly along the Northwesterly boundary line of said Lot Eight (8) to the point of beginning,

AND ALSO

That part of Section Twelve (12), Township Forty-four (44), Range Twenty-eight (28), described as follows: Commencing at the Northeast corner of said Lot Eight (8), thence in a Southeasterly direction along the Northeasterly line of said Lot Eight (8) extended to the shoreline of Mille Lacs Lake, thence Southwesterly along the shoreline of Mille Lacs Lake to the point in intersection with the Southwesterly boundary line of said Lot Eight (8) extended, thence Northwesterly along said Southwesterly line extended to the Southeast corner of said Lot Eight (8), thence Northeasterly along the Southeasterly boundary line of said Lot Eight (8) to the point of beginning.

**THE
PRECEDING**



**DOCUMENT(S)
HAVE BEEN
REFILMED
FOR
LEGIBILITY**



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Lots Seven (7) and Eight (8), Larson's Plat according to the plat thereof on file and of record in the office of the County Recorder in Crow Wing County, Minnesota,

AND ALSO

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AND

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AND ALSO

That part of Section Twelve (12), Township Forty-four (44), Range Twenty-eight (28), described as follows: Commencing at the Northeast corner of said Lot Eight (8), thence in a Southeasterly direction along the Northeasterly line of said Lot Eight (8) extended to the shoreline of Mille Lacs Lake, thence Southwesterly along the shoreline of Mille Lacs Lake to the point in intersection with the Southwesterly boundary line of said Lot Eight (8) extended, thence Northwesterly along said Southwesterly line extended to the Southeast corner of said Lot Eight (8), thence Northeasterly along the Southeasterly boundary line of said Lot Eight (8) to the point of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Garrison Township on June 6, 1983. The board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031 as required by M.S. 414.033, Subdivision 5.

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

3. The area subject to annexation is unincorporated, approximately 1.26 acres in size and abuts the City of Garrison by approximately 33% of its total boundary.

4. The area proposed for annexation is immediately adjacent to Mille Lacs Lake, has sandy soils and is elevated approximately 30 feet above Mille Lacs Lake.

5. The City of Garrison had a population of 125 in 1970, a population of 174 in 1980, and its current population is 168.

6. The Town of Garrison had a population of 321 in 1970, a population of 498 in 1980, and its current population is 511.

7. The area proposed for annexation has no population.

8. The City of Garrison has land in use for residential development, commercial development, and institutional use.

9. The area proposed for annexation has two summer cottages on it, one cottage located on each lot. The property owner plans to remove both cabins.

The area is proposed to be part of a condominium project with land already in the City of Garrison.

10. The City of Garrison has a Land Use Plan and Shoreland Management Ordinance adopted in September of 1984. Prior to that time, the city did not have any land use controls or shoreland management controls, although by

statute the city was required to have had a Shoreland Management Ordinance in place prior to that time.

11. The Town of Garrison has no existing plan as its planning is done by the county.

12. The County of Crow Wing has a zoning ordinance and shoreland management ordinance.

This ordinance designates Mille Lacs Lake as a general development lake.

13. The City of Garrison presently does not provide its residents with water, sanitary sewer, storm sewer or police protection.

The City of Garrison does provide its residents with fire protection and street improvements and maintenance.

14. The city is willing to provide the area proposed for annexation with all of the services it presently provides the residents of the City of Garrison if requested by the property owners.

15. The Town of Garrison presently provides the annexation area with fire protection through a contract with the City of Garrison. The town does provide administrative services to the area proposed for annexation. There are no streets or roads, other than Highway 169, in the area proposed for annexation.

16. The assessed valuation of the City of Garrison in 1983 is \$1,062,335. The city's mill levy is 12.219.

17. The Town of Garrison had an assessed valuation for 1983 of \$4,578,975. The town's mill levy is 5.569. The town has no bonded indebtedness.

18. The assessed valuation of the area proposed for annexation for 1983

is approximately \$8,346.

19. The county's mill levy is 23.411. The school district's mill levy for both the city and the area proposed for annexation is 48.264.

20. The City of Garrison has a total bonded indebtedness of \$12,100.

21. The area proposed for annexation is presently served by the same school district as the City of Garrison.

22. The City of Garrison is the only municipality adjacent to the area proposed for annexation.

23. Garrison Township can continue to function without the area proposed for annexation.

24. There are no present plans for any development in the area proposed for annexation that require its inclusion in the City of Garrison.

25. No administrative officers charged with enforcement of the city's new zoning and shoreland management ordinances were initially appointed. The person who eventually took the job at least four months after the ordinances were in effect is a volunteer.

There is no record of any proceedings that have been initiated under the new zoning or shoreland management ordinances within the City of Garrison.

26. The County of Crow Wing has a full-time Zoning and Planning Administrator who oversees the county's Zoning Ordinance and Shoreland Management Ordinance, under whose jurisdiction the area proposed for annexation is presently located.

CONCLUSIONS OF LAW

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

2. The area proposed for annexation is not now nor is about to become

urban or suburban in nature.

3. Municipal government is not required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interests of the area subject to annexation will not be furthered by annexation.

5. The remainder of the Town of Garrison can carry on the functions of government without undue hardship.

6. There is not a reasonable relationship between the increase in values to the City of Garrison and the value of benefits conferred upon the area proposed for annexation.

7. The City of Garrison will offer no municipal services to the area proposed for annexation if it were annexed.

8. An order should be issued by the Minnesota Municipal Board denying the petitioned annexation of the area described herein.

ORDER

1. IT IS HEREBY ORDERED: That the request for the annexation of the property described in Findings of Fact 1 herein, be and the same is hereby denied without prejudice.

2. IT IS FURTHER ORDERED: That the effective date of this order is June 25, 1985.

Dated this 25th day of June, 1985.

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director

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