



**STATE OF MINNESOTA
MUNICIPAL BOARD**

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

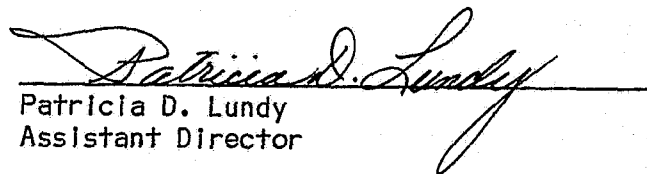
June 27, 1985

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

Re: Municipal Board Docket Number: A-4081 Garrison

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

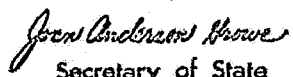
Official date of the Order is June 27, 1985.


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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
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Secretary of State

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O.D.

A-4081 Garrison

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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

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 May 31, 1984 and continued to September 19, 1984 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 was County Commissioner Howard Peterson, Ex-Officio Member of the Board. The City of Garrison appeared by and through John Person, the Town of Garrison appeared by and through Thomas Borden.

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 February 6, 1984, a copy of the petition for annexation by all of the property owners 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:

That part of the Southwest One-quarter of the Southwest One-quarter (SW1/4 SW1/4), Section Twelve (12), Township Forty-four (44), Range Twenty-eight (28) described as commencing where the Westerly line of right-of-way of State Road No. 18 intersects the South line of said property, thence Northwesterly along edge of right-of-way of Highway No. 18 for a distance of 250 feet to a point is a place of beginning, then West parallel with South line of said Southwest One-quarter of Southwest One-quarter (SW1/4 SW1/4) to the West line of said Southwest One-quarter of Southwest One-quarter (SW1/4 SW1/4), then South 225 feet to the South line of said SW1/4 SW1/4, then East on South line of said Southwest One-quarter of Southwest One-quarter (SW1/4 SW1/4) to the Westerly line of right-of-way of Highway No. 18, thence North and Westerly along the West line of said State Highway No. 18 to the place of beginning.

and

The Westerly 365 feet (measured parallel with the South line of that part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Twelve (12), Township Forty-four (44) North, Range Twenty-eight (28) West, Crow Wing County, Minnesota, described as follows: Commencing at the point where the South line of said SW1/4 SW1/4 intersects the Westerly right-of-way line for State Highway No. 18; thence North 22 degrees 46 minutes 36 seconds West 250 feet along said right-of-way line to the point of beginning; thence North 89 degrees 01 minutes 16 seconds West 1079.78 feet, parallel with the South line of said SW1/4 SW1/4 to the West line of said SW1/4 SW1/4; thence North 6 degrees 26 minutes 18 seconds East 200 feet along said West line; thence South 89 degrees 01 minutes 16 seconds East 973.13 feet to the Westerly right-of-way line for State Highway No. 18; thence South 22 degrees 46 minutes 36 seconds East 217.52 feet along said right-of-way line to the point of beginning.

and

That part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Twelve (12), Township Forty-four (44) North, Range Twenty-eight (28) West, Crow Wing County, Minnesota, described as follows: Commencing at the point where the South line of said SW1/4 SW1/4 intersects the Westerly right-of-way line for State Highway No. 18; thence North 22 degrees 46 minutes 36 seconds West 250 feet along said right-of-way line to the point of beginning; thence North 89 degrees 01 minutes 16 seconds West 1079.78 feet, parallel with the South line of said SW1/4 SW1/4 to the West line of said SW1/4 SW1/4; thence North 6 degrees 26 minutes 18 seconds East 200 feet along said West line; thence South 89 degrees 01 minutes 16 seconds East 973.13 feet to the Westerly right-of-way line for State Highway No. 18; thence South 22 degrees 46 minutes 36 seconds East 217.52 feet along said right-of-way line to the point of beginning. Except the Westerly 365 feet thereof (measured parallel with the South line).

An objection to the proposed annexation was received by the Minnesota Municipal Board from Garrison Township on March 27, 1984. 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 11 acres in size and abuts the City of Garrison by approximately 35% of its total boundary.

4. The area proposed for annexation is not within 1,000 feet of any lakes. The middle portion of the area proposed for annexation is swampy in nature and unsuitable for development, and the east and west portions of the annexation area are sandy and generally level and low.

5. The City of Garrison had a population of 125 in 1970, a

population of 174 in 1980, and its current population is 159.

6. The Town of Garrison had a population of 321 in 1970, a population of 498 in 1980, and its current population is 540.

7. The area proposed for annexation has a population of at least one.

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

9. The area proposed for annexation has a single-family residence on it, a beauty shop, and a plumbing and mail order office on the northern portion of the area proposed for annexation. The southern half of the area proposed for annexation is vacant.

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.

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 and road maintenance. The town does provide administrative services to the area proposed for annexation. The road on the southern boundary of the area proposed for annexation is a road which has its jurisdiction shared between the city and the town. The Town of Garrison provides all of the maintenance for that road.

16. The assessed valuation of the City of Garrison in 1983 is \$1,062,335.

17. The Town of Garrison had an assessed valuation for 1983 of \$4,578,975. The town has no bonded indebtedness.

18. The assessed valuation of the area proposed for annexation for 1983 is approximately \$2,488.

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. The property owner of the northernmost parcel in the annexation area is considering the construction of a two-story building to expand his mail order business. The construction would not receive any municipal services if the property were annexed.

The property owner of the southern portion of the area proposed for annexation does not have any plans for development of his land.

25. No administrative officers charged with enforcement of the city's new zoning and shoreland management ordinances were initially appointed by the city. 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. The area proposed for annexation is presently located under the county's planning and zoning jurisdiction.

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 or is not 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 even if the proposed annexation was approved.

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 was annexed that it is not already receiving from the township.

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 27, 1985.

Dated this 27th day of June, 1985.

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

Terrence A. Merritt
Terrence A. Merritt
Executive Director

#36117
O.D.

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