

#21066

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
Virgil Olson	Ex-Officio Member
Alf Pederson	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR THE ANNEXATION OF CERTAIN LAND TO THE CITY OF WILLMAR)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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The above entitled matter came on for hearing on the 3rd day of September, 1969 at the City of Willmar, Minnesota, upon petition of a majority of land owners for the annexation of certain lands to the City of Willmar. Messrs. Robert W. Johnson, Robert J. Ford, Virgil Olson and Alf Pederson attended the hearing, and the City of Willmar was represented by Ronald C. Anderson, its City Attorney, and the Town of Willmar was represented by its attorney, Henry W. Schmidt.

The Commission, having duly considered the testimony of the witnesses; the exhibits received in evidence and upon all the files and records herein, and being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

I.

That due, timely and adequate notice of the hearing herein was properly posted, published, served and mailed.

II.

That a majority of the land owners of the land to be annexed executed the petition for annexation.

III.

That the area to be annexed is unplatted and is primarily agricultural land; that there is one farm residence located in the

area to be annexed; that the area to be annexed abuts the City of Willmar and is not included in any other municipality.

IV.

That the population of the City of Willmar as of the year 1960 was 10,480, and that the present population of the City of Willmar is approximately 12,000 and the population of the area to be annexed is 2.

V.

The area to be annexed contains no industry or commercial property, and is about to become urban or suburban in character.

VI.

That the City of Willmar has water and sanitary sewer pipe lines in the area to be annexed suitable to provide such services as they become necessary.

VII.

That the assessed valuation of the City of Willmar in 1969 is \$6,765,638.00, and of the area to be annexed, \$5,391.00.

VIII.

That the real estate taxes in the area to be annexed can reasonably be expected to increase but the increase will be proportional to the expected benefit inuring to the annexed territory as the result of the annexation.

IX.

That the City of Willmar has a modern, well equipped police department of adequate size that will be able to serve the area to be annexed, while the Town of Willmar does not have a police department and the area to be annexed now receives its police protection from the Kandiyohi County Sheriff's office.

X.

That the City of Willmar has a modern, well equipped fire department which will be able to serve the area to be annexed. That said area is presently protected by the fire department of the City of Willmar on the basis of a contract between the City of Willmar and the Town of Willmar.

XI.

That the City of Willmar has adopted a zoning ordinance, and has adopted comprehensive plans for the development of the area surrounding the City of Willmar, which includes the area to be annexed herein.

XII.

That the Town of Willmar provides no governmental service for sanitary sewer or water in the area to be annexed, and said township offered no evidence to indicate that it is planning said services in the future for said area.

XIII.

That the area of the City of Willmar is much larger than the area of the territory to be annexed.

XIV.

That the City of Willmar has expanded with respect to population and construction and will continue to do so, and space is needed to accommodate that expansion.

XV.

That the township form of government is inadequate to cope with the problems of urban and suburban growth in the area to be annexed.

XVI.

That the annexation herein ordered will not materially affect the ability of the Township of Willmar to function as a governmental

unit.

XVII

That the area to be annexed is suited for residential dwellings and a mobile trailer court.

CONCLUSIONS OF LAW

1.

The Minnesota Municipal Commission duly acquired, and now has jurisdiction of the within proceedings.

2.

The area to be annexed is now or is about to become urban or suburban in character.

3.

The area to be annexed is so conditioned and so located as to be properly subjected to municipal government by the City of Willmar.

4.

Annexation by the City of Willmar would be in the best interests of the area affected and the City of Willmar.

5.

Municipal government of the area to be annexed herein is necessary and is required to protect public health, safety and welfare and to provide necessary governmental services.

6.

That the majority of owners of the land to be annexed initiated the petition for annexation thereof.

An Order should be issued by the Minnesota Municipal Commission annexing to the City of Willmar, the real estate located in the Town of Willmar, Kandiyohi County, Minnesota described herein.

O R D E R

IT IS ORDERED, That the following described real estate in the Town of Willmar, Kandiyohi County, Minnesota, be, and the same hereby is, annexed to the City of Willmar, Minnesota, the same as if it had originally been made a part thereof:

All of Section 9, Township 119 North, Range 35 West except the following described portions:

- 1) The Northeast Quarter of the Northwest Quarter of Section 9, Township 119 North, Range 35 West, and Government Lot 6 of Section 9, Township 119 North, Range 35 West.
- 2) That part of Lot 2 of Section 9, Township 119, Range 35 West, more particularly described as follows: Commencing at the point where the North boundary line of said Lot 2 intersects the shore of Foot Lake; thence West along said boundary line 6.50 chains to the Northwest corner of said Lot 2; thence South on the section line between Section 8 and 9, 13.73 chains; thence North 45° East 9 chains to the shore of said Foot Lake; thence in a Northerly course and following the shore of said lake to the place of beginning.
- 3) All that part of Government Lot 2, Section 9, Township 119 North, Range 35 West in the Southeast Quarter of the Southwest Quarter of Section 9.
- 4) Government Lot 1, Section 9, Township 119 North, Range 35 West.

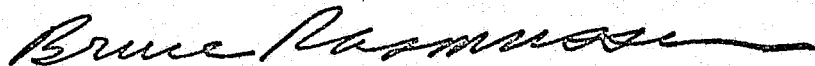
and also the North Half of the Southeast Quarter of Section 8, Township 119 North, Range 35 West, all in Kandiyohi County.

The ad valorem real estate taxes levied in 1968 by the Township of Willmar on the property herein ordered annexed which are due and payable as of the date of this Order shall be the property of the City of Willmar, but such taxes levied for the retirement of the bonded indebtedness of the township shall be paid to the township until such time as the same is paid. All other property and

obligations of the township shall remain the property and obligations of said township. However, all real estate taxes on the property herein ordered annexed which are delinquent prior to the date of this order shall be payable to the township.

Dated this 28 day of October, 1969

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota 55101

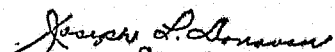


Bruce Rasmussen
Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 29 1969



Secretary of State