

*Sec. of State -*

A-1848 Waverly

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Walter Barfnecht	Ex-Officio Member
Henry Berg	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR )  
THE ANNEXATION OF CERTAIN LAND TO )  
THE VILLAGE OF WAVERLY )  
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FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER  
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The petition for annexation of the following described real estate in Wright County, Minnesota, more particularly described as follows:

The South Half of Northwest Quarter (S $\frac{1}{2}$  of NW $\frac{1}{4}$ )  
Section Four (4), Township One Hundred Eighteen  
(118), Range Twenty-Six (26), Wright County,  
Minnesota

by the owner of the above-described real estate, to annex and include the same within the Village of Waverly, came on for hearing before the Municipal Commission at the Knights of Columbus Building in the Village of Waverly on the 24th day of November, 1970. Robert W. Johnson, Chairman, Arthur R. Swan, Vice Chairman, and Robert J. Ford, Commission Member, attended the hearing with Wright County Commissioners, Walter Barfnecht and William H. Berg.

The petitioning property owner was represented by Harold J. Dahl and Philip R. Perkins, Attorneys at Law. The Town of Woodland was represented by David Huber, Attorney at Law.

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

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#### FINDINGS OF FACT

1. That due, timely and adequate legal notice of the petition and the hearing herein, was posted, published, served and filed, and the hearing scheduled for October 14, 1970, was properly continued until November 24, 1970.

2. That the petitioners for annexation, Mark L. Graham and Marjorie Q. Graham, are the sole owners of the property proposed for annexation consisting of approximately eighty acres.

3. That the Village of Waverly approves of the annexation and can provide the necessary facilities required by the annexation.

4. The 1970 population of the area to be annexed is no permanent residents, compared to 576 residents for the Village of Waverly, Minnesota, and 893 residents for the Town of Woodland, Minnesota.

5. The area to be annexed is approximately 80 acres as compared to approximately 170 acres in the Village of Waverly, Minnesota.

6. The assessed valuation of the area to be annexed is \$1,692.00, as to real estate only, representing 0.28 percent of the total valuation of the Town of Woodland with assessed valuation of \$586,792.00, compared to the assessed valuation of the Village of Waverly of \$168,413.00.

7. The Village of Waverly has expanded as a commercial and residential community with the population of the Village of Waverly increasing from 574 in 1960 to 576 in 1970. The village lacks vacant space for the orderly development of residential, commercial and industrial sites. The plan for the future development of the Village of Waverly, Minnesota indicates a need for expansion into the annexed area to best facilitate a residential, commercial and industrial growth area, and to control and contain pollution, and to protect the health, safety

and welfare of the village.

8. Vacant space for expansion of the Village of Waverly is primarily available on the south side of the village which indicates the direction of expansion.

9. The taxes will increase in the area to be annexed, but will be proportional and bear a favorable relationship to the benefits received, because city utility services, improved police and fire protection, improved street maintenance, reduction of insurance rates and other benefits of city service will be provided, whereas such services provided in the past were by county or individual contract, or were not available.

10. The health and welfare of the area to be annexed shows a need for such governmental services as village water, sewage disposal, zoning and building codes, and police and fire protection.

11. The Village of Waverly will have available to the area to be annexed adequate water and sewer facilities. Village zoning and building codes and police and fire protection will be available immediately. Commercial, residential and industrial sites will be available as soon as a development plan program can be obtained.

12. The Town of Woodland will not have its ability to function impaired by this annexation either from loss of tax revenue or loss of assessed valuation.

13. The Town of Woodland has not provided or offered to provide any governmental services to the area to be annexed. The Town does not have zoning or building codes, nor does it provide sewage or water service. The Wright County Highway Department maintains roads in the area. The Wright County Sheriff's Office provides police protection, and the Village of Waverly provides fire protection through private contracts.

CONCLUSIONS OF LAW

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

2. The area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the Village of Waverly, Minnesota.

3. The annexation of the area involved by the Village of Waverly would be in the best interest of the area affected and the Village.

4. 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.

5. The town form of government has not adequately coped with the existing and anticipated problems of the urbanization of the area to be annexed.

6. The Village of Waverly can feasibly and practicably provide for and best serve the need for governmental services presently existing and as they become necessary in the future of the area to be annexed.

7. An Order should be issued by the Minnesota Municipal Commission annexing to the Village of Waverly, Minnesota, the real estate located in Wright County, Minnesota described as follows:

The South Half of Northwest Quarter (S $\frac{1}{2}$  of NW $\frac{1}{4}$ )  
Section Four (4), Township One Hundred Eighteen  
(118), Range Twenty-Six (26), Wright County,  
Minnesota.

O R D E R

IT IS HEREBY ORDERED: That the following described real estate in Wright County, Minnesota, be and the same is hereby annexed to the Village

of Waverly, Minnesota, the same as if it had originally been made a part thereof:

The South Half of Northwest Quarter (S $\frac{1}{2}$  of NW $\frac{1}{4}$ )  
Section Four (4), Township One Hundred Eighteen  
(118), Range Twenty-Six (26), Wright County,  
Minnesota.

Dated this 25th day of January, 1971

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

*Bruce Rasmussen*

Bruce Rasmussen  
Executive Secretary

# 22098  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JAN 28 1971  
*Arlen J. Edsall*  
Secretary of State

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