

22749

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

IN THE MATTER OF THE PETITION FOR
THE ANNEXATION OF CERTAIN LAND TO
THE VILLAGE OF MONTROSE }

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

A petition by certain freeholders for the annexation of certain lands to the Village of Montrose, Wright County, Minnesota, having heretofore been filed with the Municipal Commission of the State of Minnesota, and the Town of Woodland, Wright County, having interposed its Objection to such proposed annexation, a hearing pursuant to law on said proposed annexation was duly held before said Municipal Commission at the Village Hall in the Village of Montrose on the 25th day of June, 1971. Members of the commission present for said hearing were Robert W. Johnson, Chairman, Robert J. Ford, Commission Member, and Walter Barfnecht and Henry Berg, Wright County Commissioners. Arthur R. Swan of the Commission was not present.

The petitioning property owners were represented by Allan W. Lamkin, Attorney at Law, Waconia, Minnesota, and the Town of Woodland by David P. Hubert, Attorney at Law, Waconia, Minnesota.

The Commission, having duly considered the testimony presented at said hearing, exhibits received in evidence, and the files, pleadings and records herein, and being fully advised in the premises, makes and enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. That due and legal notice of the commission hearing was published, served and filed and that said hearing was held on June 25, 1971 in the

Village of Montrose.

2. That the property which is the subject of the proposed annexation abuts the Village of Montrose, contains approximately 80 acres, and is described as follows:

The South Half of the Northeast Quarter of Section 2, Township 118, Range 26 West, except therefrom: All that part thereof included within and bounded as follows: Begin at a point 33 feet West of the East quarter corner of said Section 2; thence West along said quarter line a distance of 150 feet; thence North at right angles to said quarter line a distance of 100 feet; thence East and parallel with said quarter line 150 feet; thence at right angles South 100 feet to beginning, and subject to easement granted to Northern States Power Company of record in Book "S" of Miscellaneous on Page 278 in the office of the Register of Deeds of Wright County, Minnesota.

3. That the owners of said property are the petitioners Ferdinand Mielke and Florence Mielke, husband and wife, but the property is subject to a purchase agreement running in favor of certain proposed developers.

4. That the proposed area to be annexed is approximately 80 acres as compared to approximately 640 acres in the Village of Montrose.

5. That the population of the Village of Montrose was 360 in 1960 and 375 in 1970.

6. That the 1971 Mill rate for the Town of Woodland is 31.60 and for the Village of Montrose is 64.60.

7. That the 1970 assessed valuation of the Town of Woodland was \$586,792.00 and of the Village of Montrose \$110,000.00.

8. That the present use of the property is primarily agricultural.

9. That the proposed use of a portion of the property is for the construction of a mobile home trailer court.

10. That the proposed developers also have a purchase agreement on 25 acres of land located within the village limits of Montrose on which

approximately 120 mobile homes can be placed.

11. That the entire 80 acres would not be needed for the proposed mobile homescourt, but that only 30 acres would be for such use and that there are presently no other plans for the remaining 50 acres.

12. That the Village of Montrose does not presently lack sufficient vacant space for the orderly development of residential and commercial sites and that there are presently large areas of open, undeveloped land within the Village limits suited for further development.

13. That the plan of development of the Village of Montrose and the present pattern or direction of urbanization in Montrose does not indicate a need for expansion into the proposed annexation area.

14. That there is presently a new 225 unit mobile home park under construction in the Village of Watertown approximately 9 miles South of Montrose, and that there is another trailer court presently located just West of the Village of Montrose and that there has not been demonstrated a demand for another mobile home park in Montrose.

15. That if a new mobile home park were added to the Village of Montrose there would be need for the village to add additional facilities to the village stabilization ponds which are presently located in Woodland Township.

16. That the Village of Montrose does not have a zoning ordinance, comprehensive plan, or planning commission, but that it does have a Mobile Home Park Ordinance.

17. That the Village Council of the Village of Montrose has not given final approval to the proposed mobile home park.

18. That at present annexation is not required to protect the public health, safety and welfare of the area proposed for annexation.

CONCLUSIONS OF LAW

1. That the Minnesota Municipal Commission duly acquired, and now has, jurisdiction of this annexation proceeding.
2. That there is presently ample vacant areas within the present limits of the Village of Montrose for residential or commercial development.
3. That there has not been shown sufficient demand or need for additional area to be annexed to the Village of Montrose under present conditions to support the proposed use of the area.
4. That it has not been shown that the proposed use of the area involved would be in the best interests of the Village of Montrose.
5. That the Municipal Government of the area involved is not necessary or required to protect public health, safety, or welfare, and that the Town of Woodland can adequately provide present public services required for the area.
6. That an order should be issued by the Minnesota Municipal Commission denying the proposed annexation of that certain real estate as described in the Findings of Fact, Number 2, herein to the Village of Montrose, Wright County, State of Minnesota.

O R D E R

IT IS HEREBY ORDERED: That the proposed annexation of the land described in Findings of Fact Number 2 herein to the Village of Montrose, Wright County, State of Minnesota, be and the same is hereby DENIED.

Dated this 6 day of August, 1971

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

22749
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

AUG 9 - 1971

Arlen J. Edvall
Secretary of State