

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Harold J. Dahl
Robert J. Ford
George Cavers
Raymond Worden

Chairman
Vice Chairman
Member
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION AND
RESOLUTION FOR THE ANNEXATION OF
CERTAIN LAND TO THE CITY OF
FAIRMONT

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

This proceeding under Minnesota Statutes 1969, Section 434.031 as amended, for the annexation to the City of Fairmont, Minnesota, of certain property located in the Town of Fairmont, Martin County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission in the Fairmont City Council Chambers, in the City of Fairmont, Minnesota, on the 6th day of July, 1972.

Robert W. Johnson, Chairman of the Minnesota Municipal Commission presided at the hearing. Also in attendance and sitting were Ex-Officio Members George Cavers and Raymond Worden, Martin County Commissioners.

The petitioners were represented by Thomas H. Dougherty of the firm of Dougherty & Scott, Fairmont, Minnesota.

No one appeared in opposition to the petition.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence and all other evidence, the arguments of counsel, and the files and records herein, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was published, served and filed.
2. The area proposed for annexation, more particularly described

24435

herein, contains approximately 2.51 acres, more or less. The area is located immediately South of the South limits of the present City of Fairmont and is located in the most Northerly section of the Township of Fairmont.

3. The area proposed for annexation contains no residences and no commercial buildings. It is adjacent to a Interlaken Golf Club on the East and a 10 acre tract of land adjacent to Mud Lake on the West and to a public highway within the limits of the City of Fairmont on the North.

4. The population of the area proposed for annexation is none as compared to approximately 10,751 persons in the City of Fairmont.

5. The Town of Fairmont in which the area proposed for annexation is situated, operates no sanitary sewer or water facilities, and the condition of the soil is such that it is not porous and in fact is hard pan, which would cause an overflow of any constructed private sewage system into adjacent Mud Lake.

6. The City of Fairmont which borders on the area proposed for annexation, has sanitary sewer and water facilities adjacent to said area.

7. The expected increase in property taxes if the annexation is granted, will be proportionate to the benefits which will inure to the area by reason of such annexation.

8. The area proposed for annexation is suburban in character and because of its proximity to other residential areas in the City of Fairmont is about to become urban in character.

9. Annexation to the City of Fairmont would better serve the interests of the area proposed for annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has

jurisdiction on this annexation proceeding.

2. The area proposed for annexation is so conditioned and so located as to be properly subject to the municipal government of the City of Fairmont.

3. The township form of government is not adequate to cope with the problems of the area proposed for annexation.

4. There is no need for the continuance of any township government within the area proposed for annexation.

5. Municipal government by the City of Fairmont in the area proposed for annexation is necessary and required to protect the public health, safety and welfare and to provide proper needed governmental services.

6. The City of Fairmont is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area proposed for annexation.

7. The proposed annexation to the City of Fairmont will not materially affect the capability of the Town of Fairmont to continue its normal operation.

8. The annexation of the area to the City of Fairmont would be in the best interest of the city and of the area affected.

9. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Fairmont the real estate located in Martin County, Minnesota and described herein.

ORDER

IT IS HEREBY ORDERED: That the real estate situated in the County of Martin, State of Minnesota, described as follows be and the same is hereby annexed to the City of Fairmont, Minnesota, the same as if

it had been originally made a part thereof:

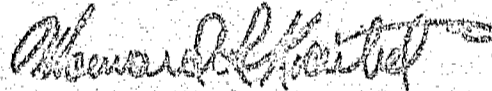
A parcel of land in Government Lot Five (5), Section Thirty-one (31) Township One Hundred Two (102) North, Range Thirty (30) West of the Fifth Principal Meridian in Martin County, Minnesota, more particularly described as follows:

Commencing at the Northeast corner of Government Lot 5, also the same as the NE corner of said Section 31, thence West on the North line of said Government Lot 5, a distance of 358.84 feet to the point of beginning of the tract to be described; thence South 20 degrees 14 minutes 04 seconds West a distance of 605.18 feet; thence West a distance of 85.25 feet to a point on the East line of the West 10 acres of the North 20 acres of said Government Lot Five (5); thence North 0 degrees 38 minutes 10 seconds West a distance of 568.42 feet along said East line to a point on the North line of said Government Lot Five (5); thence East along said North line a distance of 299.21 feet to the point of beginning.

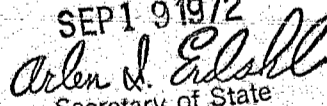
This tract contains 2.51 acres more or less subject to easements and road right of way of record in said County and State.

Dated this 15th day of September, 1972

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



Howard L. Kaibel, Jr.
Executive Secretary

24435
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 19 1972

Secretary of State