

COPY

CHAPTER 59

AN ORDINANCE ANNEXING CERTAIN PLATTED LAND IN NORTH HALF OF NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 107, RANGE 34, COTTONWOOD COUNTY, MINNESOTA, TO THE VILLAGE OF COMFREY.

THE VILLAGE OF COMFREY DOES ORDAIN:

SECTION 1. That the petition of the owner of the following described platted land, lying and being adjacent to and abutting on the corporate limits of the Village of Comfrey, not being included in any other village, to-wit:

Lot Number Eleven (11), and the East Ten feet (E 10 ft.) of Lot Number Twelve (12),
Stainets Addition to Comfrey, in the North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Number Three (3), Township Number One Hundred Seven (107), Range Number Thirty-four (34), in the County of Cottonwood, State of Minnesota,

to have such land included within the Village of Comfrey, filed with the Village Clerk of this Village on April 29th 1961, is hereby approved.

SECTION 2. That the annexation of said land to the Village of Comfrey will be to the best interests of the Village and of the territory affected.

SECTION 3. That the said land be and the same hereby is annexed to the Village of Comfrey, and included within the corporate limits of the Village of Comfrey.

SECTION 4. This ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed, approved and ordered published this 5th day of June, 1961.

A. J. LILLA

MAYOR

Attest:

A. J. KRZMAREICK

VILLAGE CLERK

(Municipal Corporate Seal)

15434
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 8 - 1961
Joseph Holmquist
Secretary of State

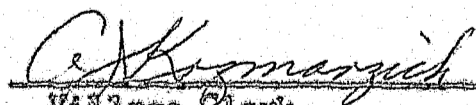
STATE OF MINNESOTA)
)ss.
COUNTY OF BROWN)

VILLAGE OF CONFREY

I, A. J. Kzmarzick, Village Clerk of the Village of Confrey, Minnesota, do hereby certify that I have compared the foregoing Chapter Number 59 of the Ordinances of the Village of Confrey, with the original thereof on file in my office, and that the same is a true and correct copy of said ordinance.

I further certify that there is attached to said original ordinance the affidavit of F. H. Harder, editor and publisher of The Confrey Times, the official newspaper of said Village of Confrey, in proof of the publication of said ordinance in said weekly newspaper, published in the Village of Confrey, Brown County, Minnesota, in which county said Village of Confrey is situated.

Dated July 31st, 1961.



Village Clerk

ALBERT G. LOOMIS
ATTORNEY-AT-LAW
SPRINGFIELD, MINNESOTA

Sept. 7, 1961.

Hon. Joseph L. Donovan,
Secretary of State,
State Capitol,
St. Paul 1, Minnesota.

Dear Mr. Donovan:-

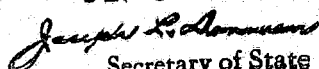
RE: Village of Comfrey
Ordinance No. 59.

I am grateful to you for your letter of
yesterday's date. I return herewith the copy of the
ordinance I had sent you. Will you please give me
the date when it was filed with you?

Very truly yours,


Village Attorney.

I will also file a copy with the Municipal Commission.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 8 - 1961

Secretary of State

*Ret'd photocopy of this
letter with filing endorsement.*

September 6, 1961

Mr. Albert G. Loomis
Attorney-at-Law
Springfield, Minnesota

Dear Mr. Loomis:

On the basis of the information contained in your letter of August 29, Ordinance No. 59 will be acceptable for filing at this time. However, since it was returned to you and was not again submitted, we are enclosing a self-addressed envelope for mailing it in.

All of the facts are required to be present and set forth in the language of the ordinance itself and any future ordinance directed to this office and to the Municipal Commission should provide all of the necessary information therein.

The Chairman of the Municipal Commission is Mr. Joseph Robbie. The office is located at Room 4 State Office Building, St. Paul 1, Minnesota.

Very truly yours,

JOSEPH L. DONOVAN
Secretary of State
cfd
Encl.



DATE : September 5, 1961

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT _____

TO :

FROM :

SUBJECT: Telephone call from A. G. Loomis,
9:30 a.m.

Telephone No. 723-5212, Springfield, Minnesota

Village of Comfrey

Ordinance No. 59

Letter written Secretary of State on August 4th and another letter
on August 29th.

Ordinance had been filed with both counties -- Brown & Cottonwood

ALBERT G. LOOMIS
ATTORNEY-AT-LAW
SPRINGFIELD, MINNESOTA

August 29, 1961

Hon. Joseph L. Donovan
Secretary of State
State Office Building
St. Paul, Minnesota

My dear Mr. Donovan:

Re: Village of Comfrey
Ordinance No. 59

You returned my letter of the twenty-fourth of this month, together with a copy of the ordinance, bearing your foot-note that the ordinance does not set forth all of the jurisdictional facts required by Chapter 686, Laws of 1959. Since you returned my letter, I enclose a photostatic copy of it.

Subdivision 7 of Chapter 686 reads in part:

"If the land is platted, or if unplatted, does not exceed 200 acres, the owner or a majority of the owners in number may petition the governing body of the municipality to have such land included within the municipality. If the governing body determines that the annexation will be to the best interests of the municipality and of the territory affected, it may by ordinance declare such land annexed to the municipality, but if the petition is not signed by all the owners in number of the land proposed to be annexed, the ordinance shall not be passed until the governing body has held a hearing on the proposed annexation after at least 30 days posted notice.

ALBERT G. LOOMIS
ATTORNEY-AT-LAW
SPRINGFIELD, MINNESOTA

Hon. Joseph L. Donovan
Page 2
August 29, 1961

Any annexation provided for in this subdivision shall be deemed final upon filing a copy of the ordinance with the commission, the county auditor, and the secretary of state."

The title of this subdivision reads "Annexations not requiring commission order".

The petitioner is the sole owner of the property. No other property was included in the petition. The acreage is only that of a small lot, 40 feet by 150 feet, plus 10 feet from the adjoining lot, in what is termed "Steinmetz Addition" to the Village of Comfrey. Actually that so-called addition is not a part of the incorporated village. The Village Council determined that the annexation will be for the best interests of the municipality and of the property affected, and the ordinance was accordingly adopted. No hearing was necessary.

The reason for the annexation is to avail the property owner of sewer and water service. The Council very much desires to make that service available, with the resulting assistance in paying for the village sewer and water system.

All that could be further required is the filing of a copy of the ordinance with the Commission. Please give me the official title of the Commission, the name of the chairman, and the address.

I ask that you file the ordinance as required according to my request in a former letter. May I have your reply?

Very truly yours,

A. G. Loomis
#15434
VILLAGE ATTORNEY
COMFREY, MINNESOTA

AGL/pmr