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of St. Francis, but the owner of a tavern in the added property was there in some entirely opposed by counsel and protested at the reconvened hearing to consider the amendment. While his cross-examination of petitioner's witnesses indicated that his opposition was based upon the lack of suitability of the added unplatted lands for municipal government, it clearly appeared that his real opposition was based upon an objection to having his business located within a municipality and subject to municipal government.

We hold that a newly incorporated area should include businesses on the fringe of the proposed municipality, particularly those which by the nature of the business require some regulation in the public interest. This is true of auto salvage. This is especially the case where, as we develop in this opinion, the proposed municipality is in a basically rural setting and there is no adjacent village to which the land containing such business here properly belongs. There would be little reason to approve an incorporation in a rural environment where there are no nearby municipalities and to invite problems in the immediate future by leaving border areas already containing business property where unregulated land uses might hamper or destroy the benefits to be gained from municipal government by adequate planning, zoning and land use control. In this instance, the vested rights of the protestant to continue his present use of the land is fully protected and he can be only subjected to reasonable regulation to protect the public health, safety and welfare.

This is the first petition we have considered since the enactment of the Municipal Commission Act by the 1959 Legislature where the area proposed for incorporation does not lie within the densely settled area of the metropolitan region or dispute immediate growth which will join it to the metropolis and make of it only one component part thereof. We do not foresee that this will occur in the next 20 years. It is not apt to happen at the present accelerated rate of urban growth for a much longer period. The Minnesota Supreme Court clearly distinguished between what is suitably conditioned for incorporation in a rural setting from suitability in the metropolitan environment in the St. Anthony

and Webb decisions. When these are read in contrast with the earlier Minneapolis Village decision, the distinction becomes evident. The Minnesota Legislature also drew the same clear distinction when it adopted the Municipal Commission Act. The Legislature applied Commission review only to petitions for incorporation within the commission-defined metropolitan area. Section 2 of the Act limits the requirement of the Municipal Commission review of proposed incorporations to petitions for incorporation for a village in any county containing a city of the first or second class and in any county within any metropolitan area as defined in the Act creating the Twin Cities Metropolitan Planning Commission. (Minnesota Statutes 1957, Sec. 473.02 (1 5)) Petitions for incorporation elsewhere in Minnesota are only considered by the Municipal Commission if they include property within 4 miles of the boundary of an existing municipality. In any other area in Minnesota, the Board of County Commissioners applies the standards and procedures of the Municipal Commission Act to determine whether or not an incorporation election shall be ordered.

It is clear from the prior Court decisions and the Legislative History that an area is suitably conditioned for incorporation in the rural area which would not be an adequate individual entity for incorporation within the metropolitan area where urban growth is not limited by the suggested borders of the proposed municipality.

We distinguish this petition from previous proposals to this Commission for the incorporation of Minnetrista, Dayton Park and Orchard Gardens. We approved Minnetrista but rejected Dayton Park and Orchard Gardens. All three of these areas are within the heart of the Twin Cities metropolitan area, possess a unity with their surroundings beyond the boundaries of the proposed municipalities, and will experience their urban or suburban growth only in the context of their environment.

While we approved Minnetrista because it lies in the Western part of Hennepin County at the outer perimeter of the metropolitan region, was confronted with imminent growth which required municipal controls, and did not have a close unity of interest with Mound, Island Park or St. Bonifacius to afford the practical possibility of annexation, our approval was reluctantly granted. We were somewhat persuaded by the merger of the Villages of Mound and Island Park which was accomplished in the process of the hearings and deliberations which led to our consent to the Minnetrista incorporation. This, accompanied by other Andreason constructive boundary changes, led us to the conclusion that the public interest would be served by our approval of the Minnetrista petition. At some future time when the population density of Minnetrista approaches that of Mound, Island Park and St. Bonifacius (all carved from Minnetrista Township), we are convinced that all will be best served by merging into one municipality. This was not practical at the time Minnetrista was incorporated.

We denied the petitions to incorporate Dayton Park or Orchard Gardens because neither is an adequate entity for separate incorporation. Neither met the test of State ex rel (Cullen) vs. Minnetonka Village, et al, 57 Minn. 526; 59 NW 972, 25 LRA 755, or the later modification to adapt this test to the creation of villages within the metropolitan area in State ex rel Burnquist vs. Village of St. Anthony, (1947) (223 Minn.) 149, 26 NW 2d 193 and State ex rel Twp. of Copley vs. Village of Webb (1957) 250 Minn. 22, 83 NW 2d 788.

Rosso and other decisions which covered the law with respect to the point at which an area became suitably conditioned for municipal government prior to enactment of the Municipal Commission Act are reviewed in our White Bear Lake annexation decision. (In the Matter of the Petition of Freeholders for the Annexation of Adjoining Unincorporated Property to the City of White Bear Lake, A-22-60, April 4, 1960.) Nor did Dayton Park or Orchard Gardens meet the legislative mandate in the creation of the Municipal Commission Act which has modified the concept of when property is suitable to be included within municipal limits either by new incorporation or by annexation to existing cities or villages. We said in the Orchard Gardens' decision that a larger solution is required because Orchard Gardens is merely a component part of the metropolitan area and cannot be separately considered in establishing boundaries and responsibility for local government.

Such is not the case with St. Francis. While the proposed territory is included within Anoka County which is a metropolitan area by the statistical standards of the Bureau of Census and is among the seven counties which are under the advisory jurisdiction of the Twin Cities Metropolitan Planning Commission, St. Francis lies beyond the outer periphery of metropolitan population growth and there is little prospect within the next several decades that metropolitan population density will extend northwest of the City of Anoka to reach the St. Francis border. The included property is in the Northwest corner of Anoka County and borders on Isanti County. The surroundings of the proposed area are agricultural in character. There is little to indicate that the basic agricultural character of the surrounding lands will change during the next two decades of dramatic population growth of the metropolitan heartland. In short, St. Francis, lying beyond the outer perimeter of the counties included within that is usually defined as the metropolitan area, is more similar to villages in the farm areas of Minnesota than it is, or is soon likely to become.

to the burgeoning metropolis. It is set in a rural environment, not a metropolitan setting.

We hold that the criteria for approval of the proposed incorporation of new municipalities in different in the area of anticipated rapid population growth of what is in reality (as distinguished from statistical definition) the Twin Cities metropolitan area than it is in rural Minnesota. We consider St. Francis to fit the latter more closely than the former category.

Many long-time residents of St. Francis are surprised to learn that they have not always been incorporated as a village. This results from the identification of St. Francis as a community in the public mind without reference to its township governmental status. This area, with its business nucleus, including a bank, service station and general store, has been identified as St. Francis for several decades, and the public may have considered it in the same sense as an incorporated municipality. An excellent consolidated school bears its name and serves the territory.

It is probable that St. Francis could have been incorporated under prior law at any time in the last several decades. While we have not examined the present petition with particularity in the light of the case law which governed municipal incorporations prior to creation of this Commission by the 1959 Legislature, it appears probable to us that St. Francis meets the tests for incorporation set forth in the three-factor formula in the Minnetonka Village decision. St. Francis has (1) a compact center or nucleus of population; (2) its adjacent unplatted lands are suburban in character; and (3) its unplatted lands have with the platted portion a unity of interest in the maintenance of a village government.

[illegible]

[illegible]

[illegible]

[illegible] The strongest most persuasive arguments for the need to incorporate St. Francis lies in the fact that Anoka, 19 miles distant, presently provides fire protection. While the Anoka Fire Department quickly and consistently responds to fire calls, the next [illegible] usually distinguished by the time it reaches St. Francis is to cool the ashes because of the distance involved. St. Francis represents the same type of incorporation as the villages which were created in Ramsey Co. with the advent of the railroads. The only way the [illegible] can be brought to St. Francis is to [illegible] Page 11 lies not in the [illegible] powers [illegible] from other matters of [illegible] benefits and responsibilities.

We are convinced that the St. Francis community, with its [illegible] should proceed, [illegible] interpreted [illegible] from the [illegible] as a [illegible] City.

Opinion by Joseph Rohde

Dated March 20 1962

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR - 4 1962
Joseph L. Donovan
Secretary of State

BEFORE THE MINNESOTA MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

| | |
|---|---|
| JOSEPH ROBBIE | CHAIRMAN |
| ROBERT W. JOHNSON | VICE-CHAIRMAN |
| F. ROBERT EDMAN | SECRETARY |
| KENNETH W. CAMPBELL | EX-OFFICIO |
| FRED C. KNODT | EX-OFFICIO |

IN THE MATTER OF THE APPLICATION FOR THE INCORPORATION OF A VILLAGE TO BE KNOWN AS THE VILLAGE OF ST. FRANCIS ANOKA COUNTY, MINNESOTA, PURSUANT TO CHAPTER 686, LAWS 1959, AS AMENDED.

The above Petition for the proposed incorporation of the Village of St. Francis from the remaining unincorporated area of St. Francis Township and a portion of Oak Grove Township, all in Anoka County, Minnesota, came on for hearing before the Minnesota Municipal Commission in the Commissioner's Room of the County Court House at the City of Anoka, County of Anoka, State of Minnesota, on Thursday, December 14, 1961, at 10 o'clock a.m., after due, proper, and timely notice thereof was posted and published as required by law.

Joseph Robbie, Chairman, presided. Robert W. Johnson, Vice-Chairman; Kenneth W. Campbell, Anoka County Auditor; and Fred C. Knodt, then Chairman of the Anoka County Board of Commissioners, attended.

Landol J. Locher, of the law firm of Babcock and Locher, Anoka, Minnesota, appeared as counsel for and in behalf of the petitioners.

Harry Lemke, Chairman of the St. Francis Town Board; Robert Leathers, Clerk of said Town Board; and George Braastad and Raymond Jones, members of said Town Board all appeared to represent St. Francis Township, Anoka County, Minnesota, and in behalf of said petition.

Melvin Bodine, Chairman of the Town Board of Oak Grove Township, Anoka County, Minnesota, appeared to represent said Township.

Elwin Myers, who resides in the portion in Oak Grove Township originally included in the said Petition, appeared and testified in favor of said Petition.

No one appeared in opposition to the said Petition.

The Commission heard testimony and evidence was taken during said hearing on December 14, 1961.

The hearing was reconvened and additional testimony was heard, and additional evidence was taken, on Tuesday, February 27, 1962, relative to the inclusion of additional area, located in Oak Grove Township, Anoka County, Minnesota, into the area so proposed to be incorporated, after due, proper, and timely notice thereof was posted, published, and served upon all affected parties, as required by law.

Joseph Robbie, Chairman, presided. Robert W. Johnson, Vice-Chairman; F. Robert Edman, Secretary; and Kenneth W. Campbell, Anoka County Auditor, attended.

Landol J. Locher again appeared as attorney for the Petitioners. The St. Francis Town Board also appeared on behalf of the Petitioners, and testimony in favor of the inclusion of the additional area was taken.

Joseph E. Wargo, Attorney at Law, Columbia Heights, Minnesota, appeared in opposition to the inclusion of the additional area, representing certain residents in such additional territory.

The additional area considered at said reconvened hearing is described as follows, to-wit:

> That part of the Northeast Quarter of the Northwest Quarter (NE¼ of NW¼) and of the Northwest Quarter of the Northeast Quarter (NW¼ of NE¼) of Section Five (5), Township Thirty-three (33) North, Range Twenty-four (24) West, Anoka County, Minnesota, lying East (E) of the center line of Rum River; the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) and the South one-half of Northwest Quarter (S½ of NW¼) of said Section Five (5); the Southeast Quarter of Northeast Quarter (SE¼ of NE¼) of Section Six (6), said Township and Range; that part of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Six (6), lying Southerly of the center line of State Trunk Highway No. 47, formerly State Trunk Highway No. 56; and the East twelve rods (E 12) of the West eighty-seven rods (W 87) of the North one-half of the Northeast Quarter (N½ of NE¼) of said Section Six (6).

The Commission, having carefully considered all of the evidence and testimony, and upon all of the files and records herein, now makes and files the following FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND MEMORANDUM OPINION:

## FINDINGS OF FACT

I.

The Petition, signed by 204 resident freeholders, complies with all statutory requirements.

II.

Proper copies of the Notices of each hearing were duly posted, published and served, as required by law.

III.

The territory proposed for incorporation, all in Anoka County, Minnesota, including the area in addition to that described in the Petition, is legally described as follows, to-wit:

> All of Township Thirty-four (34) North, Range Twenty-five (25) West; all of Township Thirty-four (34) North, Range Twenty-four (24) West, except that part thereof taken for the Village of Bethel; and all that part of Township Thirty-three (33), North, Range Twenty-four (24) West, described as follows: the West one-half of the Northeast Quarter (W½ of NE¼) and the Northwest Quarter (NW¼) of Section Five thereof; and the Southeast Quarter of the Northeast Quarter (SE¼ of NE¼), the Southwest Quarter of the Northeast Quarter (SW¼ of NE¼), lying Southerly of the center line of State Trunk Highway No. 47, formerly State Trunk Highway No. 56, as now laid out and traveled, and that part of the North one-half of the Northeast Quarter (N½ of NE¼) lying East (E) of the West (W) seventy-five (75) rods thereof, of Section Six (6); thereof; all of the foregoing land lying and being in Anoka County, Minnesota and being composed of both platted and unplatted lands.

The territory proposed for incorporation was shown on a map attached to the Petition; said territory and the additional area were shown on maps introduced into evidence during said hearings.

The boundaries of the total area proposed for incorporation including the additional area are:

Beginning at the Northwest corner of Township Thirty-four (34), North, Range Twenty-five (25) West, Anoka County, Minnesota, thence East (E), along the North (N) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, and along the North (N) line of Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Northeast corner of said Township Thirty-four (34) North, Range Twenty-four (24) West; thence South (S), along the East (E) line of the Northeast Quarter of Northeast Quarter (NE¼ of NE¼) of Section Twenty-five (25), said Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Southeast corner of said Northeast Quarter of Northeast Quarter (NE¼ of NE¼); thence West (W) along the South (S) line of said Northeast Quarter of Northeast Quarter (NE¼ of NE¼), and along the South (S) lines of the Northwest Quarter of Northeast Quarter (NW¼ of NE¼) and Northeast Quarter of Northwest Quarter (NE¼ of NW¼) of said Section Twenty-five (25), to the Southwest corner of said Northeast Quarter of Northwest Quarter (NE¼ of NW¼); thence South (S), along the East (E) line of the Southwest Quarter of Northwest Quarter (SW¼ of NW¼), and the East (E) line of the West one-half of the Southwest Quarter (W½ of SW¼) of said Section Twenty-five (25), and along the East (E) line of the Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of Section Thirty-six (36), said Township Thirty-four (34) North, Range Twenty-four (24), West, Anoka County, Minnesota, to the Southeast corner of said Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of said Section Thirty-six (36); thence East (E) along the North (N) line of the Southeast Quarter of Northeast Quarter (SE¼ of NE¼), said Section Thirty-six (36), and along the North (N) line of the South one-half of Northeast Quarter (S½ of NE¼) of said Section Thirty-six (36), to the Northeast corner of the Southeast Quarter of Northeast Quarter (SE¼ of NE¼) of said Section Thirty-six (36); thence South (S), along the East (E) line of said Section Thirty-six (36), to the Southeast corner thereof; thence West (W), along the South (S) line of said Township Thirty-four (34) North (N), Range Twenty-four (24) West, to the Northeast corner of the West one-half of the Northeast Quarter (W½ of NE¼) of Section Five (5), Township Thirty-three (33), North, Range Twenty-four (24) West, Anoka County, Minnesota; thence South (S), along the East line of said West one-half of Northeast Quarter (W½ of NE¼) of said Section Five (5), to the Southeast corner of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Five (5); thence West (W) alon g the South (S) line of the said Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Five (5), and along the South (S) line of the Northwest Quarter (NW¼) of said Section Five (5), and along the South (S) line of the Northeast Quarter (NE¼) of Section Six (6), Township Thirty-three (33) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Southwest corner of said Northeast Quarter (NE¼) of said Section Six (6); thence North (N), along the West (W) line of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Six (6), to the center line of State Highway No. 47, formerly State Highway No. 56; thence Northeasterly along the said center line to the South (S) line of the North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6); thence East (E), along said South (S) line of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6), to a point thereon seventy-five (75) rods

East (E) of the Southwest corner of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6); thence North (N), parallel with the West (W) line of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6), to the North (N) line of said Section Six (6), which is also the South (S) line of Township Thirty-four (34), North, Range Twenty-four (24) West, Anoka County, Minnesota, thence West (W), along the said North (N) line of said Section Six (6), and along the South (S) line of said Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, and along the South (S) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, Anoka County, Minnesota, to the Southwest corner of said Township Thirty-four (34) North, Range Twenty-five (25) West, Anoka County, Minnesota; thence North (N), along the West (W) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, to the point of beginning.

IV.

The name proposed for the new village is the Village of St. Francis.

V.

The territory proposed for incorporation, including the additional area has 623 residents.

VI.

The territory proposed for incorporation, including the additional area, contains a total area of 15,227 acres, more or less, of which 634 acres, more or less, are platted lands and 14,593 acres, more or less, are unplatted lands.

VII.

There is a long established nucleus of population and business, within the territory proposed for incorporation, including the additional area, known as "St. Francis". Most of the residents of the proposed territory, and additional area in Oak Grove Township, have been, for years, an integral part of said nucleus. St. Francis contains three churches, a United States Post Office; one grocery store-gasoline station combination enterprise; one grocery store-gasoline station-hardware store combination enterprise; one feed, seed, and implement store; two taverns; one barber shop; one restaurant - gasoline station combination enterprise; one drive-in restaurant, and three apartment buildings, and the remainder of the buildings in the

area proposed for incorporation, and the additional area, are primarily residences and farming buildings on platted land and primarily residences and farming buildings on unplatted lands, with one gasoline station - tavern - used auto parts combination enterprise, one damaged freight enterprise, one automobile repair shop, and one saw mill on the unplatted land.

VIII.

Construction in the territory proposed for incorporation, including the additional area, has increased in recent years. Evidence of this is shown in that the number of building permits issued, in the said portion of said territory in St. Francis Township, in 1960 was 3, and in 1961 was 14. There have been built within the past two years two new residential buildings in the portion of said territory in Oak Grove Township including the additional area. The entire area in Oak Grove Township is desirable to be included in the incorporation as the nucleus is near the South line of St. Francis Township, and Oak Grove Township and said area abuts the South line to the South of the nucleus.

IX.

Each Township involved has enacted regulations relating to zoning and building.

X.

The area so proposed for incorporation including the additional area has increased in population during recent years. Evidence of this is shown in that the population of said portion of said territory in St. Francis Township had a resident population, in 1960, as computed by the official United States Government census,of 525; the census list, attached to the Petitions and testimony at the hearings, evidence a current resident population thereof of 585. The resident population of the portion of said territory including the additional area, all in Oak Grove Township, was listed on the Census List, and on a Census List for the additional area, so added to the territory contained in the original petition herein, as 38, with the testimony

substantiating that the resident population thereof has risen gradually in recent years.

XI.

Much of the territory proposed for incorporation including the additional area is in transition between agricultural use and urban use. There are very few full time farmers, with the majority of the farmers operating on a part time basis, and commuting to and from full time employment in the Minneapolis - St. Paul area. The vast majority of the remainder of the residents commute to and from full-time employment in the Minneapolis - St. Paul area, or are employed in the territory proposed to be incorporated or said additional area. It is anticipated that the said territory and the additional area will become more urban in nature and that, based upon the experience of recent years, there will be considerable, constantly increasing, construction and population rise in the proposed territory and additional area in the near future.

XII.

All of the territory proposed to be incorporated including the additional area is contained within Independent School District No. 15, State of Minnesota. The portion of the territory proposed to be incorporated located in St. Francis Township has approximately 14% of the area and 11% of the assessed valuation of the said School District.

The said School District has one High School and one new elementary school in St. Francis Township, in the territory proposed to be incorporated. This School District also operates one elementary school in Bethel and one elementary school in Cedar, both in Anoka County, Minnesota. All required subjects are taught in said schools, and graduates from said High School are accepted in accredited colleges.

The administration of the said School District is from offices located in the established nucleus long known as "St. Francis".

The replacement insurable values of the buildings and fixed equipment of the School District, as contained in a recent report by Mac Gregor - Deyo Appraisal Company, are:

| | |
|---|---|
| St. Francis High School | $804,977.00 |
| New St. Francis Elementary School | 320,000.00 |
| Bethel Elementary School | 244,179.00 |
| Cedar Elementary School | 212,965.00 |
| School Annex - St. Francis | 11,611.00 |
| Bus Garage - St. Francis | 22,701.00 |
| Warehouse - St. Francis | 1,588.00 |
| TOTAL | $1,618,021.00 |

In addition to one superintendent and two principals, the School District employs 52 teachers, 37 of whom are at the schools so located in St. Francis, and 16 additional employees, ten of whom are also at the schools located in St. Francis.

The pupil enrollment, which shows the enrollment increase in the School District in the past 7 years, and as estimated for the year 1962, is:

| Year Ending | Pupils 6 - 16 On Census | Pupils Enrolled |
|---|---|---|
| 1954 | 825 | 787 |
| 1955 | 831 | 812 |
| 1956 | 851 | 874 |
| 1957 | 934 | 909 |
| 1958 | 946 | 931 |
| 1959 | 976 | 984 |
| 1960 | 1,026 | 1,040 |
| 1961 | 1,124 | 1,089 |
| 1962 (Est.) | 1,166 | 1,115 |

The increase in enrollment shows an increase, during the period from 1954 to 1962, of an average of 5% per year, or 40% for the period. A continuation of the trend would result in an enrollment probably in excess of 1,600 pupils in 1970. There is a strong indication that the increase would be even greater. Of the present enrollment, 283 pupils attend the elementary school in said St. Francis and 500 pupils attend the high school in St. Francis.

XIII.

The total assessed valuation of the real estate in the proposed territory including the additional area is $96,168.00 of which $27,482.00 is for platted lands, and $68,686.00 is for unplatted lands.

XIV.

The proposed territory proposed for incorporation including the additional area presently has fire protection provided by the City of Anoka, through its volunteer fire department, under contract with each Township involved. The said fire protection is inadequate due to the approximate 15 mile distance between Anoka and the described nucleus. There is not more adequate fire protection available at a closer distance.

XV.

The portion of the proposed territory proposed for incorporation in St. Francis Township is policed by one constable who works part time and uses his own motor vehicle. The portion of said territory in Oak Grove Township and said additional area is policed by one part time constable for all of Oak Grove Township. The said police services are inadequate at this time.

XVI.

There has been no concerted street planning to date, in the proposed territory including the additional area, although the need therefore is present for orderly future increased construction.

XVII.

Water systems in the proposed territory including the additional area are all individual. There is little danger of pollution under present circumstances. However, anticipated future increased construction must be adequately regulated to avoid pollution and health problems.

XVIII.

Sewage systems are all individual. The School District has recently installed a large disposal plant to facilitate disposal from the schools in St. Francis.

XIX.

It is anticipated that the presently inadequate fire and police services will, under present Township form of government, become even more inadequate for expected future expansion and building in the proposed territory including the additional area. It is deemed that if the immediate future expansion and building is similar to expansion in recent years, with people living in ever closer proximity, zoning, street planning, sewage disposal and water systems and facilities will raise serious problems that must be considered and regulated. The Township form of government is not adequate to meet the problems posed and to provide the necessary governmental services required for the proposed territory including the additional area.

XX.

The Township form of government is not adequate to provide for future safeguards and regulations to protect the public health, safety, and welfare, plat control, land development, and construction, in the proposed territory including the additional area, for industrial, commercial and other urban purposes, reasonably expected to occur within a reasonable time in the near future; nor is it adequate to cope with other problems of urban or suburban growth in the proposed territory and additional area.

XXI.

The territory proposed for incorporation including the additional area is adequately accessible by public roadways and railroad and has adequate internal roads so as to be conducive to future growth and development.

The State of Minnesota Highway Department intends to construct a four lane, controlled-access highway North and South to and through said territory, including the additional area, which highway will be an integral part of new interstate highway construction. The portion of said highway, through the St. Francis Township portion of the proposed territory, is intended to be constructed in 1962. This anticipated future State road construction was shown on a map introduced into evidence.

XXII.

The vast majority of the land in said territory including the additional area is suitable for and amenable to construction for residential, commerical, industrial and other urban and suburban uses.

XXIII.

There is an established American Legion Post and auxiliary, Community Club, and Sportsmen's Club, all of which operate from St. Francis and have several members in the territory proposed for incorporation including the additional area.

XXIV.

The findings herein also pertain to the additional area, included in the legal description contained in Paragraph III above, and the additional area is affected by the findings above, and is conducive to joint village government with the territory described in the Petition herein. The legal description contained in Paragraph III is considered to be all inclusive for one village, and is the total area proposed for incorporation.

XXV.

There is no present bonded indebtedness for either St. Francis Township or Oak Grove Township.

## CONCLUSIONS OF LAW

I.

The area proposed for incorporation including said additional area is so conditioned as to be properly subjected to Municipal government and is now, or is about to become, urban or suburban in character, and the existing township form of government is not adequate to protect the public health, safety, and welfare in reference to plat control or land development and construction which may be reasonably expected to occur within a reasonable time hereafter.

II.

The boundaries of the total area proposed for incorporation including the additional area are:

Beginning at the Northwest corner of Township Thirty-four (34), North, Range Twenty-five (25) West, Anoka County, Minnesota, thence East (E), along the North (N) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, and along the North (N) line of Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Northeast corner of said Township Thirty-four (34) North, Range Twenty-four (24) West; thence South (S), along the East (E) line of the Northeast Quarter of Northeast Quarter (NE¼ of NE¼) of Section Twenty-five (25), said Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Southeast corner of said Northeast Quarter of Northeast Quarter (NE¼ of NE¼); thence West (W) along the South (S) line of said Northeast Quarter of Northeast Quarter (NE¼ of NE¼), and along the South (S) lines of the Northwest Quarter of Northeast Quarter (NW¼ of NE¼) and Northeast Quarter of Northwest Quarter (NE¼ of NW¼) of said Section Twenty-five (25), to the Southwest corner of said Northeast Quarter of Northwest Quarter (NE¼ of NW¼); thence South (S), along the East (E) line of the Southwest Quarter of Northwest Quarter (SW¼ of NW¼), and the East (E) line of the West one-half of the Southwest Quarter (W½ of SW¼) of said Section Twenty-five (25), and along the East (E) line of the Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of Section Thirty-six (36), said Township Thirty-four (34) North, Range Twenty-four (24), West, Anoka County, Minnesota, to the Southeast corner of said Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of said Section Thirty-six (36); thence East (E) along the North (N) line of the Southeast Quarter of Northwest Quarter (SE¼ of NW¼), said Section Thirty-six (36), and along the North (N) line of the South one-half of Northeast Quarter (S½ of NE¼) of said Section Thirty-six (36), to the Northeast corner of the Southeast Quarter of Northeast Quarter (SE¼ of NE¼) of said Section Thirty-six (36); thence South (S), along the East (E) line of said Section Thirty-six (36), to the Southeast corner thereof; thence West (W), along the South (S) line of said Township Thirty-four (34) North (N), Range

Twenty-four (24) West, to the Northeast corner of the West one-half of the Northeast Quarter (W½ of NE¼) of Section Five (5), Township Thirty-three (33), North, Range Twenty-four (24) West, Anoka County, Minnesota; thence South (S), along the East line of said West one-half of Northeast Quarter (W½ of NE¼) of said Section Five (5), to the Southeast corner of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Five (5); thence West (W) along the South (S) line of the said Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Five (5), and along the South (S) line of the Northwest Quarter (NW¼) of said Section Five (5), and along the South (S) line of the Northeast Quarter (NE¼) of Section Six (6), Township Thirty-three (33) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Southwest corner of said Northeast Quarter (NE¼) of said Section Six (6); thence North (N), along the West (W) line of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Six (6), to the center line of State Highway No. 47, formerly State Highway No. 56; thence Northeasterly along the said center line to the South (S) line of the North one-half of the Northeast Quarter (N½ of NE¼) of said Section Six (6); thence East (E), along said South (S) line of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6), to a point thereon seventy-five (75) rods East (E) of the Southwest corner of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6); thence North (N), parallel with the West (W) line of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6), to the North (N) line of said Section Six (6), which is also the South (S) line of Township Thirty-four (34), North, Range Twenty-four (24) West, Anoka County, Minnesota, thence West (W), along the said North (N) line of said Section Six (6), and along the South (S) line of said Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, and along the South (S) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, Anoka County, Minnesota, to the Southwest corner of said Township Thirty-four (34) North, Range Twenty-five (25) West, Anoka County, Minnesota; thence North (N), along the West (W) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, to the point of beginning.

III.

An election should be ordered on the proposition of whether or not the total area proposed for incorporation, including said additional area, all as defined within the boundaries described in Paragraph numbered II, immediately above, shall be incorporated.

IV.

The real estate and personal property taxes for the year 1961, payable in 1962, and any delinquent taxes for prior years, relative to said portion, in Oak Grove Township, of said area contained in said territory, along with any interest, penalties, or charges thereon , when collected shall be paid to Oak Grove Township.

## ORDER

Upon the proper Petition of the legally required number of freeholders residing in the area proposed for incorporation, to incorporate a Village to be known as St. Francis, Minnesota, which came regularly on for hearing, after due notice thereof was give as required by law, in the Commissioner's Room of the County Court House, Anoka, Minnesota, on December 14, 1961, at 10 o'clock a.m., and which was thereafter heard at a reconvened hearing, after due notice given, on February 27, 1962, at 10 o'clock a.m., in said Room, at which times testimony was heard and evidence taken, and at said second hearing an area in addition to the area proposed for incorporation in said Petition was considered for inclusion within the boundaries of the proposed village, and upon ~~upon~~ all of the files and records herein, and the Commission being fully advised in the premises,

IT IS ORDERED, that said Petition for incorporation be, and the same is hereby approved, and that the additional area determined to be added to the territory contained in said Petition is so added and approved, so that the boundaries of the proposed Village shall be:

Beginning at the Northwest corner of Township Thirty-four (34), North, Range Twenty-five (25) West, Anoka County, Minnesota, thence East (E), along the North (N) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, and along the North (N) line of Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Northeast corner of said Township Thirty-four (34) North, Range Twenty-four (24) West; thence South (S), along the East (E) line of the Northeast Quarter of Northeast Quarter (NE¼ of NE¼) of Section Twenty-five (25), said Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Southeast corner of said Northeast Quarter of Northeast Quarter (NE¼ of NE¼); thence West (W) along the South (S) line of said Northeast Quarter of Northeast Quarter (NE¼ of NE¼), and along the South (S) lines of the Northwest Quarter of Northeast Quarter (NW¼ of NE¼) and Northeast Quarter of Northwest Quarter (NE¼ of NW¼) of said Section Twenty-five (25), to the Southwest corner of said Northeast Quarter of Northwest Quarter (NE¼ of NW¼); thence South (S), along the East (E) line of the Southwest Quarter of Northwest Quarter (SW¼ of NW¼),

and the East (E) line of the West one-half of the Southwest Quarter (W½ of SW¼) of said Section Twenty-five (25), and along the East (E) line of the Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of Section Thirty-six (36), said Township Thirty-four (34) North, Range Twenty-four (24), West, Anoka County, Minnesota, to the Southeast corner of said Northwest Quarter of Northwest Quarter (NW¼ of NW¼) of said Section Thirty-six (36); thence East (E) along the North (N) line of the Southeast Quarter of Northwest Quarter (SE¼ of NW¼), said Section Thirty-six (36), and along the North (N) line of the South one-half of Northeast Quarter (S½ of NE¼) of said Section Thirty-six (36), to the Northeast corner of the Southeast Quarter of Northeast Quarter (SE¼ of NE¼) of said Section Thirty-six (36); thence South (S), along the East (E) line of said Section Thirty-six (36), to the Southeast corner thereof; thence West (W), along the South (S) line of said Township Thirty-four (34) North (N), Range Twenty-four (24) West, to the Northeast corner of the West one-half of the Northeast Quarter (W½ of NE¼) of Section Five (5), Township Thirty-three (33), North, Range Twenty-four (24) West, Anoka County, Minnesota; thence South (S), along the East line of said West one-half of Northeast Quarter (W½ of NE¼) of said Section Five (5), to the Southeast corner of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Five (5); thence West (W) along the South (S) line of the said Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Five (5), and along the South (S) line of the Northwest Quarter (NW¼) of said Section Five (5), and along the South (S) line of the Northeast Quarter (NE¼) of Section Six (6), Township Thirty-three (33) North, Range Twenty-four (24) West, Anoka County, Minnesota, to the Southwest corner of said Northeast Quarter (NE¼) of said Section Six (6); thence North (N), along the West (W) line of the Southwest Quarter of Northeast Quarter (SW¼ of NE¼) of said Section Six (6), to the center line of State Highway No. 47, formerly State Highway No. 56; thence Northeasterly along the said center line to the South (S) line of the North one-half of the Northeast Quarter (N½ of NE¼) of said Section Six (6); thence East (E), along said South (S) line of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6), to a point thereon seventy-five (75) rods East (E) of the Southwest corner of said North one-half of Northeast Quarter (N½ of NE¼) of said Section Six (6); thence North (N), parallel with the West (W) line of said North one-half of Northeast Quarter (N½ of NE¼)of said Section Six (6), to the North (N) line of said Section Six (6), which is also the South (S) line of Township Thirty-four (34), North, Range Twenty-four (24) West, Anoka County, Minnesota, thence West (W), along the said North (N) line of said Section Six (6), and along the South (S) line of said Township Thirty-four (34) North, Range Twenty-four (24) West, Anoka County, Minnesota, and along the South (S) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, Anoka County, Minnesota, to the Southwest corner of said Township Thirty-four (34) North, Range Twenty-five (25) West, Anoka County, Minnesota; thence North (N), along the West (W) line of said Township Thirty-four (34) North, Range Twenty-five (25) West, to the point of beginning.

Said boundaries encompassing all of the area approved for incorporation.

IT IS FURTHER ORDERED, that an election be held in the area so approved for incorporation, on the question of whether or not the total area so approved for incorporation should be incorporated as the Village of St. Francis,

IT IS FURTHER ORDERED, that the effective date of this ORDER shall be April 6, 1962.

IT IS FURTHER ORDERED, that such election shall be held on Tuesday, the 1st day of May, 1962, at the following place within the said area so approved for incorporation:

The High School of Independent School District No. 15, St. Francis Township, Anoka County, Minnesota,

and the polls be open at said polling place from 7:00 a.m. to 7:00 p.m., on said day; that the following three elector residents of the area so approved for incorporation shall act as judges; thereof:

H.P. Palmer, Lois Tennison, and Rebecca Stola;

with the following as alternate judges:

Helen Steinke and Viola Ramacher,

and that such election shall be conducted, so far as practicable, in accordance with the laws regulating the election of Town officers. Only voters residing in the territory so approved for incorporation shall be entitled to vote. The ballots shall bear the words "For Incorporation" and "Against Incorporation" with a square before each of the phrases, in one of which the voter shall make a cross to express his choice. The ballots and necessary supplies shall be provided and the Judges shall be paid by the petitioners.

IT IS FURTHER ORDERED, that the petitioners cause a copy of this ORDER, approving the petition and adding additional area to the territory contained in said Petition, including Notice of the election, to be posted not less than 20 days before the 1st day of May, 1962, said election day, in three (3) public places in the area so approved for incorporation and to be published in the Anoka Union, a newspaper qualified as medium of official and legal publication of general

circulation in the area so approved for incorporation for two successive weeks before the 1st day of May, 1962, said election day.

Dated this 21st day of March, 1962.

MINNESOTA MUNICIPAL COMMISSION

Joseph Robbins, Chairman

#15763

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR - 4 1962
Joseph L. Donovan
Secretary of State

DEPARTMENT OF ADMINISTRATION
RECORDS MANAGEMENT DIVISION
MICROGRAPHIC SERVICES UNIT

FEBRUARY 14, 1984
JOB #090

Secretary of State
Corporate Division
Foreign Corporation Annual Reports
Part One and Part Two
Microfilm Procedures

Retention Schedule 83-419, Item 3 - No Minnesota Historical Society test required.

Note: Film all of Part One side of documents before filming Part Two side of documents. Part Two (red jackets) is confidential; both the original and duplicate are returned to Secretary of State.

| WHO | STEP | ACTION |
|---|---|---|
| S of S | 1. | Prepare documents for microfilming by:<br>a. Removing all staples, paper clips, unnecessary rubber bands, etc.<br>b. Numbering all documents in the lower right hand corner.<br>c. Placing documents into boxes in the order that they are to be filmed so that Part One is ready to film first.<br>d. Labeling boxes as to contents. |
| S of S | 2. | Notify Micrographics Operations Supervisor at 296-9708 that documents are ready for pick-up. |
| Micrographics | 3. | Arrange for pick-up of boxes. Schedule job in shop workload. |
| Micrographics | 4. | Part One Filming<br><br>Film Part One side of documents in numerical order from lowest number to highest. Film any additional sheet that has been numbered to match the report. Film all documents right-reading. On Part One filming, do not flip over each document after filming so that they go back in order. Rather, leave each document face-up after filming it. This will put the documents in the proper order for filming Part Two (once the individual groups are flipped). |

(continued)

THE PRECEDING DOCUMENT(S) HAVE BEEN REFILMED TO ENSURE LEGIBILITY