A-1336

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
Keith Maurer	Ex-Officio Member
Robert Gambrino	Ex-Officio Member

IN THE MATTER OF THE PETITION) OF THE CITY OF ST. CLOUD,) MINNESOTA, FOR ANNEXATION OF) CERTAIN LANDS)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The petition by the City of St. Cloud, Minnesota, for the
annexation of certain real estate situated in the County of
Stearns, State of Minnesota, to the City of St. Cloud and
described in the attached Order herein came on duly for
hearing before the Minnesota Municipal Commission on June 10,
1968, at the City Hall, St. Cloud, Minnesota. The Commission
member present was Robert W. Johnson, Chairman. Ex-Officio
members present were County Commissioners Keith Maurer and
Robert Gambrino. The City of St. Cloud appeared through its
City Attorney, Donard J. Kunesh. No appearance was made by
or on behalf of St. Cloud Township. There was no testimony
in opposition to said annexation.

It was made to appear that certified copies of said petition
were duly filed with the County board in and for Stearns County,
Minnesota, the Town Board in and for the Township of St. Cloud,
Minnesota, and the Municipal Commission of the State of
Minnesota.

It was made to appear that Notice of said hearing was duly made
posted, and published.

After due and careful consideration of the evidence so
offered and received, together with all of the records, files
and proceedings had and taken herein, and being fully advised

in the premises, the Municipal Commission of the State of
Minnesota now makes and files the following Findings of
Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1.

That due, timely and adequate notice of the petition and
the hearing thereon, was posted, published, served and filed.

II.

That the petition of the City of St. Cloud, Minnesota,
pursuant to Resolution of the City Council of the City of
St. Cloud, Minnesota, was duly filed with the Commission, in
accordance with the laws in such case made and provided for.

III.

That the property described herein abuts the legal boundaries
of the City of St. Cloud and comprises a total area of
approximately .45 acres and is not included in any other
municipality.

IV.

That the population of the area to be annexed is 0 and
that the population of the City of St. Cloud is 37,746.

V.

That the area to be annexed is approximately .45 acres, as
compared to approximately 6,712 acres in the City of St. Cloud.

VI.

That the assessed valuation of the area to be annexed is
none, as compared to the assessed valuation of the City of
St. Cloud of $12,911,197.00 (1967).

VII.

That the area to be annexed is urban or suburban in
character, fully developed as commercial.

VIII.

That the annexation will not affect the existing
township government which will be fully capable of continuing
after this annexation.

IX.

That the area sought to be annexed by the City of St. Cloud
has been and is in fact a portion of a public street designated
as 33rd Avenue.

X.

That it is the sole purpose of this annexation to bring the
entire right-of-way of 33rd Avenue into the limits of the City
of St. Cloud so that said street may be included in the
municipal state aid street program of the City of St. Cloud
for 1968.

XI.

That the City of St. Cloud has expanded in terms of
population and construction, and will continue to do so and
will require space outside of the municipal limits to
accommodate that expansion.

XII.

That there will be no change in taxes in the annexed area.

XIII.

That there is an existing need for governmental services
in the annexed area, particularly street maintenance, and
that it is feasible and practical for the City of St. Cloud
to provide these services.

XIV.

That the township form of government is inadequate to cope

with the problems of urban growth in the annexed area.

XV.

That it is just and equitable that no apportionment of township property and assets be made by the commission.

CONCLUSIONS OF LAW

1.

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

II.

That the area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the City of St. Cloud, Minnesota.

III.

That the interests of the City of St. Cloud and the area to be annexed would be best served by the annexation of said area to the City of St. Cloud, Minnesota.

IV.

Municipal government and the corresponding municipal services are required in the area to be annexed for the preservation and protection of the public health, welfare and the safety in the area to be annexed and in the City of St. Cloud.

V.

This annexation will have no effect on the township form of government.

VI.

The City of St. Cloud will construct a public road on the area to be annexed, designated as 33rd Avenue, which has been

included in the municipal state aid street program of the City of St. Cloud for 1968 and the City will maintain said road as a public street.

VII.

An Order should be issued by the Municipal Commission ordering the annexation of the land described herein to the City of St. Cloud. Let an Order for such annexation be entered and filed accordingly. Enacted by the vote of the Municipal Commission of the State of Minnesota, the following Order being filed:

ORDER

IT IS HEREBY ORDERED: That certain real estate lying in and being a part of the County of Stearns, State of Minnesota, and described as follows: to-wit:

The E. 33 ft. of N $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sect. 16, Township 124N, Range 28W lying north of the northerly right of way line State T.H. No. 52.

being, and the same hereby is annexed to the City of St. Cloud, Minnesota, the same as if it had originally been made a part thereof.

Dated this 30th day of January, 1969

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

Bruce Rasmussen

Bruce Rasmussen
Secretary

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