

A-1474 Fergus Falls

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice-Chairman
Robert J. Ford	Member
Bennie Johnson	Ex-Officio Member
John Snowberg	Ex-Officio Member

IN THE MATTER OF THE CITY OF)	
FERGUS FALLS, MINNESOTA, TO)	FINDINGS OF FACT,
ANNEX CERTAIN ADJOINING UNIN-)	CONCLUSIONS OF LAW
CORPORATED TERRITORY TO THE)	AND ORDER
CITY OF FERGUS FALLS)	

The petition for the annexation to the City of Fergus Falls of certain real estate situated in the County of Otter Tail and State of Minnesota, described as per attached Order, and as set forth in that certain resolution adopted by the City Council of the City of Fergus Falls, Minnesota, on the 4th day of November, 1968, came duly on for hearing before the Minnesota Municipal Commission on the 7th day of May, 1969, and a subsequent adjourned hearing on the 17th day of September, 1969, at which time all members and ex-officio members of the Minnesota Municipal Commission were present with the exception of Commissioner Arthur R. Swan and Commissioner Robert J. Ford. The City of Fergus Falls appeared by and through its City Attorney, David Nycklemoe. The Township of Fergus Falls appeared by and through members of the town board. The State of Minnesota appeared by and through A. W. Gearty, Assistant Commissioner of Education for Rehabilitation, and by and through Gordon F. Nielsen, Area Game Manager for the Division of Game and Fish. The County of Otter Tail made no appearance.

It was made to appear that a petition was filed by the City Council of the City of Fergus Falls for the annexation of the real estate herein described, said petition filed with the Minnesota Municipal Commission on December 10, 1968, and amended on March 24, 1969, which constituted the date of filing.

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It was made to appear that the Commission issued an order and a notice of hearing dated April 2, 1969, setting the 7th day of May, 1969, at 10:30 o'clock a.m., in the City Hall, Fergus Falls, Minnesota, as being the time and place of said hearing.

It was made to appear that the certificate of mailing of the notice of hearing was sent to the appropriate parties by the secretary of the Municipal Commission of the State of Minnesota.

It was made to appear that said notice of hearing was duly published in the Fergus Falls Journal on April 10, 1969, and again on April 17, 1969.

It was made to appear that the notice of hearing was duly posted in three places in the City and in three places in the area proposed to be annexed by Donald Koester.

Evidence was offered and received for and against said annexation at said hearings, and the Commission viewed the premises.

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 duly 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

I.

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

II.

That the property described herein abuts the legal boundaries of the City of Fergus Falls, Minnesota, and is not included in any other municipality.

III.

That the petition for annexation was signed by the Mayor and City Administrator of the City of Fergus Falls, respectfully, pursuant to a resolution duly adopted by the City Council of the City of Fergus Falls, and as such, the City of Fergus Falls has indicated approval of such annexation.

IV.

That the population of the area to be annexed is none and that the population of the City of Fergus Falls, Minnesota, is 13,733, as per the 1960 census.

V.

That the area to be annexed is approximately 560 acres as compared to approximately 4,335 acres in the City of Fergus Falls, Minnesota.

VI.

That the area to be annexed is urban or suburban in character and suited for residential, commercial and industrial use.

VII.

That at the present time, said area is owned in fee simple absolute by the State of Minnesota and for that reason there will be no tax increase in said area, however, in the event that the State of Minnesota should subsequently convey said area to and for private purposes, the increase in taxes will be commensurate with the municipal services provided by the City of Fergus Falls, Minnesota.

VIII.

That there is a present need in the area to be annexed for all municipal services, including zoning control and particularly water and sewer services.

IX.

That the area to be annexed constitutes an extremely small geographical portion of the Township of Fergus Falls and that the annexation of this portion to the City of Fergus Falls will not impair the ability of the township to function.

X.

That the Township of Fergus Falls has no plans for the installation of either water or sewage systems.

XI.

That the assessed valuation of the City of Fergus Falls is much greater than that of the area to be annexed.

XII.

That the City of Fergus Falls has expanded and will continue to expand with respect to population and construction, and requires space to accommodate that expansion.

CONCLUSIONS OF LAW

I.

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 Fergus Falls, Minnesota, and is now or is about to become urban or suburban in character.

III.

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

IV.

That the municipal form of government and the corresponding municipal services are required in the area to be annexed for the preservation and protection of public health, welfare and safety in the area to be annexed and in the City of Fergus Falls, Minnesota.

V.

The township form of government is not adequate to meet the problems found to exist in the area to be annexed.

VI.

The City of Fergus Falls can meet the problems existing in the area to be annexed, can remedy them and provide any and all governmental service presently required and which may become necessary in the future in the area to be annexed.

VII.

An Order should be issued by the Municipal Commission ordering the annexation of the land described herein to the City of Fergus Falls. Let an Order for such an annexation be entered and filed accordingly.

O R D E R

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

Beginning at the Southwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of Section 27, Township 133 North, Range 43 West; thence Northerly to the Southeast corner of the North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 28, Township 133 North, Range 43 West; thence Westerly to the Southwest corner of the North Half of the Northeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 28, Township 133 North, Range 43 West; thence Northerly to the Northwest corner of the North Half of the Southeast Quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$), Section 21, Township 133 North, Range 43 West; thence Easterly to the Northeast corner of the North Half of the Southeast Quarter, ($N\frac{1}{2}$ of $SE\frac{1}{4}$), Section 21, Township 133 North, Range 43 West; thence Southerly to the Northwest corner of the South Half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$), Section 22, Township 133

North, Range 43 West; thence Easterly to the Northeast corner of the South Half of the Southwest Quarter ($S\frac{1}{2}$ of $SW\frac{1}{4}$), Section 22, Township 133 North, Range 43 West; thence Southerly to the Northwest corner of the West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$), Section 27, Township 133 North, Range 43 West; thence Easterly to the Northeast corner of the West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$), Section 27, Township 133 North, Range 43 West; thence Southerly to the Southeast corner of the West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) of Section 27, Township 133 North, Range 43 West; thence Westerly to the point of beginning; said area comprising 560 acres more or less and located in Fergus Falls Township, Otter Tail County, Minnesota.

Be, and the same hereby is, annexed to the City of Fergus Falls, Minnesota, the same as if it had originally been made a part thereof.

IT IS FURTHER ORDERED: The ad valorem real estate taxes levied in 1968 by the Township of Fergus Falls on the property herein ordered annexed which are due and payable as of the date of this Order shall be the property of the City of Fergus Falls, but such taxes levied for the retirement of the bonded indebtedness of the township shall be paid to the township until such time as the same is paid. All other property and obligations of the township shall remain the property and obligations of said township. However, all real estate taxes on the property herein ordered annexed which are delinquent prior to the date of this order shall be payable to the township.

IT IS FURTHER ORDERED: That the annexation herein ordered shall not become effective until consented to by the Executive Council of the State of Minnesota.

Dated this 5th day of December, 1969

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

Bruce Rasmussen
Bruce Rasmussen
Secretary

21169
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 8 - 1969

Joseph A. Johnson
Secretary of State