

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

#21409

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
George Otto	Ex-Officio Member
Ernie Bullert	Ex-Officio Member

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IN THE MATTER OF THE PROCEEDINGS TAKEN UPON JOINT RESOLUTION OF THE TOWN OF ACOMA AND THE CITY OF HUTCHINSON, MINNESOTA, DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY ANNEXATION AND CONFERRING JURISDICTION OVER SAID AREA TO THE MINNESOTA MUNICIPAL COMMISSION	) ) ) ) ) ) )	FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER
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The above entitled matter was duly presented to the Minnesota Municipal Commission by Resolutions of the Town of Acoma and the City of Hutchinson designating a certain area herein described as in need of orderly annexation. By further resolution the Town of Acoma initiated the annexation of the entire area so designated. Pursuant to said resolution and upon proper notice the Minnesota Municipal Commission duly convened a public hearing on said matter. The City of Hutchinson and the Town of Acoma both appeared by and through Milton O. Schantzen, City Attorney, City of Hutchinson. All members and Ex-officio members of the Commission were present throughout said hearing. Evidence was then and there offered and received in support and in opposition to the annexation herein, and on such other matters which were properly before the Commission. All parties desiring to be heard were heard. The commission viewed the premises.

After due and careful consideration of all the evidence so offered and received, together with all records, files and proceedings had and taken herein, and being duly advised in the premises, the Minnesota Municipal Commission now makes and files the following as and for its Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Minnesota Municipal Commission makes for its Findings of Fact:

1. That on November 6, 1969, the Board of Supervisors of the Town of Acoma, County of McLeod, State of Minnesota duly adopted a resolution designating that certain area herein described as in need of orderly annexation; that on November 10, 1969, the City Council of the City of Hutchinson, County of McLeod, State of Minnesota duly adopted a resolution designating that certain area herein described as in need of orderly annexation; that said resolutions were filed with the Secretary of the Minnesota Municipal Commission on November 18, 1969;

2. That on November 6, 1969, the Board of Supervisors of the Town of Acoma duly passed a resolution initiating annexation of the entire area herein described; that said resolution was filed with the Secretary of the Minnesota Municipal Commission on November 18, 1969;

3. That pursuant to said resolutions designating that certain area herein described as in need of orderly annexation, and said resolution initiating annexation of the entire area herein described, the Secretary of the Minnesota Municipal Commission set a hearing for February 11, 1970, at the City Hall, Hutchinson, Minnesota; that due and timely notice of said hearing was given, served and published as required by law. That the McLeod County Board duly appointed the two aforementioned County Commissioners to serve as ex-officio members of the Minnesota Municipal Commission for the hearing herein;

4. That pursuant to said notice, said hearing was convened at the time and place fixed in said notice;

5. That the area to be annexed abuts the City of Hutchinson;

6. That the area to be annexed is approximately 180 acres and contains a population of approximately 40 people;

7. That the area to be annexed is urban or suburban in character and suited for municipal government, and that it is reasonably expected that the full range of municipal services will be available within a three year period as required and requested;

8. That there is a present need in the area to be annexed for all municipal services, including water, sewer and police protection. That the City of Hutchinson is capable of and it is practical for it to provide such services within a reasonable time;

9. That the area to be annexed lies wholly within the Township of Acoma and that the annexation of said area to the City of Hutchinson will not impair the ability of the township to function;

10. That the township in which the area to be annexed lies has no plans for the installation of a water or sewage system.

11. That the area to be annexed is a logical area for residential expansion and, therefore, said area requires municipal planning and zoning for the proper use and development of said area;

12. That the taxes in the area to be annexed will increase, but the increase will be commensurate with the municipal services to be provided by the City of Hutchinson;

13. That municipal government and services are required in the area herein ordered annexed for the preservation and protection of the public health, welfare and safety of said area and the inhabitants thereof, and of the City of Hutchinson and the Town of Acoma.

#### CONCLUSIONS OF LAW

The Minnesota Municipal Commission determines as its Conclusions of Law:

1. That the Minnesota Municipal Commission duly acquired, and

now has, jurisdiction of the within proceedings.

2. 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 Hutchinson, Minnesota, and is urban or suburban in character;

3. That the interests of the City of Hutchinson and the area to be annexed would be served best by the annexation of said area to the City of Hutchinson, Minnesota;

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 Hutchinson, Minnesota;

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

6. That the City of Hutchinson can meet the problems existing in the area to be annexed, can remedy them and provide any and all governmental services presently required and which may become necessary in the future in the area to be annexed;

7. That the City of Hutchinson can properly provide for the orderly planning and regulation of growth and development in the area to be annexed;

8. That the mill rate levy on the property herein ordered annexed should be increased in substantially equal proportions over a three year period to equality with the mill levy on property already within the City of Hutchinson.

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

O R D E R

IT IS HEREBY ORDERED: That the following described real estate lying in the Township of Acoma, County of McLeod, State of Minnesota, be and the same hereby is annexed to the City of Hutchinson, Minnesota, the same as if it had originally been made a part thereof:

Government Lot 1 - Section 35-117-30, consisting of 24.20 acres.

W. 30 acres of NW $\frac{1}{4}$ , NW $\frac{1}{4}$  - Section 36-117-30; SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 36-117-30.

That part of the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 36-117-30 described as follows: Beginning at the Northwest corner of the South Half of the NW $\frac{1}{4}$  of Section 36; thence South along the West line of the NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of said Section 36, a distance of 1493.01 feet; thence Easterly parallel with the North line of said South Half of the NW $\frac{1}{4}$ , a distance of 1475.10 feet; thence Northerly deflecting to the left 89 degrees, 11 minutes and 55 seconds to a point on the North line of said South Half of the NW $\frac{1}{4}$ ; thence West along said North line to the point of beginning.

Government Lot 2, Section 35-117-30.

Government Lot 3, Section 35-117-30

Government Lot 4, Section 35-117-30 except that part of Government Lot 4 described as follows: Commencing at a point on the East line of said Government Lot 4, a distance of 810 feet South of the Northeast corner thereof; thence West, parallel with the North line of said Government Lot 4, a distance of 350 feet; thence South parallel with said East line, a distance of 389.3 feet to the North line of State Highway No. 7; thence Northeasterly along said North line of Highway No. 7 to the said East line; thence North, along said East line to the point of beginning.

A tract of land in the Southwest Quarter of Section 36-117-30 described as follows: Beginning at a point in the West line of Section 36, 491.4 feet north of the Southwest corner of said Section 36; thence Northerly along said West line a distance of 370.0 feet; thence deflect to the right 90 degrees, a distance of 193.73 feet; thence deflect to the right 90 degrees, a distance of 371.14 feet; thence Westerly to the point of beginning.

IT IS FURTHER ORDERED: That the annexation herein ordered shall be effective immediately.

IT IS FURTHER ORDERED: That the mill rate levy of the City of Hutchinson on the property herein ordered annexed shall be increased in substantially equal proportions over a three year period to equality with the mill rate levy on the property presently within the City of Hutchinson.

Dated this 16 day of March, 1970

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

*Bruce Rasmussen*

Bruce Rasmussen  
Secretary

#21489  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 19 1970  
*Joseph L. Johnson*  
Secretary of State