

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Raymond LaVoie	Ex-Officio Member
N. B. Schultenover	Ex-Officio Member

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IN THE MATTER OF THE PETITION )	FINDINGS OF FACT,
FOR ANNEXATION OF CERTAIN LANDS )	CONCLUSIONS OF LAW
TO THE CITY OF STAPLES, MINNESOTA )	AND ORDER

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The petition for the annexation to the City of Staples of certain real estate situated in the County of Todd and State of Minnesota, described as per attached order, came on for hearing before the Minnesota Municipal Commission on the 25th day of March, 1970 at which time all members and ex-officio members of the Minnesota Municipal Commission were present. The City of Staples appeared by and through Mayor Ernest E. Weber and City Attorney, Don E. Kennedy. The Staples Township Board appeared by and through its Chairman and Board members. Mr. Peter Card, Sr. and Peter Card, Jr., property owners, appeared on their own behalf.

It was made to appear that a petition was duly filed with the City of Staples, the Staples Township Board and with the Minnesota Municipal Commission.

An objection having been filed with the Staples Township Board and within the time prescribed, an order for hearing was made and set for March 25, 1970 at 11:00 o'clock A.M. Due and proper service and publication of said order has been made.

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

After due and careful consideration of the evidence offered and received, together with all of the records, files and proceedings had and taken herein, the Minnesota Municipal Commission of the State of

21604

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 thereon was published, served and filed.

II.

That the properties described in the petition are situated in the Township of Staples, Todd County, Minnesota and said tracts abut upon the present city limits and the boundary of the City of Staples and that the city limits of the City of Staples borders at least 60% of the perimeter of the parcels described in the petition.

III.

That said parcels are not included in any other municipality other than Staples Township, Todd County, Minnesota.

IV.

That the City Council of the City of Staples has approved the annexation and extension of the city limits to include said tracts.

V.

That the population of the area to be annexed is as follows:

Parcel #1	-	30
Parcel #2	-	15
Parcel #3	-	24
Parcel #4	-	19
Parcel #5	-	1
Parcel #6	-	<u>15</u>
Total		104

VI.

That the area to be annexed is approximately 121.5 acres.

Parcel #1	-	35.6 acres
Parcel #2	-	39.6 acres
Parcel #3	-	10.5 acres
Parcel #4	-	7.9 acres
Parcel #5	-	8.1 acres
Parcel #6	-	17.6 acres

That the present area of the City of Staples is approximately 752.3 acres.

VII.

That the area to be annexed is urban or suburban in character and suitable for municipal government.

VIII.

That the mill rate for the taxes for the area will increase but such increase of mill rate and any resulting increase of real estate taxes will be commensurate with the increase of municipal services which will be made available and provided by the City of Staples.

IX.

That there is a need in the areas to be annexed for all municipal services including police and fire protection, street maintenance, water, sewer and municipal hospital.

X.

That the area to be annexed constitutes a small geographical portion of Staples Township and that the annexation of such tracts and land will not impair the functioning of Staples Township.

XI.

That Staples Township does not now nor does it appear that it plans to furnish police protection, nor install water or sewer systems.

XII.

That the City of Staples has enjoyed population growth along with industrial and school expansion and the areas included are logically included in the residential, industrial and school areas of the city.

CONCLUSIONS OF LAW

I.

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

II.

The areas to be annexed are so conditioned and so located as to be properly subjected to municipal government by the City of Staples and are urban or suburban in character.

III.

That the interests of the City of Staples and the area to be annexed would be best served by the annexation of said areas to the City of Staples.

IV.

That the Municipal form of government and the corresponding municipal services are available from the City of Staples and the preservation and protection of public health, welfare and safety of the areas to be annexed are best served by annexation to the City of Staples.

V.

That the township government is not adequate to furnish municipal services or to meet the problems of urbanization.

VI.

That the City of Staples can provide for the orderly planning and regulation of growth and development in the areas to be annexed.

VII.

An order should be issued by the Minnesota Municipal Commission ordering the annexation of the tracts of land described herein to the City of Staples, Minnesota.

Let such Order of Annexation be entered and filed accordingly.

O R D E R

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

PARCEL #1

- Tract 1 - Block 8, Wilson's Addition to Staples.
- Tract 2 - Block 7, Wilson's Addition to Staples.
- Tract 3 - Block 6, Wilson's Addition to Staples.
- Tract 4 - Block 5, Wilson's Addition to Staples.
- Tract 5 - Lots 1 and 2 of Block 4, Wilson's Addition to Staples
- Tract 6 - Lots 1, 2, 3, 4, 5 and 6 of Block 1, Wilson's 1st Addition to Staples.
- Tract 7 - Lots 1, 2, 3, 4, 5 and 6 of Block 2, Wilson's 1st Addition to Staples.
- Tract 8 - All of that portion of the Northwest Quarter of the Southeast Quarter of Section One (1), Township One Hundred Thirty-three North, Range 33 West, lying North of Blocks 2, 3, 6 and 7 of Wilson's 1st Addition to Staples, excepting those tracts previously annexed by ordinances numbered 158 and 170.
- Tract 9 - All that part of the Southeast Quarter of the Southeast Quarter of Section 1, Township 133 North, Range 33 West described as follows: That part of the Southeast Quarter of the Southeast Quarter ( $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of Section 1, Township 133 North, Range 33 West, described as follows: Commencing at a point on the west line of said  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  which is 441.9 feet north of the Southwest corner of said  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ , said point being 75 feet north of the intersection of said west line with the center line of State Highway Number 10; thence south 88 degrees 00 minutes east 33 feet along the right-of-way line of State Highway #10 thence south 88 degrees 00 minutes east 215 feet continuing along said highway right-of-way line; thence north 624 feet to the point of beginning; thence north to the north line of said Southeast Quarter of the Southeast Quarter ( $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) thence west 248 feet to the west line of said  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$ ; thence south along the west line of said  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  to a point on said west line which is 1065.9 feet north of the southwest corner of the  $SE\frac{1}{4}$  of the  $SE\frac{1}{4}$  of said Section, Township and Range; thence east a distance of 248 feet; thence north to the point of beginning.

Tract 10 - Commencing at a point on the south line of the Northeast Quarter of the Southeast Quarter of Section 1, Township 133 N, Range 33 W. 33 feet west from the west line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , thence running east on said south line 167 feet; thence running north and parallel to the west line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 1-133-33 a distance of 180 feet, thence running west 167 feet, thence south and parallel with the west line of said NE $\frac{1}{4}$  of SE $\frac{1}{4}$  a distance of 180 feet to the point of beginning.

PARCEL #2

Tract 1 - Lots 6, 7, 8, 9 and 10 of Block One (1) and Lots 1, 2, 3, 4, and 5 of Block Two (2) of Bohne Addition to Staples.

Tract 2 - All that part of Section One (1), Township 133 N. Range 33 described as follows: Commencing at a point on the west line of Third Street which is 1,723.75 feet north of the northeast corner of Brannon's Addition to Staples, thence west 926.5 feet more or less to the west line of said Section One (1), thence south along said west line of Section One (1) to a point 33 feet west of the Northwest corner of Lot One (1) of Block Four (4), Original Townsite of Staples; thence east along the north line of Block Four (4), Original Townsite of Staples to the northwest corner of Lot 6 of Block 4, Original Townsite of Staples; thence north along the west lines of Block One (1) and Four (4) of Brannon Addition and the west line of Block 2 of Bohne Addition; thence east along the north line of Lot 5 of Block 2, Bohne Addition to the northwest corner of Lot 6 of Block 1, Bohne Addition; thence north a distance of 50 feet; thence east to the west line of Third Street a distance of 300 feet; thence north along the west line of Third Street to the point of beginning, except portion annexed by Ordinance #189. All streets, alleys and utilities easements in said Parcel included.

PARCEL #3

Tract 1 - Blocks Eight (8), Nine (9) and Ten (10), O'Connor Addition to Staples, including all streets, alleys and utility easements.

PARCEL #4

Tract 1 - Commencing at the northwest corner of the Northeast Quarter of Section One (1), Township 133N, Range 33, thence south along the quarter line of said quarter a distance of 677.6 feet; thence west to a point 150 feet east of the east line of Sixth Street; thence north 90 feet; thence west to the east line of Sixth Street; thence north to the north line of Section One (1), Township 133 North, Range 33; thence east along the north line of said Section to the point of beginning, including all

alleys, streets and utility easements therein and abutting thereon.

PARCEL #5

Tract 1 - All that part of Sec. 1-133-33 described as follows: Commencing at the northwest corner of the Northeast Quarter of Section One (1) (NE $\frac{1}{4}$  - 1), Township 133 N, Range 33 West, thence south along the quarter line a distance of 787.6 feet; thence west 255.5 feet; thence north 100 feet; thence west to the east line of Sixth Street; thence south along the east line of Sixth Street to the northwest corner of Lot 6 of Block 1 of Sharkey & Grant Addition; thence east to the northeast corner of said Lot 6 of Block One (1) of Sharkey & Grant Addition, thence north 294.2 feet; thence east 448.3 feet to the quarter line; thence north along said quarter line to the place of beginning, and excepting all tracts therein previously annexed by ordinances numbered 206 and including all streets, alleys and utility easements included therein and abutting thereon.

PARCEL #6

- Tract 1 - Lots 55, 56, 57, 58, 59, 60, 63 and 64 and Lots A and K of Lot 54 and Lot 72 of Auditors Subdivision of the S $\frac{1}{2}$  of NE $\frac{1}{4}$  and NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11 and SW $\frac{1}{4}$  of NW $\frac{1}{4}$  and NW $\frac{1}{4}$  of SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 12, Township 133, Range 33, including streets, alleys and utility easements.
- Tract 2 - Blocks 13 and 14 of Bigelow Addition to Staples including all streets, alleys and utility easements.
- Tract 3 - Lots 1 and 12 of Block 12, Bigelow Addition including all streets, alleys and utility easements.
- Tract 4 - Lots 1 and 12 of Block 11, Bigelow Addition to Staples including all streets, alleys and utility easements.
- Tract 5 - Lot 1 of Block 10 of Bigelow Addition to Staples, including all streets, alleys and utility easements.

be and the same hereby are annexed to the City of Staples, Todd County, Minnesota, the same as if it had originally been made a part thereof and the city limits are extended to include such tracts including the streets, alleys and utility easements included therein.

IT IS FURTHER ORDERED: That the population of the City of Staples shall be increased by 104 until the next federal census. The new population shall be computed by adding 104 to the 1970 federal census figure.

IT IS FURTHER ORDERED: That a copy of this order shall be filed and recorded as provided by Minnesota Statutes 414.031, Subdivision 6, and that the annexation shall be effective upon the issuance of this order.

Dated this 23rd day of June, 1970

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

*Bruce Rasmussen*  
Bruce Rasmussen  
Secretary

# 21604  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUN 24 1970  
*Joseph L. Johnson*  
Secretary of State



A-1709 Staples

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OF THE STATE OF MINNESOTA

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IN THE MATTER OF THE PETITION )	DENIAL
FOR ANNEXATION OF CERTAIN LANDS )	OF
TO THE CITY OF STAPLES, MINNESOTA )	MOTION

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The motion of the City of Staples to amend the description of the property proposed for annexation by adding an area of land to be described as Tract 11 of Parcel #1 is hereby denied.

Dated this 23rd day of June, 1970

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

*Bruce Rasmussen*

Bruce Rasmussen  
Secretary

MEMORANDUM

While commission rules (M.M.C. 5) allow amendments at any time before the record has been closed, we rule that such amendments with respect to property descriptions must be limited to minor and grammatical matters. The owner of land which was not included in the property description of the notice of hearing would be denied due process of the law if such amendments were allowed.

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DEPARTMENT OF STATE  
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Secretary of State

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