

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

21781

Robert W. Johnson  
Arthur R. Swan  
Robert J. Ford  
Donnell Frederickson  
C. D. RandlemanChairman  
Vice Chairman  
Member  
Ex-Officio Member  
Ex-Officio Member

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IN THE MATTER OF THE PROCEEDINGS	)	
TAKEN UPON RESOLUTION OF THE CITY	)	FINDINGS OF FACT
OF BENSON, MINNESOTA, TO ANNEX	)	CONCLUSIONS OF LAW
CERTAIN ADJOINING UNINCORPORATED	)	AND ORDER
TERRITORY TO THE CITY AND CONFERRING	)	
JURISDICTION OVER SAID AREA TO THE	)	
MINNESOTA MUNICIPAL COMMISSION	)	

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The above-entitled matter was duly presented to the Minnesota Municipal Commission by resolution of the City of Benson to annex certain adjoining unincorporated territory to the City. Pursuant to said resolution and upon proper notice, the Minnesota Municipal Commission duly convened a public hearing on the matter of the annexation of the area herein described. The City of Benson appeared by and through Kenneth C. Spates, City Attorney, City of Benson. The Township of Torning appeared by and through Walter Flower, Chairman of the Township Board, Township of Torning. All members and Ex-Officio members of the Commission were present throughout said hearing. Evidence was then and there offered and received in support of and in opposition to the annexation therein, and on such other matters which were properly before the Commission. All parties desiring to be heard were heard. The Commission viewed the premises. Thereafter on April 14, 1970, the Torning Township Board, County of Swift, State of Minnesota, duly adopted a joint resolution designating a specific area within the subject area as in need of orderly annexation. That on April 16, 1970, the City Council of the City of Benson, County of Swift, State of Minnesota,

duly adopted a joint resolution designating a specific area within subject area in need of orderly annexation; that said resolution was duly filed with the Secretary of the Minnesota Municipal Commission on April 24, 1970. By further resolution the City of Benson initiated further annexation proceedings. Pursuant to said resolution and on proper notice, the Minnesota Municipal Commission duly convened for public hearing on said matter on June 16, 1970. The City of Benson appeared by and through Kenneth C. Spates, City Attorney, City of Benson, and the Township of Torning appeared by and through Walter Flower, Chairman of the township board, Township of Torning. Bruce Rasmussen, Secretary of the Minnesota Municipal Commission, appeared on behalf of the Commission and was present throughout said hearing. Evidence was then and there offered and received in support of the latter annexation. There was no evidence in opposition to the latter annexation. All parties desiring to be heard were heard. Kenneth C. Spates moved that annexation A-1696 be dismissed upon the Commissions order annexing the area designated as in need of orderly annexation. That said order was entered on September 21, 1970.

# 21781  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 23 1970

*Joseph L. Johnson*  
Secretary of State

#### FINDINGS OF FACT

The Minnesota Municipal Commission makes for its Findings of Fact:

1. That on August 7, 1969, the City Council of the City of Benson, County of Swift, State of Minnesota, duly adopted a resolution to petition to annex certain adjoining unincorporated territory to the City; that said resolution was filed with the Secretary of the Minnesota Municipal Commission on October 16, 1969.

2. That pursuant to said resolution the City Council of the City of Benson, County of Swift, State of Minnesota, petitioned the Minnesota Municipal Commission thereby initiating the annexation of the entire area herein described; that said petition was filed with the Secretary of the Minnesota Municipal Commission on October 16, 1969.

3. That pursuant to said resolution and petition the Secretary of the Minnesota Municipal Commission set a hearing for January 14, 1970, at the City Hall, Benson, Minnesota; that due and timely notice of said hearing was given, served and published as required by law. That the Swift County Board duly appointed Donnell Frederickson and C. D. Randleman, 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 on June 16, 1970, petitioner, the City of Benson, through its' attorney, moved that this annexation proceeding be dismissed upon the Commission's order annexing that area designated as in need of orderly annexation.

6. That said order was entered on September 21, 1970.

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 an order should be issued dismissing the annexation  
proceedings of the land described herein and that said order shall be  
entered and filed accordingly.

ORDER

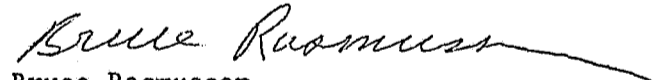
IT IS HEREBY ORDERED: That the annexation proceeding relating  
to the following described real estate lying in the Township of Torning,  
County of Swift, State of Minnesota, be and hereby is dismissed:

The West One-half of the East One-half (W $\frac{1}{2}$ -E $\frac{1}{2}$ )  
of Section Five (5), Township One Hundred Twenty-  
One (121), Range Thirty-nine (39), being in the  
County of Swift, State of Minnesota, except that  
territory both platted and unplatted that is  
presently within the corporate limits of the City  
of Benson

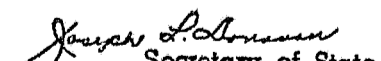
IT IS FURTHER ORDERED: That dismissal shall be effective  
immediately.

Dated this 21st day of September, 1970

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

  
Bruce Rasmussen  
Executive Secretary

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DEPARTMENT OF STATE  
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Joseph A. Johnson  
Secretary of State