

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Jerome Peters	Ex-Officio Member
John O'Brien	Ex-Officio Member

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IN THE MATTER OF THE PETITION )	
OF CERTAIN FREEHOLDERS FOR )	FINDINGS OF FACT
INCORPORATION OF THE TOWNSHIP )	CONCLUSIONS OF LAW
OF ROCK CREEK, COUNTY OF PINE, )	AND ORDER
STATE OF MINNESOTA, AS THE )	
VILLAGE OF ROCK CREEK )	

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The petition of certain freeholders for incorporation of the Township of Rock Creek, County of Pine, State of Minnesota as the Village of Rock Creek was filed with the Minnesota Municipal Commission on the 25th day of March, 1970. The petition came on for hearing before the Minnesota Municipal Commission on June 10, 1970 in the Village Hall in the Village of Pine City, County of Pine, State of Minnesota after mailing publication and posting of the proper notices pursuant to the authority and responsibility under Minnesota Statutes 1967, Chapter 414, as amended.

APPEARANCES WERE MADE BY:

John M. Sharp, 243 Sixth Street, Pine City, Minnesota as attorney for petitioners. No other appearances were noted.

Evidence was taken and testimony was heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. The Commission having carefully considered all of the evidence included in all of the testimony and exhibits, being fully advised in the premises, upon all the files, records, and proceedings herein, hereby makes the following Findings of Fact, Conclusions of Law and Order:

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## FINDINGS OF FACT

### I.

The petition of certain freeholders of the Township of Rock Creek for the Incorporation of the Township of Rock Creek, County of Pine, State of Minnesota as the Village of Rock Creek was filed pursuant to and in compliance with Minnesota Statutes 1967, Chapter 414, as amended and said petition was in all respects proper in form, contents, and execution.

### II.

Notice of the hearing on the petition of certain freeholders for incorporation of the Township of Rock Creek, County of Pine, State of Minnesota as the Village of Rock Creek was duly given as required by statute. The Commission convened by a lawful quorum at the scheduled hearings, all of those above named being present. All parties of record for said petition were present at, and participated in, the hearings. No parties appeared against said petition.

### III.

The area to be incorporated as a Village includes all of the Township of Rock Creek, Pine County, State of Minnesota described as follows:

Sections Thirteen (13) through Thirty-five (35) inclusive  
Township Thirty-eight (38) North, Range Twenty (20) West.

Sections Thirteen (13) through Thirty-six (36) inclusive,  
Township Thirty-eight (38) North, Range Twenty-one (21)  
West.

### IV.

The area of the Town of Rock Creek is approximately 25,741 acres.

### V.

The population of the Town of Rock Creek as enumerated in

the 1970 Federal census is 803.

VI.

Approximately 221.3 acres of the township is currently platted.

VII.

The Township of Rock Creek is predominately agricultural in nature and use, though commercial and industrial developments are occurring with increasing rapidity due to the influence of Interstate Highway 35. Intensive recreational use of the area is anticipated through the State of Minnesota, Rock Creek Marsh and through the National Wild River Project of the St. Croix River which is the Eastern boundary of the Township.

VIII.

Population and construction in the Town of Rock Creek are developing to the extent that the township itself has grown 11% in population over the last decade whereas the population of Pine County has decreased in the same period. Population and construction of residential, industrial and commercial is expected to continue to grow at an increasing rate in the future.

IX.

The assessed value of all the unplatted property is \$344,820, and the assessed valuation of the platted property is \$16,733. A steady growth in assessed valuation is noted over the last several years.

X.

The Town of Rock Creek has no central water system, has no sewer system, has been served by the volunteer fire departments of the Villages of Pine City and Rush City. Police protection is

furnished by the Pine County Sheriff's office and additional police protection within the area will be required within the near future.

XI.

The County of Pine through its Board of County Commissioners has stated that its policy is not to adopt any zoning or planning regulations for the County in the near future and the Town of Rock Creek feels that zoning and planning on a village basis will be necessary in the future.

XII.

There is now and will be in the immediate future a need for increased governmental service in the area to be incorporated and the Village form of government will be better able to protect the health, safety and welfare of the residents within the Town of Rock Creek. It is in the best interest of the public that the Town of Rock Creek be incorporated as a Village so that municipal services in the area can be more efficiently and economically provided to the residents.

XIII.

The area proposed to be incorporated can best be served as one village in the matter of community planning, installation of thoroughfares, street systems, sewer and water systems, fire and police protection, recreational, and other vital and necessary community services.

XIV.

The Township form of government in Rock Creek Township is inadequate to cope with the problems of growth and development within the town area and does not efficiently and economically provide the necessary services for the residents.

XV.

The name of the proposed Village is Rock Creek

XVI.

The Village plan of government suitable for the area to be incorporated is Optional Plan A.

CONCLUSIONS OF LAW

I.

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

II.

The area to be incorporated as a Village is all of the present Township of Rock Creek, County of Pine, State of Minnesota described as follows:

Sections Thirteen (13) through Thirty-five (35) inclusive, Township Thirty-eight (38) North, Range Twenty (20) West.

Sections Thirteen (13) through Thirty-six (36) inclusive, Township Thirty-eight (38) North, Range Twenty-one (21) West.

III.

The area to be incorporated as a Village is such that the existing township form of government is not adequate to protect the public health, safety and welfare.

IV.

There is an existing and reasonably anticipated need of governmental services, such as, but not limited to, water system, sewage disposal, police protection, area planning and zoning, and recreational use in the area to be incorporated as a Village.

V.

The Township form of government is not adequate to cope with and protect the public health, safety and welfare in relation to

the past and projected growth of the existing Town of Rock Creek.

VI.

All the area to be incorporated as a Village can feasibly and practically provide for, and best serve, the need for governmental services presently and as they become necessary incorporated as a Village.

VII.

The name of the new municipality shall be the Village of Rock Creek.

VIII.

The plan of government shall be Optional Plan A.

O R D E R

Upon the foregoing Findings of Fact and Conclusions of Law and upon all the testimony taken and exhibits received and upon all findings and record, the Commission being fully advised in the premises, pursuant to Minnesota Statutes, 1967, Chapter 414:

IT IS ORDERED: That all of the Township of Rock Creek more particularly described as follows:

Sections Thirteen (13) through Thirty-five (35) inclusive, Township Thirty-eight (38) North, Range Twenty (20) West

Sections Thirteen (13) through Thirty-six (36) inclusive, Township Thirty-eight (38) North, Range Twenty-one (21) West

be incorporated as the Village of Rock Creek.

IT IS FURTHER ORDERED: That the first election of officers in the new Village shall be held on the 22nd day of December, 1970; that the polling place for the first election of officers shall be the present Town Hall of the Town of Rock Creek; that Shirley

Peterson shall be the acting Clerk for election purposes and she shall conduct the election in accordance with Minnesota Statutes 1969, Section 414.09, Subdivision 3; that Paul Mettling, Shirley Johnson and Marian Hansen be the election judges for the first election of Village officers.

IT IS FURTHER ORDERED: That the plan of government for the new Village of Rock Creek shall be Optional Plan "A".

IT IS FURTHER ORDERED: That the population of the Village herein created shall be 803 for all purposes until the next federal census.

IT IS FURTHER ORDERED: That the Secretary of the Minnesota Municipal Commission shall cause copies of this Order to be mailed and filed as provided by law.

Dated this 4th day of November, 1970

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

*Bruce Rasmussen*

Bruce Rasmussen  
Executive Secretary

#21876  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 5 - 1970

*Joseph P. Johnson*  
Secretary of State