

A-1792 Hinckley

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

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

IN THE MATTER OF THE PETITION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
VILLAGE OF HINCKLEY, MINNESOTA)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

A petition of Philip Fagerstrom and Sandra Fagerstrom, his wife; Kenneth Deming and Mary Deming, his wife; Lawrence Irons and Vera Irons, his wife; James E. Pavelka and Kathleen Pavelka, his wife; and Lawrence Sikkink and Bernice Sikkink, his wife; requesting the annexation to the Village of Hinckley of certain real estate situated in the County of Pine, State of Minnesota, said real estate being described in the attached Order, came duly on for hearing before the Minnesota Municipal Commission on the 24th of June, 1970, at which time all members and ex-officio members of the Minnesota Municipal Commission were present. The Village of Hinckley appeared by and through its mayor, Roland Gimpl, and its attorney, Howard N. Ledin. The Township of Hinckley appeared by and through its Chairman, George Baran.

It appeared that a petition was filed with the Village of Hinckley for the annexation of the real estate herein described, said petition having been executed by the owners of the area to be annexed.

It appeared that copies of the petition were duly filed with the County Board of Pine County, the Town Board of Hinckley Township, Minnesota, and the Minnesota Municipal Commission.

It appeared that the Notice of Hearing had been duly published and further that notice of the hearing had been sent to all parties in

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Joseph A. Olson
Secretary of State

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interest.

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

It appearing that after a due and careful consideration of the evidence that the Minnesota Municipal Commission pursuant to the authority vested in it by Chapter 414 of Minnesota Statutes, altered the area proposed for annexation in this matter by adding the Thomas Thill property which is described as the Southerly Five (5) acres of the West Ten (10) acres of the Southwest Quarter of Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty-five (25), Township Forty-one (41), Range Twenty-one (21), Pine County, Minnesota, and the hearing was continued until the 22nd day of July, 1970, to permit all representatives or other interested groups of persons to be heard concerning this annexation and it appearing that Notice of the Continued Hearing had been duly published and further that Notice of the Continued Hearing had been sent to all parties in interest, and that evidence was again offered and received for and against the annexation at the continued hearing.

After due and careful consideration of the evidence offered and received, together with all 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 original hearing and continued hearing herein was published, served and filed.

II.

That the property described in said petition abuts the legal boundaries of the Village of Hinckley, Minnesota, and is not included in any other municipality.

III.

That the petition for annexation of said property was signed by all of the owners of all of the property included in said petition.

IV.

That the area proposed for annexation has been altered by the Minnesota Municipal Commission pursuant to the authority vested in it by Chapter 414 of Minnesota Statutes to add the above described real estate owned by Thomas Thill and notice of the continued hearing for this purpose was duly, timely and adequately published, served and filed.

V.

That the Village of Hinckley has indicated approval of such annexation and said Village of Hinckley, by and through its common council has passed and filed with the Minnesota Municipal Commission a resolution approving such annexation.

VI.

That the area to be annexed is approximately 73 acres.

VII.

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

VIII.

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

IX.

That the area to be annexed constitutes a small geographical portion of Hinckley Township, and annexation of said area will not impair the ability of this township to function.

X.

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

XI.

That the Village of Hinckley has expanded and will continue to expand with respect to population and construction and requires space to accommodate this expansion.

XII.

That the boundaries of the area to be annexed are logical geographic boundaries for the Village of Hinckley and these boundaries coincide with the orderly expansion of the Village limits.

XIII.

Because of the existing growth in the area surrounding the Village of Hinckley and because of the proximity of the area to be annexed to Interstate Highway #35, the area is a logical area for continued development and, therefore, said area requires municipal planning, zoning, and utility services for the proper use and development of said area.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has, jurisdiction of the within proceedings.
2. The area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the Village of Hinckley, Minnesota, and is urban or suburban in character.

3. That the interests of the Village of Hinckley and the area to be annexed would be served best by the annexation of said area to the Village of Hinckley, Minnesota.

4. 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 Village of Hinckley, Minnesota.

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

6. The Village of Hinckley 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 Village of Hinckley can properly provide for the orderly planning and regulation of growth and development in the area to be annexed.

8. An Order should be issued by the Minnesota Municipal Commission ordering the annexation of the land lying herein to the Village of Hinckley, 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 Hinckley, in Pine County, Minnesota, be and the same hereby is annexed to the Village of Hinckley, Minnesota, the same as if it had originally been made a part thereof:

That part of Auditor's Lot Three (3), Section 25, Township 41, Range 21, lying East of the Northern Pacific Railway tracks and South of Folsom's First Addition to the Village of Hinckley, less that

part heretofore conveyed to Edward Kroschel and Joanne Kroschel, his wife, by Warranty Deed dated May 8, 1963, and recorded in Book 140 of Deeds, page 282, in the office of the Register of Deeds of Pine County, Minnesota, all in the County of Pine, State of Minnesota, and

The West Ten (10) acres of the Southwest Quarter of Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) less the South Five (5) acres, all in Section Twenty-five (25) Township Forty-one (41), Range Twenty-one (21), Pine County, Minnesota, and

The East Half of West Half of Southwest Quarter of Northeast Quarter (E $\frac{1}{2}$ of W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty-five (25), Township Forty-one (41), Range Twenty-one (21), Pine County, Minnesota, and

That part of the East Half of the Southwest Quarter of Northeast Quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of Interstate #35, Section Twenty-five (25), Township Forty-one (41), Range Twenty-one (21), Pine County, Minnesota, and

The Southerly Five (5) acres of the West Ten (10) acres of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 25, Township 41, Range 21, Pine County, Minnesota.

Dated this 18th day of November, 1970

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

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DEPARTMENT OF STATE
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Joseph A. Johnson
Secretary of State