

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Bruce Jensen	Ex-Officio Member
F. A. Miller	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
ANNEXATION OF CERTAIN LANDS TO)
THE CITY OF WINDOM)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

A petition of Richard A. Jeffrey and Lloyd S. Jones requesting the annexation to the City of Windom of certain real estate situated in the County of Cottonwood, State of Minnesota, said real estate being described in the attached order, came duly on for hearing before the Minnesota Municipal Commission on the 28th day of August, 1970, at 11:00 A.M. in the Courthouse in the City of Windom, with Robert J. Ford presiding and Bruce Jensen and F. A. Miller present. The City of Windom appeared by and through its City Attorney, John S. Ruenitz. The Township of Great Bend appeared by and through its attorney, James W. Remund. Richard A. Jeffrey and Lloyd S. Jones, the petitioners and owners of property within the area herein described, appeared by and through their attorney, T. K. Gudmestad.

It appeared that a petition was filed with the Minnesota Municipal Commission for the annexation of the real estate herein described, and that said petition was executed by all of the owners of property in the area to be annexed.

It appeared that copies of the petition were duly filed with the Town Board of Great Bend Township, Cottonwood County, Minnesota, and the City Council of the City of Windom, Minnesota.

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 interest.

22029

Evidence was offered and received for and against the annexation at said hearing. Maps or plats were received as evidence.

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 a petition was filed with the Minnesota Municipal Commission for the annexation of the real estate herein described, and that said petition was executed by all of the owners of property in the area to be annexed.

II.

That copies of the petition were duly filed with the Town Board of Great Bend Township, Cottonwood County, Minnesota, and the City Council of the City of Windom, Minnesota.

III.

That the City of Windom has indicated approval of such annexation and said City of Windom, by and through its City Council, has passed and filed with the Minnesota Municipal Commission a resolution approving such annexation.

IV.

That due, timely and adequate notice of the petition and the hearing herein, was published, served and filed.

V.

That the property described in said petition abuts the legal boundaries of the City of Windom, Minnesota, and is not included in any

other municipality.

VI.

That the area to be annexed consists of vacant land used for agricultural purposes and that there are no persons in permanent residence therein.

VII.

That exclusive of highways, there are approximately sixty-six acres of land in the area to be annexed.

VIII.

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

IX.

That the taxes in the area to be annexed will increase but that the increase will be commensurate with the municipal services provided by the City of Windom, Minnesota.

X.

That there is no municipal water or sewer service in the area to be annexed.

XI.

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

XII.

That there is no evidence that Great Bend Township plans to install water or sewage systems in the area to be annexed.

XIII.

That the City of Windom operates a municipal water and sewer system which is capable of servicing the area to be annexed.

XIV.

That the area to be annexed constitutes a small geographical portion of Great Bend Township and a small fraction of its assessed valuation. That annexation of said area will not impair the ability of this township to function.

XV.

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

XVI.

That the boundaries of the area to be annexed are logical geographical boundaries for the City of Windom, and these boundaries coincide with the orderly expansion of the City limits.

XVII.

Because of the continuing growth in the area surrounding the City of Windom and because of the proximity of the area to be annexed to U. S. Highway No. 71 and to the new Senior High School under construction, the area is a logical area for continued development and, therefore, said area requires municipal planning, zoning and utility services for its proper use and development.

CONCLUSIONS OF LAW

I.

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

II.

The area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the City of Windom,

Minnesota and is urban or suburban in character.

III.

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

IV.

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 Windom, Minnesota.

V.

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

VI.

That the City of Windom 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.

VII.

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

VIII.

An Order should be issued by the Minnesota Municipal Commission ordering the annexation of the land described herein to the City of Windom, 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 Great Bend in Cottonwood County, Minnesota, be and the same hereby is annexed to the City of Windom, Minnesota, the same as if it had been originally made a part thereof:

The East One-Half of the Southeast Quarter of Section 23, Township 105, Range 36, except the following tract:

Beginning at the Southeast corner of said Section 23 and running thence on and along the South line of said Section 23 a distance of 1307 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 23; thence North on and along the West line of the Southeast Quarter of the Southeast Quarter of said Section 23 a distance of 345 feet; thence East on and along a line parallel with the South line of said Section 23 a distance of 947.84 feet; thence North $77^{\circ} 22'$ East a distance of 123.81 feet; thence South $88^{\circ} 38'$ East a distance of 239.36 feet to the East line of said Section 23; thence South on and along the East line of said Section 23 a distance of 366.94 feet to the point of beginning, containing 10.52 acres, more or less.

Dated this 5th day of January, 1971

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

#22029

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

JAN 7 - 1971

Allen J. Edsall
Secretary of State

22029