

A-1864 Windom

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 Lampert Yards, Inc. et al, 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. Lampert Yards, Inc. et al, 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 a majority 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

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interest.

The petitioners moved that the West 10 feet of the most Northerly 125 feet of Lot 5 in Block 1 in South Windom be stricken from the description, said property having been included in error.

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 a majority 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 petition should be amended by striking therefrom the West 10 feet of the most Northerly 125 feet of Lot 5 in Block 1 in South Windom.

VII.

That the area to be annexed consists partly of residential property, partly of commercial property and partly of vacant land used for agricultural purpose, and that there are approximately twenty-two persons in permanent residence therein.

VIII.

That exclusive of railroads and highways there are approximately sixty acres of land in the area to be annexed.

IX.

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

X.

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.

XI.

That there is evidence of no municipal water or sewer service in the area to be annexed and that there is an existing problem of

environmental pollution in said area.

XII.

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

XIII.

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

XIV.

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

XV.

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.

XVI.

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.

XVII.

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.

XVIII.

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 Minnesota Trunk Highway No. 60, 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:

Lots 1, 2, 3, 4, 5, 6, 7, and 8, all in Block 1 of Granum's Subdivision.

Lot 5 in Block 1, South Windom, except the West 10 feet of the most Northerly 125 feet of said Lot 5.

Lot 7 in Block 2, South Windom.

Together with that part of First Street in Granum's Subdivision lying North of Lot 5, Block 1, South Windom; and that part of Bonnie Street in South Windom lying between Lot 5, Block 1 and Lot 7, Block 2, South Windom.

All that part of the Northeast Quarter of the Northwest Quarter of Section 36, Township 105, Range 36, not presently within the city limits.

All that part of the South Half of the Northwest Quarter and the North Half of the Southwest Quarter, all in Section 36, Township 105, Range 36 described as follows: Beginning at the Southeast corner of the North Half of the Southwest Quarter of Section 36 and running thence North on and along the East line of the North Half of the Southwest Quarter and the South Half of the Northwest Quarter of said Section 36 to the Northeast corner of said South Half of the Northwest Quarter; thence West on and along the North line of the South Half of the Northwest Quarter of Section 36 to the center line of the Des Moines River; thence Southwesterly on and along the center line of the Des Moines River to the point of

intersection with the West line of Highways No. 60 and 71 extended; thence Southerly on and along the Westerly right-of-way line of Highways No. 60 and 71 to the Southeast corner of Lot 7, Block 2, South Windom; thence due East to the Easterly right-of-way line of Highways No. 60 and 71; thence Southerly on and along the Easterly right-of-way line of Trunk Highway No. 60 to the South line of the North Half of the Southwest Quarter of Section 36; thence East on and along said South line of the North Half of the Southwest Quarter to the Northwestern right-of-way line of County Highway No. 25; thence Northeasterly on and along the Northwestern right-of-way line of County Highway No. 25 extended to the Northeasterly right-of-way line of Trunk Highway No. 71; thence Southeasterly on and along the Northeasterly right-of-way line of Trunk Highway No. 71 to the South line of the North Half of the Southwest Quarter of Section 36; thence East on and along said South line of the North Half of the Southwest Quarter of Section 36 to the point of beginning.

Dated this 5th day of January, 1971

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

JAN 7 - 1971

Arden J. Edsall
Secretary of State