

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Virgil M. Olson	Ex-Officio Member
Earl Larson	Ex-Officio Member

IN THE MATTER OF THE PROPOSED)
ANNEXATION OF CERTAIN LANDS)
LOCATED IN WILLMAR TOWNSHIP)
TO THE CITY OF WILLMAR)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The petition, by the City of Willmar, for the annexation of certain real estate situated in the County of Kandiyohi, State of Minnesota, to the City of Willmar and described in the attached order herein, came on duly for hearing before the Minnesota Municipal Commission on the 19th day of January, 1971, at the Municipal Utilities Building in the City of Willmar, County of Kandiyohi, State of Minnesota. Commissioner Robert J. Ford presided and Ex-Officio Members Virgil M. Olson and Earl Larson were in attendance. The City of Willmar appeared through its Assistant City Attorney, L. Wayne Larson, Esq.; the Township of Willmar appeared through its attorney, Henry W. Schmidt, Esq.; the Kandiyohi County Cooperative Rural Electric Association appeared through its attorney, W. N. Bernard, Esq. Testimony was taken both for and against the said annexation.

It was made to appear that a notice of intention to annex certain lands was executed by the City of Willmar and that said notice was duly served upon the Town Board of the Town of Willmar on July 1, 1970. It was made to appear that objections by the Township of Willmar were filed with the Commission on September 9, 1970. By virtue of the objection

jurisdiction of said annexation vested with the Commission. It was made to appear that notice of said hearing was duly mailed and published in accordance with law. Evidence was offered and received for and against said annexation at said hearing. After due and careful consideration of the evidence so offered and received, together with all of the records, files and proceedings had and taken herein, and being fully 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

-1-

A resolution of the City of Willmar stating the intent of said City to annex the property described in the order herein was duly adopted by the City Council of the City of Willmar and served upon the Town Board of the Town of Willmar. An objection to said proposed annexation was served upon the Minnesota Municipal Commission by the Town Board of the Town of Willmar.

-2-

That due, timely and adequate notice of the hearing ordered by the Commission was published, served and filed.

-3-

That the property proposed for annexation abuts the legal boundaries of the City of Willmar and is partly platted and partly unplatted.

-4-

That the population of the area proposed for annexation is estimated at 100, and that the population of the City of Willmar is estimated at 13,000.00.

-5-

That the area proposed for annexation is approximately 288 acres, as compared to approximately 7½ square miles of land in the City of Willmar.

-6-

That certain parcels of the area proposed for annexation are fully developed for residential purposes and other parcels are fully developed for commercial purposes and that those parcels not presently so developed are likely to be developed for urban purposes in the near future.

-7-

That the taxes in the area proposed for annexation will increase, but that the increase will be commensurate with the municipal services provided in the area by the City of Willmar.

-8-

That there is a present need in the area proposed for annexation for all municipal services, and particularly street maintenance, police and fire protection and water and sewer service. That the evidence disclosed that there is a contamination in the areas near or adjacent to said area and that the use of sewage and water facilities from the City of Willmar would aid in solving these pollution problems.

-9-

That the City of Willmar has a Police Department and a Fire Department capable of providing full protection to the area proposed for annexation. That the City of Willmar is capable of providing adequate street maintenance in said area. That the water supply of said City is capable of providing all the water necessary for said area and will have sufficient capacity left to meet future expansion of the City. That the

City now has a sewage treatment facility for the treatment of sewage, and that lines for movement of waste to the sewage facility are already in said area. The waste treatment capabilities of the City of Willmar are sufficient to take care of the need of the said area.

-10-

That the area proposed for annexation constitutes a small geographical part of the Township of Willmar and that the Township of Willmar will be able to continue to function as a township after the annexation.

-11-

That the Township of Willmar is unable to meet the urban problems of the area proposed for annexation, namely the problems of providing water, sewer, road maintenance, police protection, and fire protection, and did not show any possibility of meeting those problems in the near future.

-12-

That the Township does not have an adequate Fire Department, and has no Police Department, but is served by the Kandiyohi County Sheriff's Department.

-13-

That the City of Willmar has expanded with respect to population and construction, and will continue to do so, and that space is needed to accommodate that expansion.

-14-

That the assessed valuation of the area proposed for annexation is \$95,649.00 as compared with the assessed valuation of the City of Willmar which is \$7,061,840.00.

CONCLUSIONS OF LAW

-1-

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

-2-

That the area proposed for annexation is so conditioned and so located as to be properly subjected to municipal government by the City of Willmar, Minnesota, and is urban or suburban in character or about to become so.

-3-

That the interests of the City of Willmar and the area proposed for annexation would be best served by the annexation of said area to the City of Willmar, Minnesota.

-4-

Municipal government and the corresponding municipal services are required in the area proposed for annexation for the preservation and protection of the public health, welfare and safety in said area and in the City of Willmar.

-5-

The Township form of government is not adequate to meet the problems found to exist in the area proposed for annexation.

-6-

That the City of Willmar can meet the problems existing in the area proposed for annexation, can remedy them and can provide any and all governmental services presently required and which may be necessary in the future in said area.

-7-

An order should be issued by the Municipal Commission ordering the

annexation of the area proposed for annexation to the City of Willmar.

-8-

That the Order of the Minnesota Municipal Commission should increase the population of the City of Willmar by 100 for all purposes until the next federal census.

ORDER

IT IS HEREBY ORDERED: That certain real estate lying and being part of the County of Kandiyohi, State of Minnesota, and described as follows, to-wit:

Parcel 1

The NW $\frac{1}{4}$ of Section 11, T119N, R35W except that part of Robbins Island lying in the NW $\frac{1}{4}$ of Section 11, and

Parcel 2

That part of Government Lot 6, Section 11, T119, R35W lying East and South of the South and East right-of-way line of T.H. 71 and North of North right-of-way line of State Avenue less the following exception;

Beginning at a point on the West line of the SE $\frac{1}{4}$ of Section 11 at its intersection with the North right-of-way line of State Avenue, thence Easterly along the North right-of-way line of State Avenue to a point in a line which is 300 feet East of and parallel with the West line of the SE $\frac{1}{4}$ of Section 11; thence Northerly and parallel with said quarter line to a point on the Southerly right-of-way line of T.H. 71, thence Westerly along the South right-of-way line of T.H. 71 to the West line of the SE $\frac{1}{4}$ of Section 11, thence Southerly along said quarter line to point of beginning;

And also that part of Lot 1 of Government Lot 5, Section 11, T119N, R35W lying North of the North right-of-way line of State Avenue and described as follows:

Beginning at a point on the intersection of the North right-of-way line of State Avenue and the East line of Lot 1 of Government Lot 5, Sec. 11; thence Northerly, making an angle of 80° 9' with the North line of State Avenue extended East from the above point, a distance of 318.5'; thence deflecting left 89° 18' a distance of 102.96 feet; thence running southerly along the west boundary line of Lot 1, Government Lot 5 to the north line of State Avenue; thence running Easterly along the North line of State Avenue to the point of beginning.

Parcel 3

That part of the East $\frac{1}{2}$ of Section 11 lying North and West of the South and East right-of-way line of T.H. No. 71, and

Parcel 4

That part of the NE $\frac{1}{4}$ of Section 11, T119, R35W lying East of the East right-of-way line of T.H. 71 and North of the South Boundary line of Iverson Park Addition as extended to the East line of the NE $\frac{1}{4}$ of Section 11 less the following exception;

Lots 6 and 7 of Block 1, Lots 3 through 12, Block 2 and Lots 8, 9, 10, 11, and 12, Block 3, all in Iverson Park Addition, and

Parcel 5

The following described parcel of land in the NE $\frac{1}{4}$ of Section 11, T119N, R35W:

Beginning at the Southeast corner of Iverson Park Addition; thence South along a line parallel to the East line of Section 11 to a point, which point is 1110 feet South and 183' West of the NE corner of Section 11; thence 183 feet East, along a line parallel with the North line of the NE $\frac{1}{4}$ of Section 11, to the East line of Section 11; thence North along the East line of Section 11 to a point, which point is the intersection of the East line of Section 11 and the South boundary line of Iverson Park Addition as extended East to the East line of Section 11; thence Southwesterly along the above extended South line of Iverson Park Addition to the Southeast corner of the Iverson Park Addition, which is the point of beginning.

Parcel 6

That part of Government Lots 2, 3 and 4 described by metes and bounds as follows:

Commencing at the point of intersection of the Easterly right-of-way line of Highway No. 71 with the South line of said Government Lot 3; thence Southerly on and along the said Easterly right-of-way line of said Highway No. 71 a distance of 100.4 feet; thence deflecting 115° 23' to the left, running Northeasterly a distance of 448 feet to a point, thence deflecting 71° 52' to the left a distance of 322.2 feet to a point; thence deflecting 90° 50' to the left and running Westerly to a point on a line, which is parallel with and distant 179.2 feet East of said Easterly right-of-way line as measured perpendicular thereto; thence running Northerly and on a line parallel with and 179.2 feet East of said East right-of-way line of Highway No. 71 a distance of 616.7 feet; thence running Easterly and parallel with the North line of said Government lot 3 a distance of 300 feet; thence running Northerly and parallel with the East line of said Government Lot 3 a distance of 265 feet; thence running Westerly and parallel with the North line of Government Lot 3 a distance of 245 feet to a point on a line which line is 179.2' East of and parallel with the East right-of-way line of T.H. 71 (as measured perpendicular to said right-of-way line); thence Northeasterly along said line to a point; which point is described as follows:

Beginning at the intersection of the East right-of-way line of U.S. T.H. 71 and the South line of Government Lot 2; thence 90.5 feet Northeasterly along the East right-of-way line of U. S. T.H. 71, thence deflecting $49^{\circ}29'$ to the right a distance of 171.0 feet to a point which is the point above described;

Thence 171.0 feet Southwesterly to a point on the East right-of-way line of U. S. T.H. 71; which point is 90.5 feet Northeasterly along the East right-of-way line of T.H. 71 from the intersection of the said East right-of-way line of T.H. 71 and the South line of Government Lot 2; thence Southerly along the East right-of-way line of U. S. T.H. 71 to the point of beginning;

The South, East and North lines of said Parcel 6 proposed for annexation having also been described as follows:

Commencing at a point on the North right-of-way line of State Avenue and the East line of Lot 1 of Government Lot 5; thence Northerly, making an angle of $80^{\circ}9'$ with the North line of State Avenue extended East from the above point a distance of 318.5'; thence deflecting left $89^{\circ}18'$ a distance of 102.96 feet; thence deflecting right $89^{\circ}18'$ a distance of 1284.9' more or less to a point on the East right-of-way line of T.H. 71, and which point is 14.1 feet South of the intersection of the South line of said Government Lot 3 as measured along said right-of-way line; this point shall be the point of beginning for the Easterly line of said Parcel 6:

Thence deflecting right (from the last above described line) $76^{\circ}23'$ a distance of 448.1 feet; thence deflecting left $71^{\circ}49'$ a distance of 323.5 feet; thence deflecting left $90^{\circ}50'$ a distance of 187.7 feet; to a point which is 179.2 feet East of the said East right-of-way line of T.H. 71 as measured at right angles thereto; thence deflecting right $98^{\circ}22'$ a distance of 616.7 feet; thence deflecting right $78^{\circ}36'$ and running parallel with the North line of said Government Lot 3 a distance of 300 feet; thence deflecting left $90^{\circ}18'$ and running parallel with the East line of said Government Lot 3 a distance of 265 feet; thence deflecting left $89^{\circ}42'$ and running parallel with the North line of Government Lot 3 a distance of 245 feet to a point 179.2 feet east of the East right-of-way line of T.H. 71 as measured on a line perpendicular to said right-of-way line; thence Northeast along said line to a point; which point is described as follows:

Beginning at the East right-of-way line of T.H. 71 and the South line of Government Lot 2; thence 90.5 feet Northeast along the East right-of-way line of T.H. 71; thence deflecting $49^{\circ}29'$ to the right a distance of 171.0 feet to a point which is the point above.

Thence 171.0 feet Southwest to a point on the East right-of-way line of T.H. 71 and 90.5 feet Northeast of the intersection of the East right-of-way line of T.H. 71 and the South line of Government Lot 2.

And such other property, if any, not included in the aforementioned
six parcels and included in the area described as follows:

All that part of Section 11, Township 119N,
Range 35W not already within the corporate
limits of the City of Willmar, Minnesota

be and the same hereby is annexed to the City of Willmar, Minnesota
the same as if it had originally been made a part thereof.

IT IS FURTHER ORDERED: That the population of the City of
Willmar be increased by 100 for all purposes until the next
federal census.

Dated this 18th day of June, 1971

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 24 1971

Arlen J. Erdahl
Secretary of State