

A-1872 North Mankato

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Lorenz Bode	Ex-Officio Member
Ray Eckes	Ex-Officio Member

IN THE MATTER OF THE PETITION AND)	
RESOLUTION FOR THE ANNEXATION OF)	
CERTAIN LAND TO THE CITY OF NORTH)	
MANKATO, TOWNSHIP OF BELGRADE,)	FINDINGS OF FACT,
NICOLLET COUNTY, MINNESOTA)	CONCLUSIONS OF LAW,
	AND ORDER

This proceeding under Minnesota Statutes 1969, Chapter 414, as amended, for the annexation to the City of North Mankato, Minnesota, of certain property located in the Township of Belgrade, Nicollet County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the North Mankato City Municipal Building in North Mankato, Minnesota, held in the North Mankato City Council Chambers on the 26th day of February, 1971, at 1:30 P. M.

Said hearing having been continued from the original date set for said hearing of December 23, 1970, at 10 A. M., in the Council Chambers in the Municipal Building, North Mankato, Minnesota.

Robert W. Johnson, Chairman of the Minnesota Municipal Commission, presided at the hearing. Also in attendance and sitting were Commissioners Arthur R. Swan and Robert J. Ford, and Ex-Officio Members Lorenz Bode and Ray Eckes, Nicollet County Commissioners.

The Township of Belgrade, Nicollet County, Minnesota, duly filed an objection to said annexation.

The petitioner was represented by Peter Etzell, City Attorney for the City of North Mankato, Nicollet County, Minnesota; and the Township of Belgrade, Nicollet County, Minnesota, was represented by Norman H. Nitzkowski, Attorney at Law, Mankato, Minnesota.

The members presided at the hearing, viewed the premises in the afternoon of February 26, 1971 after hearing certain evidence and receiving certain exhibits relative to the property to be annexed to the City of North Mankato, Minnesota.

After returning from viewing the premises, the hearing was again called to order and proceeded until late in the afternoon of February 26, 1971, at which time it appeared that the hearing could not be completed at this session; so upon motion duly made, the hearing was continued to April 16, 1971, at 10 A. M., to be heard in the Council Chambers in the Municipal Building, North Mankato, Nicollet County, Minnesota.

Thereafter and before the date of April 16, 1971 set for the continuance of said hearing, the City of North Mankato, by its Common Council, and the Township of Belgrade, by its Town Board, entered into a Stipulation of Settlement and Withdrawal of Township Objection, joined by the property owners, which stipulation of settlement is hereinafter fully set forth:

IN THE MATTER OF THE PROPOSED
ANNEXATION OF CERTAIN LANDS IN
BELGRADE TOWNSHIP TO THE CITY
OF NORTH MANKATO.

STIPULATION OF SETTLEMENT AND
WITHDRAWAL OF TOWNSHIP OBJECTION

The City of North Mankato, by its Common Council, and the Township of Belgrade, by its Town Board, hereby stipulate and agree to settlement of the above annexation bearing Minnesota Municipal Commission File No. A-1872 as follows:

(1) That the City will levy no special assessments against any of the property involved herein for a period of ten (10) years from and after the date of the Order of Annexation issued by the Municipal Commission. Special assessments shall be deemed to include storm sewer, sanitary sewer, water mains, streets or curb and gutter. The aforementioned is subject to the exception that if an owner of one of the parcels involved herein petitions for any such improvement, if such improvement is constructed, the land so benefited which is owned by that particular petitioning owner may be so assessed. In all other events in which improvements are constructed in or through the land involved in this annexation, any assessments which would otherwise be normally levied for benefits received, would be deferred for the period of time aforementioned. No interest on the cost of such improvements shall accrue during said deferral period. The City of North Mankato will and hereby does waive any Ordinance provision requiring hook-up of affected property to municipal sanitary sewer or water facilities during the period of assessment deferment.

(2) That in consideration for the above agreement to defer assessments, the Township of Belgrade does hereby withdraw any and all objections to the aforementioned annexation now pending before the Municipal Commission and agrees to allow such annexation to proceed forthwith. The Commission to reflect the terms

hereof in its Order.

Dated April 13, 1971.

CONSENT OF PROPERTY OWNERS

/s/ John P. Hiniker
John P. Hiniker
/s/ Walter H. Meyer
Walter H. Meyer
/s/ Sylvester Burkel
Sylvester Burkel
/s/ George Zuehlke
George Zuehlke

CITY OF NORTH MANKATO

By /s/ Peter Etzell
Peter Etzell, City Attorney
TOWNSHIP OF BELGRADE
By /s/ Kenneth J. Albrecht
Its Chairman
By /s/ Theo. G. Johnson
Its Clerk

A Resolution authorizing the above Stipulation of Settlement was adopted by the Council of the City of North Mankato, Nicollet County, Minnesota on April 13, 1971, which Resolution is fully set out hereafter:

RESOLUTION NO. 21-71

RESOLUTION AUTHORIZING STIPULATION OF SETTLEMENT
WITH REGARD TO ANNEXATION A-1872

WHEREAS, The City of North Mankato, the property owners effected within the Township of Belgrade and the Township of Belgrade, through its attorney, Norman H. Nitzkowski, have negotiated and agreed upon a settlement of objections to annexation proceedings No. A-1872 presently pending before the Minnesota Municipal Commission,

NOW, THEREFORE, BE IT RESOLVED By the Common Council of the City of North Mankato as follows:

(1) The City Attorney be and hereby is authorized and directed to execute and file by and on behalf of the City a Stipulation of Settlement whereby the Township of Belgrade withdraws its objections to the proposed annexation No. A-1872, and the City of North Mankato agrees to defer certain future special assessments for a period of ten (10) years against properties located in the area to be annexed, all in accordance with the Stipulation attached hereto and labeled Exhibit A.

(2) The City Attorney is hereby authorized and directed to perform such acts and file such documents as may be necessary to complete said annexation in accordance with law.

Adopted by the Council this 13th day of April, 1971.

/s/ Waldo Swanson
CITY CLERK

/s/ Arnulf Ueland, Jr.
MAYOR

(Published in the Mankato Free Press this 17th day of April, 1971.)

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, and all other evidence, the files and records herein, and the Stipulation of Settlement, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was published, served and filed.
2. Due, timely and adequate objection to the proposed annexation of the property herein described was filed by the Township of Belgrade, Nicollet County, Minnesota by its Town Board.
3. The area proposed for annexation is hereinafter fully described and is located adjacent to and abuts the corporate limits of the City of North Mankato, Nicollet County, Minnesota.
4. That the area proposed for annexation is owned by John P. Hiniker, Walter H. Meyer, Sylvester Burkel and George Zuehlke, who have joined in and consented to the Stipulation of Settlement.
5. That the Stipulation of Settlement and Withdrawal of Township Objection is duly and timely executed; and the terms thereof are to be reflected in the Commission's Order.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction on this annexation proceeding.
2. The area proposed for annexation is so conditioned and so located as to be properly subject to the municipal government of the City of North Mankato, Nicollet County, Minnesota.
3. There is no need for the continuance of any township government within the area proposed for annexation.
4. The City of North Mankato, Nicollet County, Minnesota is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area proposed for annexation.
5. The proposed annexation to the City of North Mankato, Nicollet County, Minnesota will not materially affect the capability of the Township of Belgrade to continue its normal operation.

6. The annexation of the area to the City of North Mankato, Nicollet County, Minnesota would be in the best interests of the area affected.

7. An Order should be issued by the Minnesota Municipal Commission annexing to the City of North Mankato, upon the conditions set forth in the Stipulation of Settlement and Withdrawal of Township Objection, the real estate located in Nicollet County, Minnesota and described herein.

ORDER

IT IS HEREBY ORDERED: That the real estate situated in the County of Nicollet, State of Minnesota, described as follows be and the same is hereby annexed to the City of North Mankato, Minnesota, upon the conditions hereinafter set forth, the same as if it had been originally made a part thereof:

All of that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 1, Township 108 North, Range 27 West, lying within Nicollet County, except those portions thereof previously platted and annexed to the City, known as Crestview Addition.

Said tract shall include any and all streets, highways or other public rights-of-way within and adjacent to said described land.

IT IS FURTHER ORDERED: That as a condition of said annexation, the City of North Mankato must levy no special assessments against any of the property involved herein for a period of ten (10) years from and after the date of the Order of Annexation issued by the Municipal Commission. Special assessments shall be deemed to include storm sewer, sanitary sewer, water mains, streets or curb and gutter. The aforementioned is subject to the exception that if an owner of one of the parcels involved herein petitions for any such improvement, if such improvement is constructed, the land so benefited which is owned by that particular petitioning owner may be so assessed. In all other events in which improvements are constructed in or through the land involved in this annexation, any assessments which would otherwise be normally levied for benefits received, must be deferred for the period of time aforementioned. No interest on the cost of such improvements shall accrue during said deferral period. The City of North Mankato shall waive any Ordinance provision requiring hook-up of affected property to municipal sanitary sewer or water facilities during the period of assessment deferment.

Dated this 14th day of September, 1971

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

Bruce Rasmussen
Bruce Rasmussen
Executive Secretary

#22954
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 20 1971

Arden J. Edsall
Secretary of State

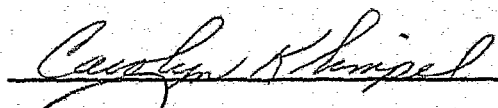
22954

STATE OF MINNESOTA)
COUNTY OF BLUE EARTH) ss

Carolyn Klimpel, clerk in the office of Peter Etzell, City Attorney for North Mankato, Minnesota, being duly sworn, deposes and states that on the 22nd day of July, 1970, she served the attached NOTICE OF INTENTION TO ANNEX upon the Belgrade Town Board and the Nicollet County Auditor by depositing in the United States mail a true and correct copy of the same properly addressed and posted to said Town Board and County Auditor as follows:

Belgrade Town Board
c/o Theodore G. Johnson, Clerk
Route 2
Mankato, Minnesota 56001

Mr. Lawrence Overn
Nicollet County Auditor
Court House
St. Peter, Minnesota 56082


Subscribed and sworn to before me
this 22nd day of July, 1970.


Notary Public

PETER ETZELL
Notary Public, Nicollet County, Minn.
My Commission Expires Feb. 22, 1973

22954

NOTICE OF INTENTION TO ANNEX

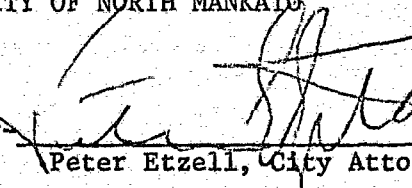
PLEASE TAKE NOTICE That it is the intention of the City of North Mankato to annex the land described herein, the perimeter of which is 60% or more bordered by the City of North Mankato:

All of that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 1, Township 108 North, Range 27 West, lying within Nicollet County, except those portions thereof previously platted and annexed to the City, known as Crestview Addition.

Said tract shall include any and all streets, highways or other public rights-of-way within and adjacent to said described land.

You are hereby given sixty (60) days to file objections in the office of the City Clerk of the City of North Mankato or in the office of the Minnesota Municipal Commission, St. Paul, Minnesota.

CITY OF NORTH MANKATO

By 
Peter Etzell, City Attorney

Order A-1872

22954