

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Patrick J. Scully	Ex-Officio Member
Gerald E. Hollenkamp	Ex-Officio Member

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IN THE MATTER OF THE PETITION TO ANNEX )	FINDINGS OF FACT,
CERTAIN LANDS IN THE TOWNSHIP OF EMPIRE )	CONCLUSIONS OF LAW,
TO THE VILLAGE OF FARMINGTON. )	AND ORDER . . .

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This proceeding under Minnesota Statutes 1969, Sections 414.031 and 414.033, Subdivision 1 and Subdivision 5, as amended, for the annexation to the Village of Farmington of certain real estate located in the Town of Empire, County of Dakota, State of Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Farmington Village Hall in the Village of Farmington, County of Dakota, State of Minnesota, on January 7, 1972.

Robert W. Johnson, Chairman of the Municipal Commission presided at the hearing. Also in attendance were Commission Members Robert J. Ford and Harold J. Dahl and Ex-Officio Members Patrick J. Scully and Gerald E. Hollenkamp, Dakota County Commissioners. The petitioners were represented by Samuel Hertogs of McMenomy, Hertogs and Fluegel, Attorneys at Law, Hastings, Minnesota. The Village of Farmington was represented by John J. McBrien, Attorney at Law, Farmington, Minnesota, and G. M. Gorgos, Attorney at Law, Farmington, Minnesota. Peter J. Schmitz, Attorney at Law, Northfield, Minnesota, appeared for the objector, Town of Empire.

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

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#### FINDINGS OF FACT

1. Due, timely and adequate legal notice, of the hearing ordered by the Minnesota Municipal Commission was posted, published, served and filed.

2. The area proposed for annexation is unplatted, unincorporated land abutting on the Village of Farmington and contains approximately 3 acres.

3. The petition for annexation of said property to the Village of Farmington was signed by all of the property owners of the land proposed to be annexed.

4. The area proposed for annexation contains no residences or commercial buildings but is now, or is about to become, urban or suburban in character, and is about to be developed as commercial property.

5. The area proposed to be annexed is in the same school district as is the Village of Farmington and, therefore, the school levy in said area will not be affected by said annexation.

6. The Town of Empire, in which the area proposed to be annexed is situated, operates no sanitary sewer or water facilities and provides no separate police protection and no fire protection other than that provided for by contract with the Village of Farmington. The Village of Farmington has available the foregoing services and maintains street maintenance crews and equipment.

7. The Village of Farmington is in a position to construct water mains and sanitary sewers to serve the area proposed to be annexed.

8. The expected increase in property taxes if the area is annexed to the Village of Farmington will be proportionate to the benefits which will inure to the area by reason of such annexation.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The area proposed to be annexed is so conditioned and so located as to be properly subjected to municipal government of the Village of Farmington.

3. The Township form of government is not adequate to cope with the problems of the area proposed to be annexed.

4. Municipal government by the Village of Farmington in the area proposed to be annexed is necessary and required to protect the public health, safety and welfare and to provide proper needed governmental services.

5. The Village of Farmington 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 to be annexed.

6. The proposed annexation to the Village of Farmington will not materially affect the capability to the Town of Empire to continue normal operation.

7. The annexation of the area to the Village of Farmington would be in the best interests of the area and the Village of Farmington.

8. An order should be issued by the Minnesota Municipal Commission annexing to the Village of Farmington, the real estate located in Dakota County, Minnesota, and described in the Order herein.

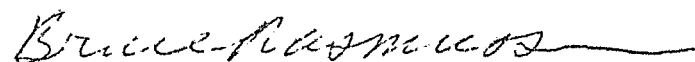
#### O R D E R

IT IS HEREBY ORDERED: That the real estate situated in the County of Dakota, State of Minnesota, described as follows be and the same is hereby annexed to the Village of Farmington, Minnesota, the same as if it had been originally made a part thereof:

The West 605 feet of the South 216 feet of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 29, Township 114, Range 19, according to the United States Government Survey thereof, subject to easement for the State Trunk Highway, and containing three acres, more or less.

Dated this 8 day of Feb. , 1972

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



Bruce Rasmussen  
Executive Secretary

A-2078 Farmington

M E M O R A N D U M

The Commission was guided by several overriding factors in approving of this annexation. Chief among these were Farmington's need for a supper club which is proposed for the annexed area, the presence of a qualified party to construct and operate the facility, and the compatibility of a supper club with existing land use and zoning in the Town of Empire.

However, we wish to emphatically express our intention to discourage further piecemeal annexations in the Farmington area. A long range boundary solution is needed. Procedures, such as orderly annexation, are available to bring about long range solutions.

Local officials must accept the fact that boundary changes are necessary and will occur, and in good faith work for changes that will benefit the people of the entire area. We have yet to see evidence of this kind of attitude.

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

FEB 16 1972

*Arden J. Edvall*  
Secretary of State