

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Philip Theobald	Ex-Officio Member
Lewis Handevit	Ex-Officio Member

IN THE MATTER OF THE PETITION AND) RESOLUTION FOR THE ANNEXATION OF) CERTAIN LAND TO THE CITY OF) FAIRMONT)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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This proceeding under Minnesota Statutes 1969, Section 414.031, for the annexation to the City of Fairmont, Martin County, Minnesota, of certain property located in the Township of Rolling Green, Martin County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the City of Fairmont City Hall in the City of Fairmont, Martin County, Minnesota, on the 2nd day of March, 1972.

Robert W. Johnson, Chairman of the Minnesota Municipal Commission, presided at the hearing. Also in attendance was Commissioner Harold Dahl and ex-officio members Philip Theobald and Louis Handevit, Martin County Commissioners.

The petitioners were represented by Newton A. Johnson and Richard D. Berens of the law firm of Seifert, Johnson, Hand & Berens, Fairmont, Minnesota. The Township of Rolling Green was represented by Mr. John I. Halloran of the law firm of Winzenburg & Halloran, Jackson, Minnesota.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence and all of the other evidence, the briefs submitted by counsel, and upon all the files and records herein,

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and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

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

2. That the area proposed for annexation contains approximately 227.63 acres of land, more or less, and is legally described in the Order herein.

3. That the area proposed for annexation is located westerly of and is contiguous to the present corporate limits of the City of Fairmont.

4. That the area proposed for annexation is owned by two parties and is divided into two parcels, one parcel of which is farm land and one parcel of which is owned by Fairmont Growth Opportunities, Inc. to be used for industrial development purposes. The population of the area proposed for annexation consists of two tenants presently renting land from Fairmont Growth Opportunities, Inc. and the population of the City of Fairmont, according to the 1970 census is 10,751.

5. The assessed valuation of the City of Fairmont as of January 1, 1971, was in the amount of \$8,569,032 and the assessed valuation of Rolling Green Township as of January 1, 1971, was in the amount of \$1,387,950. The assessed valuation of the area proposed to be annexed is \$9,786.

6. The total area included within the corporate limits of the City of Fairmont is 9,920 acres more or less.

7. The area proposed to be annexed lies at the east side of the

Township of Rolling Green and is immediately contiguous to the existing westerly corporate limits of the City of Fairmont.

8. The area proposed to be annexed is now or is about to become urban or suburban in character and that at the present time 164 acres of the land proposed for annexation is owned by Fairmont Growth Opportunities, Inc. for industrial development purposes.

9. Public Utilities including municipal water, municipal sewer, and electric service furnished by Fairmont Public Utilities Commission. Gas service furnished by Iowa Electric Light & Power Company and Northern Natural Gas Company is available to the area proposed to be annexed. The availability of said utilities is sufficient to adequately serve the area. The Township of Rolling Green is currently unable to provide the public utilities hereinbefore set forth. Municipal services can best be provided to the area proposed to be annexed by the City of Fairmont, due to the proximity of said area to the City of Fairmont.

10. Real estate taxes can reasonably be expected to increase in the area proposed to be annexed, but such increase will be proportional to the expected benefit inuring to the area proposed to be annexed as a result of such annexation.

11. Municipal government is required to protect the public health, welfare, and safety of the land owners of the area and the development within the area, and is further necessary to protect the future subdivision of property in development in said area.

12. Due to the relative location of the area proposed to be annexed in respect to the remainder of the Township of Rolling Green, it is natural, feasible, and practical that the City of Fairmont provide

necessary governmental services to said area.

13. The loss of the area proposed to be annexed from the Township of Rolling Green will not in any way impair its ability to continue to function as a township. It will continue to enjoy an adequate tax base to provide the services which its residents will need.

14. The area proposed for annexation is in the same school district as the annexing municipality.

15. Annexation to the City of Fairmont would best service the interests of the area proposed for annexation. →

CONCLUSIONS OF LAW

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

2. Municipal government of the area proposed for annexation is required to protect the public health, safety, and welfare in reference to zoning, sewage disposal, municipal water, planning, and police and fire protection.

3. The area to be annexed is so conditioned and so located as to be properly the subject of municipal government by the City of Fairmont, Minnesota.

4. The interests of the City of Fairmont and the area proposed to be annexed would best be served by the annexation of said area to the City of Fairmont, Minnesota.

5. The area proposed to be annexed is or is about to become urban or suburban in character.

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

7. The annexation will not materially affect the ability of the

Township of Rolling Green to provide governmental services for the balance of said township.

8. An Order should be issued by the Municipal Commission ordering the annexation of the land described herein to the City of Fairmont. Let an Order for such annexation be entered and filed accordingly.

O R D E R

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

The North One Half of the Northwest Quarter of Section 12, Township 102 North of Range 31 West of the 5th Principal Meridian, and

That part of Section One, Township 102 North of Range 31 West of the 5th Principal Meridian located South of Chicago, Milwaukee, St. Paul and Pacific Railway right-of-way, excepting therefrom the following described tract:

A tract of land in the Southeast Quarter of Section 1 in Township 102 North of Range 31 West of the Fifth Principal Meridian in Martin County, Minnesota, described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 1, T102N, R31W, thence West along the South line of the said Southeast Quarter of Section 1 for a distance of 1192.2 feet to the point of beginning, thence North at a deflection angle of 90°00' with the said South line of Section 1 for a distance of 545.6 feet, thence West for a distance of 400.0 feet on a line parallel with the North Right-of-way line of Minnesota Trunk Highway No. 16, thence South for a distance of 545.8 feet to a point on the South line of the Southeast Quarter of Section 1, thence East along the said South line of Section 1 for a distance of 400.0 feet to the point of beginning. Subject thereto an easement for highway right-of-way purposes described as follows: Commencing at the Southeast corner of the Southeast Quarter of Section 1, T102N, R31W, thence West along the South line of the said Southeast Quarter of Section 1 for a distance of 1192.2 feet to the point of beginning, thence North at a deflection angle of 90°00' with the said South line of Section 1 for a distance of 45.6 feet to a point on the North Right-of-way line of Minnesota

Trunk Highway No. 16, thence West along the said North Right-of-way line for a distance of 400.0 feet, thence South for a distance of 45.8 feet to a point on the South line of the Southeast Quarter of Section 1, thence East along the said South line of Section 1 for a distance of 400.0 feet to the point of beginning. Said tract contains 4.59 acres more or less excluding the highway right-of-way easement, and

A tract of land in the Southeast Quarter of Section 1 in Township 102 North of Range 31 West of the Fifth Principal Meridian in Martin County, Minnesota, described as follows: Commencing at a point 161.2 feet West of the Southeast corner of Section one, Township 102 North, R31W of the 5th Principal Meridian running thence North 170.7' thence West 122.0 feet, thence South 170.3 feet, thence East along the South line of Section 122.0 feet to the place of commencement.

Dated this 16th of May, 1972

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1972
Arden J. Edall
Secretary of State