

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas J. Simmons	Vice-Chairman
Gerald J. Isaacs	Member
Raymond Worden	Ex-Officio Member
George Cavers	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	<u>FINDINGS OF FACT</u>
FOR THE ORDERLY ANNEXATION OF CERTAIN)	<u>CONCLUSIONS OF LAW</u>
LAND TO THE VILLAGE OF TRUMAN)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Commission on July 30, 1973, in the Village of Truman, Minnesota. Howard L. Kaibel, Jr., Executive Secretary of the Minnesota Municipal Commission presided at the hearing. Also in attendance were Ex-Officio Members Raymond Worden and George Cavers.

The Village of Truman was represented by its Mayor, Lowell Williamson. Robert Berens appeared on behalf of objecting property owners.

All parties and individuals were heard who desired to be heard. The secretary duly reported the hearing to the Minnesota Municipal Commission.

The commission, upon all files, records, and evidence herein, the report of the secretary, and being fully advised in the premises, hereby makes and issues its Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That the joint resolution for orderly annexation was filed on June 28, 1973 and was in all respects proper in form, contents, execution and filing.
2. That the timely and adequate legal notices of the hearing ordered by the Minnesota Municipal Commission were properly published, served and filed.
3. That the following described property is or is about to be

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developed for residential, commercial, industrial or institutional purposes:

That part of the East Half (E½) of the Southeast Quarter (SE¼) of Section Nine (9), Township One Hundred Four (104) North, Range Thirty (30) West of the Fifth P.M., lying outside of the current municipal boundaries.

4. That part of the above described area has already been developed for industrial and commercial purposes. The Truman Village Council and Development Commission are discussing plans for development of the remainder for residential or industrial purposes.

5. That the Village Council and Town Board have jointly stipulated that the above described territory is or is about to become urban or suburban in character.

6. That the village is capable of providing the following municipal services to the area proposed for annexation within three years:

- a) Water
- b) Sanitary sewers
- c) Fire protection
- d) Police protection
- e) Municipal electricity
- f) Sanitation
- g) Planning and Zoning

7. That the village and objecting property owner agreed at the hearing to the establishment of rural and urban taxing districts pursuant to M.S. 272.67.

8. That the following described unplatted lands are rural in character, and are not developed for commercial, industrial, or urban residential purposes, and for these reasons are not benefited to the same degree as other lands by municipal services financed by general taxation.

The South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) except the East Twenty-two (22) rods of the North (N) Twenty-four (24) rods thereof, all in Section Eight (8), Township One Hundred Four (104) North, of Range Thirty (30) West of the Fifth Principal Meridian; Beginning Three Hundred and Sixty-six (366) feet South of the Northeast corner of Block Seventeen (17) in Truman, Martin County, Minnesota, for point of commencement; thence West Nine hundred and Forty-six (946) feet, more or less, thence South Three hundred and Sixty-three (363) feet, more or less; thence East Nine hundred and Forty-six feet (946), more or less; thence North Three hundred and Sixty-three (363) feet, more or less, to place of beginning. Said tract being a part of Lot Thirty-six (36) Auditor's Plat to the Village of Truman and located in the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Nine (9), Township One Hundred Four (104) North, of Range Thirty (30); the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) and all that part of the South Half of the Northeast Quarter of the Southwest Quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$ $SW\frac{1}{4}$) lying West of the West line of the right of way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company (formerly the Watonwan Valley Railway Company) in Section Nine (9) of Township One Hundred Four (104) North, of Range Thirty (30) West of the Fifth Principal Meridian, and containing fifty-six and six one hundredths (56.06) acres of land, more or less, according to the United States Government Survey thereof.

AND

Commencing at the Southwest corner of the Northwest Quarter of Section Nine (9) in Township One hundred Four (104) Range Thirty (30) for a place of beginning; thence East along one fourth section line Five hundred Sixty Five (565) feet; thence North along East line of Ella Street as formerly platted, Four hundred Fifty-seven and One half ($457\frac{1}{2}$) feet; thence West Thirty three (33) feet, thence North Thirty three (33) feet; thence West along North line of Sprague Street as formerly platted, Five hundred Thirty-One and One half ($531\frac{1}{2}$) feet to section line; thence South along section line Four hundred Eighty eight (488) feet to place of beginning. Also described as Lot number 51 Auditor's Plat of Truman, containing 6.32 acres. Also commencing at a point Four hundred Eighty eight (488) feet North of the Southwest corner of the Northwest Quarter of section nine (9) in Township One hundred Four (104) North of Range Thirty (30) West of the Fifth Principal Meridian for a place of beginning, running thence North along section line Three hundred feet; thence East along South line of Ciro Street Five hundred Thirty-one and $\frac{3}{10}$ (531.3) feet; thence South Three hundred (300)

feet, thence West along the South line of Block Eleven (11) Davis Park Addition as formerly platted, Five hundred Thirty-One and 5/10 (531.5) feet to place of beginning, containing 3.65 acres. Also described as Lot Number 50, Auditor's Plat, Village of Truman, Also Lot Number Twelve (12) of Block Number Twelve (12), Davis Park Addition to the Village of Truman, according to the Plat thereof on file and of record in the office of the Register of Deeds in and for said County and State. Commencing at the Southwest corner of the Northwest Quarter of the Northwest Quarter of Section Nine (9) in Township One Hundred Four (104) North, Range Thirty (30) West of the Fifth Principal Meridian, for the place of beginning; thence South along the section line between Sections Nine (9) and Eight (8) Five Hundred Fifty-Two (552) feet to the North line of Ciro Street; thence East along the North line of Ciro Street Nine Hundred Sixty Four (964) feet to the West line of Margaret Street; thence North Four Hundred Forty Eight and Six Tenths (448.6) feet along the West line of Margaret Street and extending to the One Eighth section line; thence West along one eighth section line Nine Hundred Sixty-four (964) feet to the place of beginning, (excepting therefrom Lot Twelve (12) of Block Twelve (12) Davis Park Addition to Truman, Minnesota) and the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Nine (9) aforesaid, containing 49.79 acres, more or less.

AND

That part of the East Half (E $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Nine (9), Township One Hundred Four (104) North, Range Thirty (30) West of the Fifth Principal Meridian, lying outside of the current municipal boundaries excepting the following parcels: A part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Nine (9), Township One Hundred Four (104) North, Range Thirty (30) West, Fifth Principal Meridian, more particularly described as follows: Commencing at the Southeast corner of Section Nine (9), Township One Hundred Four (104) North, Range Thirty (30) West; thence Northerly along the Section line between Section Nine (9) and Section Ten (10) of said Township, a distance of Six Hundred Ninety-one point One (691.1) feet; thence Westerly Four Hundred Thirty point Nine (430.9) feet; thence Southerly Six Hundred Ninety-one point One (691.1) feet to the South line of Section Nine (9) in said Township; thence Easterly along the South line of said section, a distance of Four Hundred Thirty point Nine (430.9) feet to the place of beginning, said tract containing six point eight four (6.84) acres, more or less, subject to easements now of record, and a tract of land in the Southeast Quarter of the Southeast Quarter of Section 9, Township 104 North, Range 30 West of the Fifth Principal Meridian in Martin County, Minnesota more particularly described as follows:

Commencing at the Southeast corner of said Section Nine (9); thence West along the South line of said Section Nine (9) a distance of 30.9 feet to the Westerly right of way line of Minnesota Trunk Highway Number 15; thence Northerly along said Westerly right of way line a distance of 691.1 feet to the point of beginning of tract to be described; thence continuing Northerly along said right of way line a distance of 545.00 feet; thence Westerly parallel to the Northerly right of way line of County State Aid Highway No. 6 a distance of 400.00 feet; thence Southerly parallel to said Westerly right of way line a distance of 545.00 feet; thence Easterly parallel to said Northerly right of way line a distance of 400.00 feet to the point of beginning. This tract contains 5.004 acres, more or less, subject to easements now of record in said County and State.

9. That the approximate ratio existing between the benefits resulting from tax supported municipal services to parcels of land of like full and true value, situated in the rural service district and in the urban service district, respectively is 1:10. Property within the rural service district should accordingly be taxed at 10% of the full municipal mill rate.

CONCLUSIONS OF LAW

1. That the Minnesota Municipal Commission duly acquired and now has jurisdiction over the within proceeding.
2. That the property proposed for annexation is or is about to become urban and suburban in character.
3. That the village is capable of providing municipal services required by the area within a reasonable time.
4. That a rural-urban taxing district should be established pursuant to Minnesota Statutes 272.67.

O R D E R

IT IS HEREBY ORDERED: That the following described property be and is hereby annexed to the Village of Truman:

That part of the East Half (E½) of the Southeast Quarter (SE¼) of Section Nine (9), Township One Hundred Four (104) North, Range Thirty (30) West of the Fifth Principal Meridian, lying outside of the current municipal boundaries.

IT IS FURTHER ORDERED: That property situated in the Village of Truman is hereby divided into rural and urban taxing districts pursuant to M.S. 272.67. The rural taxing district shall be the following described property and the benefit ratio shall be 1:10. Property within the rural taxing district shall be taxed at 10% of the full municipal mill rate.

The South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) except the East Twenty-two (22) rods of the North (n) Twenty-four (24) rods thereof, all in Section Eight (8), Township One Hundred Four (104) North, of Range Thirty (30) West of the Fifth Principal Meridian; Beginning Three Hundred and Sixty-six (366) feet South of the Northeast corner of Block Seventeen (17) in Truman, Martin County, Minnesota, for point of commencement; thence West Nine hundred and Forty-six (946) feet, more or less, thence South Three hundred and Sixty-three (363) feet, more or less; thence East Nine hundred and Forty-six feet (946), more or less; thence North Three hundred and Sixty-three (363) feet, more or less, to place of beginning. Said tract being a part of Lot Thirty-six (36) Auditor's Plat to the Village of Truman and located in the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Nine (9), Township One Hundred Four (104) North, of Range Thirty (30); the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) and all that part of the South Half of the Northeast Quarter of the Southwest Quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$ $SW\frac{1}{4}$) lying West of the West line of the right of way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company (formerly the Watonwan Valley Railway Company) in Section Nine (9) of Township One Hundred Four (104) North of Range Thirty (30) West of the Fifth Principal Meridian, and containing fifty-six and six one hundredths (56.06) acres of land, more or less, according to the United States Government survey thereof.

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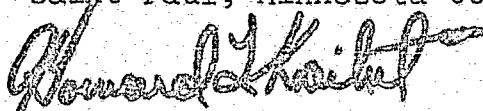
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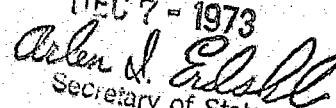
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Dated this 30th day of November, 1973

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
Saint Paul, Minnesota 55101


Howard L. Kaibel, Jr.
Executive Secretary

#26055
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 7 - 1973

Secretary of State

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