

An Equal Opportunity Employer

Phone: 296-2428



STATE OF MINNESOTA
MUNICIPAL COMMISSION

304 Capitol Square Building
10th & Cedar Streets
St. Paul, Minnesota 55101

March 8, 1974

Mr. Howard F. Chalupsky, Clk.-Treas.
City Hall
Silver Lake, Minnesota 55381

Re: Docket Number A-2409 Ordinance Number 33

Dear Sir:

The Minnesota Municipal Commission acknowledges receipt and filing of the above Ordinance and filing fee in accordance with Minnesota Statutes, Chapter 414 and the Rules of Procedure.

According to law, this annexation is final upon filing a copy of the ordinance with the Town Clerk, County Auditor and Secretary of State in addition to the Municipal Commission.

Please refer to the above docket and ordinance numbers in any future reference to this annexation.

Sincerely yours,

MUNICIPAL COMMISSION

A handwritten signature in cursive script, appearing to read "Pat Lundy".

Patricia D. Lundy
Asst. Executive Secretary

PDL/mg

c.c. Secretary of State
County Auditor
Township
Attorney
Municipality

26602

A-2409 Silver Lake

FEB 27 1974

ORDINANCE NO. 33

AN ORDINANCE ANNEXING CERTAIN
REAL ESTATE DESCRIBED HEREIN

WHEREAS, a petition for the annexation of certain land described hereafter, was signed and filed by the sole owner thereof, Clarence Ruzicko, with the Clerk of the Village of Silver Lake, on or about the 16th day of May, 1973; and,

WHEREAS, the petition for said annexation was filed and served upon the Minnesota Municipal Commission, Hale Township Board, and the McLeod County Board of Commissioners on or about May 15, 1973; and,

WHEREAS, none of the aforementioned governmental bodies have submitted written objections to the annexation with the Commission; and,

WHEREAS, the Council of the Village of Silver Lake has made the determination that the annexation will be to the best interest of the municipality and the territory affected;

NOW, THEREFORE, be it enacted that from this day forward the following described real estate be annexed to the Village of Silver Lake and be incorporated as a part of said Village:

Beginning at a point 660 feet North and 679.2 feet West of the Southeast corner of Section 28, Township 117, North of Range 28 West; thence South 477 feet to an iron stake which is 33 feet North of the North right-of-way line of the Electric Short Line Railway Company; thence West on a line 33 feet North of said right-of-way line 547.9 feet to an iron stake; thence North parallel to the 477 feet line above described, 477 feet to an iron stake; thence East 547.9 feet to place of beginning, except the following described property: Commencing at a point 660 feet North and 679.2 feet West of the Southeast corner of Section 28, Township 117, Range 28, thence South 477.0 feet parallel with the East line of said Section 28 to a point 33 feet North of the North right-of-way line of the Electric Short Line Railway Company; thence West 531.9 feet on a line parallel to said North right-of-way line to the point of beginning; thence continuing West 16 feet on the last described line; thence North 477.0 feet on a line parallel to the said East line of said Section 28; thence East 320.0 feet on a line parallel to the said North right-of-way line of said Railway Company; thence South 185 feet on a line parallel to said East line of said Section 28; thence Southwesterly 350.35 feet to a point 117.0 feet North

of the point of beginning, to the point of beginning
a line parallel with the said East line of said Section 28
to the point of beginning together with an easement
appurtenant to said above described premises as more
particularly described and set forth in that certain Warranty
Deed recorded in the Office of the Register of Deeds in and
for McLeod County, Minnesota, in Book 43 of Deeds, page 59, now
described as "Ruzicka's Addition".

Said Ordinance passed by the Village Council this 1st day of
~~September~~, 1973.
October

John W. G. L...
Mayor

Attest:

Harold K. Rukopsky
Clerk

SEAL

October

Published in The Silver Lake Leader on ~~September~~ 18, 1973.

#26602
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 2 - 1974
Arlen J. Elsall
Secretary of State

26602

Ord. # 33
Silver Lake

Cecil:

This ~~sub~~ eliminates
the approval letter
of March 8, 1974.

you did not receive
a copy of the Ordinance
33 from Silver Lake.
I made the copy for
you & this does not
count. This is unusual
case - call me if you
have problems name

Municipal
Commission

26602

An Equal Opportunity Employer

Phone: 296-2428



STATE OF MINNESOTA
MUNICIPAL COMMISSION

304 Capitol Square Building
10th & Cedar Streets
St. Paul, Minnesota 55101

Nov. 7, 1974

Mr. W. B. Haas
McGraw & Haas
Attorneys at Law
Citizens Bank Building
Hutchinson, Minnesota 55350

Re: MMC Docket Number A-2409 Silver Lake
Ruzicka Annexation

Dear Mr. Haas:

Pursuant to our telephone conversation, I forwarded the above file to the Attorney General Assistant for his review and comments. Enclosed is a copy of his Memorandum dated November 5, 1974 for your information.

Mr. Getz concludes that "the annexation was not final if copies were never filed with the town clerk or the Secretary of State. The parties may rescind or withdraw the petition and ordinance." No further action will therefore be taken by the Commission in this matter.

Sincerely yours,

MUNICIPAL COMMISSION

A handwritten signature in cursive script, reading "Patricia D. Lundy".

Patricia D. Lundy
Asst. Executive Secretary

PL/mg
Enc.

c.c. Howard Chalupsky - Clerk
Honorable Mayor Donald C. Koepf
Ceil Dion - Sec. of State Office
Lyle McNair - State Highway Mapping Section

RECEIVED
NOV 22 1974
SECRETARY OF STATE
CORPORATION DIVISION

STATE OF MINNESOTA NOV 5 1974

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : PATRICIA D. LUNDY
Assistant Executive Secretary
Minnesota Municipal Commission

DATE: 11/5/74

FROM : JEROME L. GETZ
Special Assistant
Attorney General

SUBJECT: [A-2049 Silver Lake, Minnesota] Ruzika Annexation

In 1973 the captioned proceeding was begun when a property owner outside the Village of Silver Lake filed a petition for annexation of its property with the village council pursuant to Minn. Stat. § 414.033 subd. 5 (1971). No objections were filed by the town board or the municipal council and the municipal council thereafter passed an ordinance annexing the territory affected. The council and the property owner now wish to rescind the petition and ordinance annexing the territory. According to the property owner's attorney, the ordinance was never filed with the Secretary of State or the Clerk. Minn. Stat. § 414.033 subd. 7 states that such an annexation is "final" upon filing a copy of the ordinance with the Commission, the town clerk, the county auditor, and the Secretary of State. I conclude that the annexation was not final if copies were never filed with the town clerk or the Secretary of State. The parties may rescind or withdraw the petition and ordinance. No action by the Municipal Commission is necessary in this regard.

JLG:bg

RECEIVED
NOV 22 1974
SECRETARY OF STATE
CORPORATION DIVISION

26602