

A-2462 Eveleth  
A-2621 Virginia  
A-2500 Eveleth

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Thomas J. Simmons                      Chairman  
Robert W. Johnson                      Vice Chairman  
Gerald J. Isaacs                        Member

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IN THE MATTER OF THE PETITION )  
FOR THE ANNEXATION OF CERTAIN )                      O R D E R  
LAND TO THE CITY OF EVELETH    )  
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The above entitled matter was initiated by Petitioner Malton Electric Company pursuant to Minnesota Statutes Section 414.033, Subdivision 5, by petition to the City of Eveleth dated February 15, 1974, and is before the Commission by virtue of Minnesota Statutes Section 414.033, Subdivision 6. The City of Eveleth has moved the Commission for its order, pursuant to said subdivision 6, allowing said city to take action on the petition. Now therefore, the Minnesota Municipal Commission, upon all records and files herein, being fully advised in the premises, hereby makes and issues its

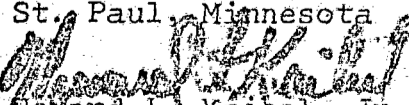
O R D E R

IT IS HEREBY ORDERED: that the City of Eveleth be and hereby is empowered to take action on the petition of Malton Electric Company, dated February 15, 1974, for annexation of the following described territory to the City of Eveleth, to wit:

The Southwesterly quarter (1/4) of the Southeasterly Quarter (1/4) of Section Twenty Nine (S29), Township Fifty Eight (T58), Range 17 (R17), lying Easterly of the Easterly right-of-way line of Minnesota Trunk highway 53, excepting that portion lying Easterly of a line drawn five hundred feet Westerly of and parallel to the Easterly boundary of said Southwesterly Quarter (1/4) of the Southeasterly Quarter (1/4) of Section Twenty Nine (S29).

Dated this <sup>29<sup>th</sup></sup> day of April, 1975

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

  
Howard L. Kaibel, Jr.  
Executive Secretary

28019

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M E M O R A N D U M

The purpose of this memorandum is to explain briefly the accompanying special order permitting the City of Eveleth to annex the "Malton Electric Company" property by ordinance. The statute provides generally that municipalities cannot annex property by ordinance when the property is the subject of some other commission proceeding over which we have jurisdiction, "unless otherwise provided by an order of the commission" (Minnesota Statutes 414.033, Subd. 6). We have made such an exception in this case so that our delays necessary to proper resolution of these pending disputes will not unfairly inconvenience this property owner.

The Malton Electric Company, as sole owner of the 14 acres here involved, petitioned to be included within the City of Eveleth in January of last year. Although the town board involved did not file any objection to the annexation within the 60 day period provided for such objections, the city could not act on the petition because of the above cited section of the law, until we complete action on the above entitled proceedings. Hearings on these proceedings could not be completed until the end of July. The Mayor testified as to considerable urgency asking that action be expedited to permit extension of water and sewer to the Malton property. He indicated that approval of the extension had already been obtained from the State Planning Agency and the Arrowhead Regional Development Commission in connection with a request for federal grant money. He further testified that the Malton Company was so anxious to receive these services that it has agreed to pay the entire cost itself through assessments and revenue bonding.

The record should show that the commission met specially last August to consider granting special permission, but did not do so at that time because of township objections. The matter was further delayed pending receipt of the transcripts until January. After thorough deliberation, we decided in

late February to expand the area under consideration and hold a reconvened hearing in April. This reconvened hearing has been further delayed until the end of May in order to consolidate it with a hearing on a proceeding to annex part of the same area initiated by the City of Gilbert.

There is considerable possibility that final resolution of the pending proceedings might not be completed until after yet another construction season. Even assuming that the hearings and transcripts can be completed quickly, we will need time to adequately deliberate and reach a fair and proper decision. Once a decision is reached, further time will elapse before findings of fact, conclusions of law and orders can be drafted, revised, approved and issued. If those orders provide for annexation of all or part of the area involved, there will be a further delay to conduct a referendum on the commission decision. This timetable further assumes no court delays.

The City of Eveleth renewed its request for a special order in February. Although the area involved is included in the pending proceeding for annexation to Virginia, they have informed the commission in writing that they have no objection to the issuance of such a special order. We have today decided that justice and equity require issuance of this order.

#28019  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAY 1 - 1975  
*Joan Anderson Howe*  
Secretary of State