

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Thomas J. Simmons  
Robert W. Johnson  
Gerald J. Isaacs  
Leo A. Hoffman  
Virgil M. Wellner

Chairman  
Vice-Chairman  
Member  
Ex-Officio Member  
Ex-Officio Member

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In the Matter of the Notice of Intent for  
Annexation of Certain Land to the City  
of New Ulm.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER  
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The above-entitled matter came on for hearing before a quorum of the Minnesota Municipal Commission on the 4th day of December, 1974, in the City of New Ulm, Brown County, State of Minnesota, upon the resolution of the City of New Ulm, requesting and approving the annexation.

Mr. Terence M. Dempsey, City Attorney, New Ulm, Minnesota, appeared for the City of New Ulm. Mr. R. T. Rodenberg, Attorney at Law, New Ulm, Minnesota, appeared for the Town Board of Milford Township, Brown County, Minnesota.

The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence, and upon all the files, records, and proceedings herein, and being fully advised in the premises, makes and enters the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT:

I.

A resolution requesting and approving annexation was filed by the City of New Ulm, with the Minnesota Municipal Commission.

II.

That due, timely, and adequate notice of the hearing of December 4, 1974, was properly published, served, and mailed.

# 28177

III.

That the area proposed for annexation is described as follows:

Northeast Quarter of the Northeast Quarter ( $NE\frac{1}{4}NE\frac{1}{4}$ );  
Southeast Quarter of the Northeast Quarter ( $SE\frac{1}{4}NE\frac{1}{4}$ );  
North Half of the Northeast Quarter of the Southeast  
Quarter ( $N\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ ); Section Twenty-four (24), Town-  
ship One Hundred Ten (110) North, Range Thirty-one  
(31) West, Brown County, Minnesota, containing 100  
acres, more or less.

All public roads, streets, and highways within the area  
above described should be included in such annexed  
lands.

IV.

That the City Council of the City of New Ulm unanimously passed and  
approved the resolution for annexation on January 15, 1974.

V.

That the total area proposed for annexation is partially agricultural  
land and unoccupied and unplatted, and partially used for residential and  
commercial purposes, and is suburban or urban in character or about to  
become so; that said area is more than sixty percent (60%) surrounded by  
land within municipal limits and is not included in any other municipality.

VI.

That the City of New Ulm proposes to develop plans for water and  
sanitary sewer and pipelines in that part of the area proposed for annexation  
that is urban or suburban in character, or about to become so, that are suit-  
able to provide such services as may become necessary.

VII.

The real estate taxes in the area proper for annexation may be expected  
to increase, but the increase will be proportional to the expected benefit inuring  
to said area as a result of the annexation.

VIII.

That the City of New Ulm has a modern, well-equipped, police department  
of adequate size which will be able to serve the area ordered annexed. That the

Township of Milford does not have a police department and now receives its respective police protection from the Brown County Sheriff's Office.

IX.

That the City of New Ulm has a modern, well-equipped fire department. That these facilities will be able to serve the area ordered annexed and has served such area on a contract basis with the townships, for many years.

X.

That the County of Brown has adopted a comprehensive zoning ordinance. That the City of New Ulm has adopted a comprehensive zoning ordinance together with a plan indicating future growth patterns which include growth in the area herein proposed to be annexed.

XI.

The Township of Milford does not provide sanitary sewer or water in the area proposed to be annexed and the evidence shows that the township has no plans for providing such service in the future, and that the area to be annexed has immediate need for such services.

XII.

That the area of territory described in the resolution totals approximately 100.00 acres and the City of New Ulm at the present time embraces an area of approximately 5,000 acres.

XIII.

That part of the land proposed for annexation is devoted to agricultural purposes and can be expected to continue in such use at the present time.

XIV.

That the City of New Ulm has expanded with respect to population, commercial and residential development, and will continue to do so, both within the municipal limits of the City of New Ulm, and portions of the area proposed for annexation.

XV.

That the township form of government is inadequate to cope with the problems of urban and suburban growth in the area hereinafter ordered annexed.

XVI.

That the area herein ordered annexed is suitable for the existing commercial and residential purposes to which it is presently devoted, and for further commercial and residential development.

CONCLUSIONS OF LAW:

I.

The Municipal Commission duly acquired and now has jurisdiction of the within proceeding.

II.

The Municipal Commission, by virtue of receipt of a resolution from the City Council of the City of New Ulm has authority to grant the annexation without an election.

III.

That part of the property hereinafter annexed is now or is about to become urban or suburban in character; and that the remainder is not now or about to become so or would be better served by the Town of Milford.

IV.

That the remainder of the Township of Milford, Brown County, Minnesota, can continue to carry on the function of government without undue hardship.

V.

That the area hereinafter annexed is so conditioned and so located as to be properly subjected to municipal government by the City of New Ulm.

VI.

That the hereinafter ordered will be in the best interest of the area annexed and of the City of New Ulm.

VII.

Municipal Government of the area hereinafter is necessary and is required to protect public health, safety, and welfare, and to provide necessary governmental services.

VIII.

That an order should issue from the Minnesota Municipal Commission annexing to the City of New Ulm part of the real estate located in the Township of Milford, Minnesota, as hereinafter described.

ORDER

IT IS HEREBY ORDERED, That the following described real estate in the Township of Milford, County of Brown, State of Minnesota, be and the same hereby is annexed to the City of New Ulm, Minnesota, the same as if it had originally been made a part thereof:

All that part of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Twenty-four (24), Township One Hundred Ten North (110), Range Thirty-one West (31), Brown County, Minnesota;

which lies north of a line 775.00 feet southerly of, measured at a right angle to and parallel with the north line of said Section Twenty-four (24), and more particularly described as follows, to-wit:

Beginning at the Northeast corner of Section Twenty-four (24), Township One Hundred Ten North (110), Range Thirty-one West (31), Brown County, Minnesota; thence westerly along the north line of said Section Twenty-four (24) to the Northwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of said Section Twenty-four (24); thence southerly, along the west line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ), to the intersection of a line 775.00 feet south of, measured at a right angle to and parallel with the north line of said Section Twenty-four (24); thence easterly along said parallel line to the east line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ); thence northerly along the east line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) to the point of beginning.

All public roads, streets, and highways within the area above described should be included in such annexed lands.

A sketch of the area proposed to be annexed is attached to these Findings as Exhibit "A" and is incorporated herein.

Dated this 7<sup>th</sup> day of July, 1975.

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

*Howard L. Kaniel, Jr.*  
Howard L. Kaniel, Jr.  
Executive Secretary

#28177  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUL 9 - 1975  
*Joan Anderson Howe*  
Secretary of State