

A-1342

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

|                   |                   |
|-------------------|-------------------|
| Robert W. Johnson | Chairman          |
| Robert J. Ford    | Vice-Chairman     |
| Arthur R. Swan    | Member            |
| Arthur L. Miller  | Ex-Officio Member |
| R. L. Fossen      | Ex-Officio Member |

IN THE MATTER OF THE PETITION FOR ANNEXATION OF  
CERTAIN LAND TO THE CITY OF STAPLES, MINNESOTA

The petition for the annexation to the City of Staples of certain real estate situated in the County of Wadena, State of Minnesota, described as per attached order by the owners thereof, came duly on for hearing before the Minnesota Municipal Commission on July 3, 1968, at which time all members and ex-officio members of the Minnesota Municipal Commission were present. The City of staples appeared by and through its Mayor, James G. Randgaard. The Township of Thomastown appeared by and through members of the Town Board. The County of Wadena appeared by its County Attorney, Charles G. Satterlee. The owners of the property herein described appeared in person, and by Attorney, Don E. Kennedy, Staples, Minnesota.

It was made to appear that a petition was filed with the City of Staples for the annexation of the real estate herein described.

It was made to appear that copies of said petition were duly filed with the County Board in and for Wadena County, Minnesota, the Town Board in and for the Township of Thomastown, Minnesota, the Municipal Commission of the State of Minnesota.

It was made to appear that the County of Wadena, Minnesota, duly filed objections to said annexation, within the time provided by statute, with the Municipal Commission of the State of Minnesota; and that the Township of Thomastown has also filed objections; that pursuant to the filing of said

objections a hearing was set for July 3, 1968.

It was made to appear that Notice of said hearing was duly made and posted.

Evidence was offered and received for and against said annexation at said hearings.

After due and careful consideration of the evidence so offered and received, together with all of the records, files, and proceedings had and taken herein, and being duly advised in the premises, the Municipal Commission of the State of Minnesota now makes and files the following Findings of Fact, Conclusions of Law, and Order.

#### FINDINGS OF FACT

##### I

That due, timely and adequate notice of the petition and the hearing hereon, was posted, published, served and filed.

##### II

That the property described herein abuts the legal boundaries of the City of Staples, Minnesota, and contains approximately 49 acres.

##### III

That the petition for the annexation of said property was signed by all of the owners of said property.

##### IV

That the City of Staples, Minnesota has delayed proceedings on the annexation, pending the hearing pursuant to the requirements of the Statutes, but has indicated approval of such annexation.

V

That the population of the area to be annexed is none (0) people, and that the population of the City of Staples, Minnesota is 2,706.

VI

That the area to be annexed is approximately 49 acres as compared to approximately 640 acres in the City of Staples, Minnesota.

VII

That the area to be annexed is urban in character and suited for residential use.

VIII

That the taxes in the area to be annexed will increase, but that the increase will be commensurate with the municipal services provided by the City of Staples, Minnesota.

IX

That there is a present need in the area to be annexed for all municipal services, and particularly water and sewer services.

X

That the area to be annexed constitutes an extremely small geographical portion of the Township of Thomastown and that the annexation of this portion to the City of Staples will not impair the ability of the township to function.

XI

That the Township of Thomastown has no plans for the installation of either water or sewage systems.

## CONCLUSIONS OF LAW

### I

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

### II

That area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the City of Staples, Minnesota.

### III

That the interests of the City of Staples and the area to be annexed would be best served by the annexation of said area to the City of Staples, Minnesota.

### IV

Municipal Government and the corresponding municipal services are required in the area to be annexed for the preservation and protection of public health, welfare and safety in the area to be annexed and in the City of Staples, Minnesota.

### V

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

### VI

The City of Staples can meet the problems existing in the area to be annexed, can remedy them and provide any and all governmental service presently required and which may become necessary in the future in the area to be annexed.

### VII

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

O R D E R

IN THE MATTER OF THE PETITION FOR ANNEXATION  
OF CERTAIN LAND TO THE CITY OF STAPLES, MINNESOTA  
ACCORDING TO MINNESOTA STATUTES 414.03

IT IS HEREBY ORDERED: That certain real estate lying in  
and being a part of the County of Wadena, State of Minnesota,  
and described as follows, to-wit:

Tract 1-Commencing at the southwest corner of the Southeast Quarter of the Southwest Quarter of Section Thirty-six (36), Township One Hundred Thirty-Four (134) North of Range Thirty-three (33) West, thence north along the West line of the  $SE\frac{1}{4}$  of the  $SW\frac{1}{4}$  a distance of 1,100 feet; thence east and parallel with the south line of said  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  a distance of 792 feet; thence south and parallel with the east line of said  $SW\frac{1}{4}$  to the south line of said Section 36; thence west along the south line of said Section 36 to the point of beginning a distance of 792 feet, including all streets and alleys abutting thereon and contained therein and all utility easements.

Tract 2-A tract in the East One-Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section Thirty-six (36), Township One Hundred Thirty-four (134), Range Thirty-three (33) described as follows: "TRACT 1" - That portion of the described subdivision as follows: From the northwest corner of said subdivision, thence south on the west line thereof 1,396.2 feet to the point of beginning; thence continuing on this same line south 172 feet to the north line of the Evergreen Cemetery Grounds; thence east on the north line thereof 216 feet; thence north and parallel with the west line of this said subdivision 172 feet; thence west and parallel with the north line of said cemetery grounds 216 feet to the point of beginning, including all streets and alleys abutting thereon and contained therein and all utility easements.

Tract 3-All of the Southeast Quarter of the Southwest Quarter ( $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section Thirty-six (36) in Township One Hundred Thirty-Four (134) North of Range Thirty-three (33) West, including all streets and alleys abutting thereon and contained therein and including all utility easements, and excepting those parcels described in Tracts 1 and 2 above.

Tract 4-Lots One (1), Two (2) and Four (4) of Block One (1) of Pine Crest Addition, Wadena County, Minnesota, including all streets and alleys and utility easements abutting thereon and contained therein.

Tract 6-All of Block One (1), including all streets, alleys and utility easements abutting thereon and contained therein in the First Addition to Pine Crest addition, Wadena County, Minnesota.

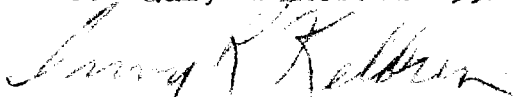
Tract 7-Lot Three (3) of Block Two (2), Pine Crest Addition, Wadena County, Minnesota, including all streets, alleys and utility easements abutting thereon or contained therein.

Tract 8-Lot Five (5), Block Two (2), Pine Crest Addition, Wadena County, Minnesota, including all streets, alleys and utility easements contained therein or abutting thereon.

Be, and the same hereby is, annexed to the City of Staples, Minnesota, the same as if it had originally been made a part thereof according to Minnesota Statutes 414.03.

Dated this 28th day of August, 1968

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

  
Irving R. Keldsen  
S e c r e t a r y