

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Maynard Raun	Ex-Officio Member
Howard Ross	Ex-Officio Member

IN THE MATTER OF THE VILLAGE OF MOOSE)
LAKE, MINNESOTA, TO ANNEX CERTAIN)
ADJOINING UNINCORPORATED TERRITORY TO)
THE VILLAGE OF MOOSE LAKE)

AMENDED
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The petition for the annexation to the Village of Moose Lake of certain real estate situated in the County of Carlton and State of Minnesota, described as per attached Order, and as set forth in that certain resolution adopted by the Village Council of the Village of Moose Lake, Minnesota on the 9th day of January, 1969 came duly on for hearing before the Minnesota Municipal Commission on the 12th day of June, 1970, at which time all members and Ex-Officio Members of the Minnesota Municipal Commission were present. The Village of Moose Lake appeared by and through its Village Attorney, Stanford Dodge. The Township of Moose Lake appeared by and through Lawrence Yetka, its attorney. There were no other appearances.

It was made to appear that a resolution and petition of the Village Council of the Village of Moose Lake for the annexation of that certain unincorporated property described herein was filed with the Minnesota Municipal Commission on the 27th day of January, 1970, and that an amendment thereto was filed with the Minnesota Municipal Commission on the 24th day of February, 1970.

It was made to appear that the Commission issued its Notice of Hearing, dated May 4th, 1970, setting the 12th day of June, 1970 at 10:30 o'clock A.M., in the Village Hall in the Village of Moose Lake,

Minnesota, as being the time and place of said hearing.

It was made to appear that the Notice of Hearing was sent to the appropriate parties by the Secretary of the Municipal Commission of the State of Minnesota.

It was made to appear that said notice of hearing was duly published in the Star Gazette, on May 14th, 1970 and again on May 21st, 1970.

Evidence was offered and received for and against said annexation at said hearing by all parties and persons desiring to be heard, and the Commission viewed the premises.

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, and a settlement having been worked out at the hearing by the Municipal Commission with consent and agreement of the Village Council of the Village of Moose Lake and members of the Town Board of the Town of Moose Lake in Carlton County, Minnesota, 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 the resolution and petition of the Village of Moose Lake for the annexation of certain property in the Town of Moose Lake, Carlton County, Minnesota, was filed pursuant to and in compliance with Minnesota Statutes 1967, Chapter 414, as amended, and said petition and resolution was in all respects proper in form, contents and execution.

II.

That the area proposed for annexation is described as follows:

The North Half of the Southeast Quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$), of Section Twenty-nine (29), Township Forty-six (46), Range Nineteen (19).

The Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-eight (28), Township Forty-six (46), Range Nineteen (19).

The Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-three (33), Township Forty-six (46), Range Nineteen (19)

III.

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

IV.

That the area proposed for annexation abuts the legal boundaries of the Village of Moose Lake, Minnesota and is not included in any other municipality.

V.

That the petition for annexation was signed by the Mayor and the Village Clerk of the Village of Moose Lake, Minnesota respectively, pursuant to a resolution adopted by the Village Council of the Village of Moose Lake, and as such, the Village of Moose Lake has indicated approval of such annexation and the contents of said petition.

VI.

That the area proposed for annexation is approximately 320 acres.

VII.

That after a certain amount of testimony had been taken at the hearing a recess was held and a settlement was agreed upon between the Village Council of the Village of Moose Lake and the Town Board of the Town of Moose Lake and approved by the Commission following the recess.

VIII.

That in the agreement of settlement the Town Board of the Town of Moose Lake agreed that they would withdraw any opposition to the proposed annexation provided that the $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 28,

Township 46, Range 19 would be withdrawn from said annexation proceedings and said area would remain in the Township of Moose Lake. The area to be excluded lies North of the East and West Township road on the South edge of said $N\frac{1}{2}$ of $SW\frac{1}{4}$ of said Section 28 and East of the West line of said $N\frac{1}{2}$ of $SW\frac{1}{4}$ of said Section 28 and East of the Center of County Aid Road No. 810 as extended North along the West edge of the $N\frac{1}{2}$ of $SW\frac{1}{4}$ in a northerly direction to the present South Village limits.

IX.

That after said Village Council and said Town Board had made said agreement it was presented to the Municipal Commission at said hearing and the Municipal Commission after due consideration approved said settlement.

X.

That a Consent to Annexation and Waiver of Referendum signed by all of the residents of the area herein ordered annexed was filed with the Minnesota Municipal Commission on July 7, 1970.

CONCLUSIONS OF LAW

I.

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

II.

That the area to be annexed herein is so conditioned and so located as to be properly subjected to Municipal Government by the Village of Moose Lake, Minnesota, and is now or is about to become urban or suburban in character.

III.

That the interests of the Village of Moose Lake and the area

to be annexed would be best served by the annexation of said area to the Village of Moose Lake, Minnesota.

IV.

That the Municipal form of 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 Village of Moose Lake, Minnesota.

V.

That the Minnesota Municipal Commission has approved the settlement entered into by the Village Council of the Village of Moose Lake and the Town Board of the Town of Moose Lake.

VI.

That no referendum is required to effectuate the annexation ordered herein.

VII.

An order should be issued by the Municipal Commission ordering the annexation of the land described herein, less the excluded part, to the Village of Moose Lake. Let an order for such annexation be entered and filed accordingly.

O R D E R

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

The North Half of the Southeast Quarter
(N $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Twenty-nine (29),
Township Forty-six (46), Range Nineteen (19).

The Southwest Quarter (SW $\frac{1}{4}$) of Section
Twenty-eight (28), Township Forty-Six (46),
Range Nineteen (19), EXCEPT the North Half

thereof described as lying North of the East-West Township Road on the South edge of said $N\frac{1}{2}$ of $SW\frac{1}{4}$ of said Section 28, and East of the West line of said North Half of Southwest Quarter ($N\frac{1}{2}$ of $SW\frac{1}{4}$) of said Section 28, being East of the center of the County Aid Rd. No. 10 as extended North along the West edge of said $N\frac{1}{2}$ of $SW\frac{1}{4}$ in a Northwesterly direction to the present Village limits.

The Northwest Quarter ($NW\frac{1}{4}$) of Section Thirty-three (33), Township Forty-six (46), Range Nineteen (19).

Be, and the same hereby is, annexed to the Village of Moose Lake, Minnesota, the same as if it had originally been made a part thereof.

IT IS FURTHER ORDERED: That the annexation herein ordered shall not become effective until consented to by the Executive Council of the State of Minnesota.

Dated this 5th day of April, 1971

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



Bruce Rasmussen
Executive Secretary