

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice-Chairman
Robert J. Ford	Member
Donnell Frederickson	Ex-Officio Member
C. D. Randleman	Ex-Officio Member

IN THE MATTER OF THE PROCEEDINGS TAKEN)	
UPON JOINT RESOLUTION OF THE CITY OF)	FINDINGS OF FACT
BENSON AND THE TOWNSHIP OF TORNING,)	CONCLUSIONS OF LAW
MINNESOTA, DESIGNATING AN UNINCORPORATED)	AND ORDER
AREA AS IN NEED OF ORDERLY ANNEXATION)	
AND CONFERRING JURISDICTION OVER SAID)	
AREA TO THE MINNESOTA MUNICIPAL COMMISSION))	

The above-entitled matter was duly presented to the Minnesota Municipal Commission by joint resolution of the City of Benson and the Township of Torning designating a certain area herein described as in need of orderly annexation. By further resolution the City of Benson initiated the annexation of the entire area so designated. Pursuant to said resolution and upon proper notice the Minnesota Municipal Commission duly convened a public hearing on said matter. The City of Benson appeared by and through Kenneth C. Spates, City Attorney, City of Benson. The Township of Torning appeared by and through Walter Flower, Chairman of the Township Board, Township of Torning, Bruce Rasmussen, Secretary of the Minnesota Municipal Commission, appeared on behalf of the Commission and was present throughout said hearing. Evidence was then and there offered and received in support of the annexation. There was no evidence in opposition to the annexation. All parties desiring to be heard were heard. On January 14, 1970, pursuant to a resolution of the City of Benson and upon proper notice, the Minnesota Municipal Commission duly convened a public hearing on the matter of the annexation of the area herein described and other lands. The City of Benson appeared by and through Kenneth C. Spates, City Attorney, City of Benson. The Township

of Torning appeared by and through Walter Flower, Chairman of the Township Board, Township of Torning. All members and Ex-Officio members of the Commission were present throughout said hearing. Evidence was then and there offered and received in support and in opposition to the annexation therein, and on such other matters which were properly before the Commission. All parties desiring to be heard were heard. The Commission viewed the premises. Upon motion the record of the January 14, 1970, hearing was incorporated into the record of the above-entitled matter.

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

FINDINGS OF FACT

The Minnesota Municipal Commission makes for its Findings of Fact:

1. That on April 14, 1970, the Torning Township Board, County of Swift, State of Minnesota duly adopted a joint resolution designating that certain area herein described as in need of orderly annexation; that on April 16, 1970, the City Council of the City of Benson, County of Swift, State of Minnesota duly adopted a joint resolution designating that certain area herein described as in need of orderly annexation; that said resolution was filed with the Secretary of the Minnesota Municipal Commission on April 24, 1970;
2. That on April 23, 1970, the City Council of the City of Benson, County of Swift, State of Minnesota duly passed a resolution initiating annexation of the entire area herein described; that said resolution was filed with the Secretary of the Minnesota Municipal Commission on April 24, 1970;
3. That pursuant to said resolutions designating that certain area

herein described as in need of orderly annexation, and said resolution initiating annexation of the entire area herein described, the Secretary of the Minnesota Municipal Commission set a hearing for June 16, 1970, at the City Hall, Benson, Minnesota; that due and timely notice of said hearing was given, served and published as required by law. That the Swift County Board duly appointed Donnell Frederickson and C. D. Randleman, County Commissioners to serve as ex-officio members of the Minnesota Municipal Commission for the hearing herein;

4. That pursuant to said notice, said hearing was convened at the time and place fixed in said notice;

5. That the area to be annexed abuts the City of Benson;

6. That the area to be annexed is approximately 34.5 acres and contains a population of approximately 65 persons;

7. That the area to be annexed is urban or suburban in character and suited for municipal government, and that it is reasonably expected that the full range of municipal services will be available within a three-year period as required and requested;

8. That there is a present need in the area to be annexed for municipal services, including water, storm and sanitary sewer and police protection. That the City of Benson is capable of and it is practical for it to provide such services within a reasonable time;

9. That the area to be annexed lies wholly within the Township of Torning and that the annexation of said area to the City of Benson will not impair the ability of the township to function;

10. That the township in which the area to be annexed lies has no plans for the installation of water or storm and sanitary sewer systems.

11. That a portion of the area to be annexed is a logical area for highway business expansion, and a portion of the area to be annexed is a logical area for residential expansion and, therefore, said areas require municipal planning and zoning for the proper use and development of said area;

12. That the taxes in the area to be annexed will increase, but the increase will be commensurate with the municipal services to be provided by the City of Benson;

13. That the municipal government and services are required in the area herein ordered annexed for the preservation and protection of the public health, welfare and safety of said area and the inhabitants thereof, and of the City of Benson and the Township of Torning.

CONCLUSIONS OF LAW

The Minnesota Municipal Commission determines as its Conclusions of Law:

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

2. That the area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the City of Benson, Minnesota, and is urban or suburban in character;

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

4. 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 City of Benson, Minnesota;

5. That the township form of government is not adequate to meet the problems found to exist in the area to be annexed;

6. That the City of Benson can meet the problems existing in the area to be annexed, can remedy them and provide any and all governmental services presently required and which may become necessary in the future in the area to be annexed;

7. That the City of Benson can properly provide for the orderly planning and regulation of growth and development in the area to be annexed;

8. That the mill rate levy on the property herein ordered annexed should be increased in substantially equal proportions over a three-year period to equality with the mill levy on property already within the City of Benson.

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

O R D E R

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

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section Five (5), Township One Hundred Twenty-one (121), Range Thirty-nine (39), Swift County, Minnesota, except: That land lying South of the Southerly boundary line of a township road in said section, said exception more fully described as follows, to-wit:

Beginning at the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section Five (5), Township One Hundred Twenty-one (121), Range Thirty-nine (39); thence North along the West boundary line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Five (5), a distance of 485.3 feet, more or less, to a point where the West line of said Southeast Quarter (SE $\frac{1}{4}$) of said Section Five (5) intersects the Southerly right-of-way line of said township road, said Southerly right-of-way line of said road being approximately 141.0 feet Southerly at right angles to the center line of the Great Northern Railroad; thence Southeasterly along the Southerly boundary line of said township road and parallel to the Great Northern Railroad right-of-way to a point where said Southerly boundary line of said township road intersects the South boundary line of said Southeast Quarter (SE $\frac{1}{4}$) of said Section Five (5), thence west along the south line of said Southeast Quarter (SE $\frac{1}{4}$) to the point of beginning, said exception containing 5.5 acres, more or less, and said exception being a part of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) of said Section Five (5), Township One Hundred Twenty-one (121), Range Thirty-nine (39).

IT IS FURTHER ORDERED: That the annexation herein ordered shall be effective immediately.

IT IS FURTHER ORDERED: That the mill rate levy of the City of Benson on the property herein ordered annexed shall be increased in substantially equal proportions over a three-year period to equality with the mill rate levy on the property presently within the City of Benson.

IT IS FURTHER ORDERED: That the population of the City of Benson be increased by 65 for all purposes until the next federal census.

Dated this 21st day of September, 1970

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



Bruce Rasmussen
Executive Secretary