

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Odell Schaller	Ex-Officio Member
Tom Johnson	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION)	FINDINGS OF FACT
TO ANNEX CERTAIN LAND TO THE CITY)	CONCLUSIONS OF LAW
OF MONTEVIDEO)	AND ORDER

Pursuant to Resolution No. 382 of the City Council of the City of Montevideo and as authorized by Minnesota Statutes 414.033, subdivision 3, a notice of the City of Montevideo's intention to annex certain lands in the County of Chippewa was duly served upon Sparta Township, the lands being described in said notice as follows:

TRACT 1a.

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Five (5), Township One Hundred Seventeen (117) North, Range Forty (40) West, less the following described parcel:

A parcel of land in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 5, 200 feet in width on each side of a line described as follows:

Beginning at a point on the north line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 5 that is 2116.6 feet east of the center line of Minnesota Highway Department right of way as now located along the approximate east line of said Section 5; thence southeasterly on a straight line to a point on the south line of said Section 5 that is 3203.9 feet east from the southwest corner of said Section 5.

The 200 feet in width on each side of the above described line shall extend from the northwesterly point on said line to a point 760 feet southeasterly, measured along said line. The southeasterly side of said parcel shall be at right angles to the described line.

Tract 1a contains 33.5 acres, more or less.

TRACT 1b.

The Northwest Quarter of Section Eight (NW $\frac{1}{4}$ of Sec. 8), Township One Hundred Seventeen (117) North, Range Forty (40) West, less the following described parcel:

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 8, less that part thereof which lies north of the north boundary of Fosnes Avenue in the City of Montevideo extended easterly, and west of a line 235 feet east of and parallel to the center line of Minnesota Trunk Highway 29.

Tract 1b contains 141.3 acres, more or less.

TRACT 1c.

A tract of land in the Southwest Quarter (SW $\frac{1}{4}$), Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West described as follows:

Beginning at the center of said Section 8; thence west along the north line of the SW $\frac{1}{4}$ of said Section 8 a distance of 2640 feet, more or less, to the west line of the SW $\frac{1}{4}$ of said Section 8; thence south along the west line of the SW $\frac{1}{4}$ of said Section 8 a distance of 740 feet, more or less, to the north line of Windom Avenue as now platted and laid out in the Methodist Addition and Kohr's First Addition to the City of Montevideo; thence east along the north line of said Windom Avenue a distance of 1573.4 feet to the east line of Thirteenth Street as now platted and laid out in Kohr's First Addition to the City of Montevideo; thence south along the east line of said Thirteenth Street a distance of 935 feet, more or less, to the center line of Minnesota Trunk Highway 7 as now laid out and maintained in said Section 8; thence northwesterly along the center line of said Trunk Highway 7 a distance of 325 feet, more or less, to the east line of Twelfth Street as now platted in Kohr's Square in the City of Montevideo; thence south 395 feet, more or less, to the north line of Block 6, Burn's Subdivision in the City of Montevideo; thence east along the north line of Block 6 and of Block 7 in said Burn's Subdivision a distance of 620 feet, to the west line of proposed Fifteenth Street; thence north 22° east along the west line of proposed Fifteenth Street a distance of 275 feet, more or less, to the center line of Minnesota Trunk Highway 7; thence southeasterly a distance of 235 feet, more or less, along the center line of said Trunk Highway 7 to a point that is 418.3 feet west of and parallel to the east line of the SW $\frac{1}{4}$ of said Section 8; thence north along a line that is 418.3 feet west of and parallel to the east line of the SW $\frac{1}{4}$ of said Section 8 a distance of 535 feet, more or less, to a point that is 500 feet south of an extension east of the south line of said Windom Avenue; thence east along a line that is 500 feet, south of and parallel to the south line of said Windom Avenue a distance of 418.3 feet to the east line of the SW $\frac{1}{4}$ of said Section 8, thence north along the east line of the SW $\frac{1}{4}$ of said Section 8 a distance of 1305 feet, more or less, to the point of beginning.

Tract 1c contains 69.8 acres, more or less.

TRACT 2a.

A tract of land in the West Half of the Northeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$) and the East Half of the Northwest Quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seventeen (117) North, Range Forty (40) West described as follows:

Beginning at the northeast corner of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 17; thence west along the north line of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 17 a distance of 1320 feet, more or less, to the northwest corner of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 17; thence south along the west line of the NE $\frac{1}{4}$ of said Section 17 a distance of 442.3 feet; thence west 198 feet; thence south 220 feet to the south line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 17; thence east along the south line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of

said Section 17 a distance of 78 feet to the west line of Anderson's Subdivision in said Section 17; thence, south along the west line of said Anderson's Subdivision a distance of 330 feet; thence east along the south line of said Anderson's Subdivision a distance of 120 feet; thence south along the west line of the NE $\frac{1}{4}$ of said Section 17 a distance of 996.19 feet to the southwest corner of the NE $\frac{1}{4}$ of said Section 17; thence east along the south line of the NE $\frac{1}{4}$ of said Section 17 a distance of 1320 feet, more or less, to the east line of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 17; thence north along the east line of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 17 a distance of 1980 feet, more or less, to the point of beginning.

Tract 2a contains 61.9 acres, more or less.

TRACT 2b.

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seventeen (117) North, Range Forty (40) West.

Tract 2b contains 40 acres, more or less.

TRACT 3.

A tract of land in the Southwest Quarter (SW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seventeen (117) North, Range Forty (40) West described as follows:

Beginning at the southwest corner of said Section 17; thence east along the south line of said Section 17 a distance of 1980 feet, more or less, to the east line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence north along the east line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 1320 feet, more or less, to the north line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence west along the north line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 330 feet, more or less, to the west line of the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence south along the west line of the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 1056 feet, more or less, to a point that is 264 feet north of the south line of said Section 17; thence west, parallel to the south line of said Section 17; a distance of 330 feet, more or less, to the west line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence south 123 feet along the West line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence west and northwesterly, on the line between Outlots 8 and 9 on one side, and Outlots 1, 2 and 3 on the other side, said Outlots being a part of the Outlot Plat in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17, to the southerly line of Evans' Road as now platted in said Outlot Plat; thence west and northwesterly along the westerly line of said Evans' Road to the southerly line of Lot B of Outlot 4, of said Outlot Plat; thence northwesterly along the southwesterly side of Lots B, C and D, of Outlot 4, of said Outlot Plat, and on an extension of said southwesterly side to the center line of the State Aid Road or also known as County State Aid Highway Number 15 as it is now located and platted; thence north along the center line

of said State Road to the point of intersection of the south line of Lot 6, Block 1, Fairview Addition as now platted in the City of Montevideo; extended northeasterly, thence southwesterly, along the south line of said Lot 6 and the extension of said south line northeasterly and southwesterly, a distance of 335 feet, more or less, to the west line of said Section 17; thence south along the west line of said Section 17 a distance of 870 feet, more or less, to the point of beginning.

Tract 3 contains 29.1 acres, more or less.

TRACT 4.

A tract of land in the North Half ($N\frac{1}{2}$) of Section Seven (7), Township One Hundred Seventeen (117) North, Range Forty (40) West and in the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Six (6), Township One Hundred Seventeen (117) North, Range Forty (40) West, described as follows:

Beginning at a point where the south line of the $N\frac{1}{2}$ of said Section 7 intersects the east bank of the Chippewa River as now located in said Section 7; thence northerly along the east bank of the Chippewa River which is also along the west boundary of the "Plat of Lots in the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ and the $E\frac{1}{2}$ of the $NW\frac{1}{4}$ east of the Chippewa River, Section 7, Township 117 North, Range 40 West", to the north line of said Section 7; thence east along the north line of said Section 7 a distance of 540 feet, more or less, to the west line of Pleasant View Subdivision as now platted in said Section 6; thence north along the west line of Lot 9, Block 2, Pleasant View Subdivision to the northwest corner of said Lot 9; thence easterly along the north line of said Lot 9 to the west line of Lot 6, Block 2, Pleasant View Subdivision; thence north along the west line of Block 2, Pleasant View Subdivision to the northwest corner of Lot 1, Block 2, Pleasant View Subdivision; thence east along the north line of said Lot 1, Block 2, Pleasant View Subdivision and on extension of said north line to the southwest corner of Lot 2, Block 1, Pleasant View Subdivision; thence north along the west line of Lot 1 and Lot 2, Block 1, Pleasant View Subdivision to the northwest corner of said Lot 1; thence east along the north line of Lot 1, Block 1, Pleasant View Subdivision, to the northeast corner of said Lot 1; thence south along the line between said Pleasant View Subdivision and Wolfe's Second Subdivision as now platted and laid out in the City of Montevideo; thence south along said line between Pleasant View Subdivision and Wolfe's Second Subdivision to the south line of said Section 6; thence continue south along the east line of Lot 1 and Lot 2 of the "Plat of Lots in the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ and the $E\frac{1}{2}$ of the $NW\frac{1}{4}$ east of the Chippewa River, Section 7, Township 117 North, Range 40 West", to the southeast corner of said Lot 2; thence west along the south line of Lot 2 in said "Plat of Lots" a distance of 330 feet, thence south parallel to the east line of Lot 3 of said "Plat of Lots" a distance of 150 feet; thence east 14 feet; thence south 61 feet, thence west along a line that is 211 feet south of and parallel to the north line of Lot 3 of said "Plat of Lots" a distance of 314 feet to the center line of Ridgeview Drive as now platted and laid out in said "Plat of Lots"; thence south along the center line of said Ridgeview Drive a distance of 966 feet to a point that is 88 feet south of the north line of Lot 9 in said "Plat of Lots" thence west 150 feet; thence south 110 feet; thence east on a line that is 198 feet south of and parallel to the north line of Lot 9 in said

"Plat of Lots" a distance of 150 feet to the center line of said Ridgeview Drive; thence south along the center line of said Ridgeview Drive a distance of 588 feet, more or less, to the south line of the N $\frac{1}{2}$ of said Section 7; thence west along the south line of the N $\frac{1}{2}$ of said Section 7 to the point of beginning.

Tract 4 contains 63.9 acres, more or less.

Sparta Township duly filed objections thereto with the Municipal Commission and the matter was set for hearing in the Court House in Montevideo, Minnesota, on November 20th, 1970, notice thereof being published as required by law. Because of the inclement weather, the matter was reset for hearing on January 14th, 1971, and published notice thereof was duly given. The hearing was duly continued to February 22nd, 1971, and on that day was continued to March 2nd, 1971, when it was concluded. Odell Schaller and Tom Johnson, Ex-Officio Members, representing Chippewa County Board, sat with the members of the Commission at all hearings.

The City of Montevideo was represented by its City Attorney, John P. Nelson, of Montevideo, Minnesota, and the Town of Sparta was represented by Baker, Carlson & Reishus of Granite Falls, Minnesota.

Before the commencement of the hearing, the City of Montevideo moved to amend the description of the lands proposed to be annexed to read as follows:

AREA 1

Tract 1a.

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Five (5), Township One Hundred Seventeen (117) North, Range Forty (40) West, less the following described parcel:

A parcel of land in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 5, 200 feet in width on each side of a line described as follows:

Beginning at a point on the north line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 5 that is 2116.6 feet east of the center line of Minnesota Highway Department right of way as now located along the approximate west line of said Section 5; thence southeasterly on a straight line to a point on the south line of said Section 5 that is 3203.9 feet east from the southwest corner of said Section 5.

The 200 feet in width on each side of the above described line shall extend from the northwesterly point on said line to a point 760 feet southeasterly, measured along said line. The southeasterly side of said parcel shall be at right angles to the described line.

Tract 1a contains 33.5 acres, more or less.

Tract 1b.

The Northwest Quarter (NW $\frac{1}{4}$) of Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West, less the following described parcel:

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 8, less that part thereof which lies north of the north boundary of Fosnes Avenue in the City of Montevideo extended easterly, and west of a line 235 feet east of and parallel to the center line of Minnesota Trunk Highway 29.

Tract 1b contains 141.3 acres, more or less.

Tract 1c.

A tract of land in the Southwest Quarter (SW $\frac{1}{4}$), Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West, described as follows:

Beginning at the center of said Section 8; thence west along the north line of the SW $\frac{1}{4}$ of said Section 8 a distance of 2640 feet, more or less, to the west line of the SW $\frac{1}{4}$ of said Section 8; thence south along the west line of the SW $\frac{1}{4}$ of said Section 8 to the southwest corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 8; thence east at a right angle a distance of 33 feet to the east right of way line of State Trunk Highway 29; thence north along the east line of said Highway right of way to the north line of Windom Avenue as now platted and laid out in the Methodist Addition and Kohr's First Addition to the City of Montevideo; thence east along the north line of said Windom Avenue a distance of 1573.4 feet to the east line of Thirteenth Street as now platted and laid out in Kohr's First Addition to the City of Montevideo; thence south along the east line of said Thirteenth Street, a distance of 860 feet, more or less, to the north right of way line of Minnesota Trunk Highway 7 as now laid out and maintained in said Section 8; thence northwesterly along the north right of way line of said Trunk Highway 7 a distance of 320 feet, more or less, to the east line of Twelfth Street as now platted in Kohr's Square in the City of Montevideo; thence south along the east line of Twelfth Street a distance of 395 feet, more or less, to the north line of Block 6, Burns' Subdivision in the City of Montevideo; thence east along the north line of Block 6 and of Block 7 in said Burns' Subdivision a distance of 620 feet, to the west line of proposed Fifteenth Street; thence north 22 $^{\circ}$ east along the west line of proposed Fifteenth Street, a distance of 185 feet, more or less, to the south line of Minnesota Trunk Highway 7; thence southeasterly along the south line of said Trunk Highway 7 a distance of 255 feet, more or less, to a point that is 418.3 feet west of and parallel to the east line of the SW $\frac{1}{4}$ of said Section 8; thence north along a line that is 418.3 feet west of and parallel to the east line of the SW $\frac{1}{4}$ of said Section 8 a distance of 695 feet, more or less, to a point that is 500 feet south of an extension east

of the south line of said Windom Avenue; thence east along a line that is 500 feet south of and parallel to the south line of said Windom Avenue a distance of 418.3 feet to the east line of the SW $\frac{1}{4}$ of said Section 8; thence north along the east line of the SW $\frac{1}{4}$ of said Section 8 a distance of 1305 feet, more or less, to the point of beginning.

Tract 1c contains 69.8 acres, more or less.

It is the intention of the City of Montevideo by annexing Area 1 to annex all of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5 and the West Half of Section 8 all in Township 117 North, Range 40 West except such portions thereof that are in the City of Montevideo.

AREA 2

Tract 2a.

A tract of land in the West Half of the Northeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$) and the East Half of the Northwest Quarter (E $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seventeen (117) North, Range Forty (40) West, described as follows:

Beginning at the northeast corner of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 17; thence west along the north line of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 17 a distance of 1320 feet, more or less, to the northwest corner of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 17; thence south along the west line of the NE $\frac{1}{4}$ of said Section 17 a distance of 442.3 feet; thence west 198 feet; thence south 220 feet to the south line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 17; thence east along the south line of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 17 a distance of 78 feet to the west line of Anderson's Subdivision in said Section 17; thence south along the west line of said Anderson's Subdivision a distance of 330 feet; thence east along the south line of said Anderson's Subdivision a distance of 120 feet; thence south along the west line of the NE $\frac{1}{4}$ of said Section 17 a distance of 996.19 feet to the southwest corner of the NE $\frac{1}{4}$ of said Section 17; thence east along the south line of the NE $\frac{1}{4}$ of said Section 17 a distance of 1320 feet, more or less, to the east line of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 17; thence north along the east line of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 17 a distance of 1980 feet, more or less, to the point of beginning.

Tract 2a contains 61.9 acres, more or less.

Tract 2b.

The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seventeen (117) North, Range Forty (40) West.

It is the intention of the City of Montevideo by annexing Area 2 to annex all of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seventeen (17) and the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Seventeen (17) all in Township One Hundred Seventeen (117) North, Range Forty (40) West except such portions that are already in the City Limits of the City of Montevideo.

Area 3

A tract of land in the Southwest Quarter (SW $\frac{1}{4}$) of Section Seventeen (17), Township One Hundred Seventeen (117) North, Range Forty (40) West, described as follows:

Beginning at the southwest corner of said Section 17; thence east along the south line of said Section 17 a distance of 1980 feet, more or less, to the east line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence north along the east line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 1320 feet, more or less, to the north line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence west along the north line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 330 feet, more or less, to the west line of the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence south along the west line of the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 1056 feet, more or less, to a point that is 264 feet north of the south line of said Section 17; thence west parallel to the south line of said Section 17; a distance of 330 feet, more or less, to the west line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence south 123 feet along the west line of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence west and northwesterly, on the line between Outlots 8 and 9 on one side, and Outlots 1, 2 and 3 on the other side, said Outlots being a part of the Outlot Plat in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17, to the southerly line of Evans' Road as now platted in said Outlot Plat; thence west and northwesterly along the westerly line of said Evans' Road to the southerly line of Lot B of Outlot 4, of said Outlot Plat; thence northwesterly along the southwesterly side of Lots B, C and D, of Outlot 4, of said Outlot Plat, and on an extension of said southwesterly side to the center line of the State Aid Road or also known as County State Aid Highway Number 15 as it is now located and platted; thence north along the center line of said State Road to the point of intersection of the south line of Lot 6, Block 1, Fairview Addition as now platted in the City of Montevideo, extended northeasterly; thence southwesterly along the south line of said Lot 6 and the extension of said south line northeasterly and southwesterly, a distance of 335 feet, more or less, to the west line of said Section 17; thence south along the west line of said Section 17 a distance of 870 feet, more or less, to the point of beginning.

Area 3 contains 29.1 acres, more or less.

It is the intention of the City of Montevideo by annexing Area 3 to annex all of the SW $\frac{1}{4}$ of Section 17, Township 117 North, Range 40 West except those portions thereof that are already within the City Limits of the City of Montevideo.

The amendment was allowed without objection.

The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence and all other evidence, upon all the files and records, and being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

1. That due, timely and adequate legal notice of the hearing herein was given as required by law, and the hearing scheduled for November 20, 1970, was properly continued until January 14, 1971, February 22, 1971, and March 2, 1971.

2. That the perimeters of the above described areas 1, 2 and 3 are sixty percent (60%) or more bordered by the City of Montevideo, Minnesota.

3. That the City of Montevideo can provide the necessary facilities required by the areas hereinafter ordered to be annexed.

4. That the population of the areas hereinafter ordered to be annexed is approximately sixty-eight (68) persons, and according to the 1970 Census, the population of the City of Montevideo is five thousand six hundred sixty-one (5,661) persons.

5. The area proposed to be annexed in the amended description is approximately 375.6 acres as compared to approximately 1867.6 acres in the City of Montevideo.

6. That although the population of Montevideo is approximately the same in 1970 as it was in 1960, there have been thirty-six (36) difference annexations of territories during the period 1960 - 1970 and additional land is required for residential, commercial and industrial development, and for the more adequate planning for the development of the City and the expansion of its facilities and to properly prevent and control pollution.

7. Vacant space for expansion of the City of Montevideo is primarily available on the east side of the city which indicates the direction of expansion.

8. The taxes will increase in the area to be annexed, but will be proportional and bear a favorable relationship to the benefits received, because city utility services, improved police and fire protection, improved street maintenance, and other benefits of city service will be provided. Some of the areas proposed to be annexed are now in fact receiving the benefits of some municipal services but are not contributing through their taxes toward the payment for such.

9. The health and welfare of the area to be annexed shows a need for such governmental services as city water, sewage disposal, planning, zoning and building codes, and police and fire protection.

10. The City of Montevideo will have available to the areas to be annexed adequate water and sewer facilities. City planning, zoning and building codes and police and fire protection will be available immediately. Commercial, residential and industrial sites will be available as soon as a development plan program can be obtained.

11. The Town of Sparta will not have its ability to function impaired by this annexation either from loss of tax revenue or loss of assessed valuation.

12. The Town of Sparta does not have the facilities to provide adequate sanitary sewer, water, fire protection, police protection or other municipal services for the areas to be annexed.

13. That tracts 1a, 1b and that portion of 1c lying north of a line 500 feet south of and parallel to the easterly extension of the south line of Windom Avenue in the City of Montevideo are primarily rural in character, are bordered on the north by the airport and a largely undeveloped industrial park site and there has been relatively little development or growth in these tracts in the past ten (10) years.

14. That that portion of tract 1c lying south of a line which is five hundred feet (500') south of and parallel to the easterly extension of the south line of Windom Avenue in the City of Montevideo, said tract containing 11.97 acres, has a perimeter which is sixty percent (60%) or more bordered by the City of Montevideo and this portion of tract 1c together with tracts 2a, 2b and 3, tract 3 also known as area 3, are or are about to become urban or suburban in character and municipal government is required to protect public health, safety and welfare in reference to plat control or land development in construction which may reasonably be expected to take place within a reasonable time.

CONCLUSIONS OF LAW

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

2. The area proposed for annexation should be decreased by removal of the land described in Finding of Fact 13.

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

4. The annexation of the area to be annexed by the City of Montevideo would be in the best interest of the area affected and the City.

5. Municipal government of the area to be annexed herein is necessary and is required to protect public health, safety and welfare and to provide necessary governmental services.

6. The town form of government has not adequately coped with the existing and anticipated problems of the urbanization of the area to be annexed.

7. The City of Montevideo can feasibly and practicably provide for and best serve the need for governmental services presently existing and as they become necessary in the future of the areas to be annexed.

8. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Montevideo, Minnesota, the real estate located in Chippewa County, Minnesota, described as follows:

The West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) and the East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section Seventeen (17), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Seventeen (17) and the Southwest Quarter ($SW\frac{1}{4}$) of Section Seventeen (17), all in Township One Hundred Seventeen (117) North, Range Forty (40), West except such portions thereof that are already in the City limits of the City of Montevideo, and all of that part of the Southwest Quarter ($SW\frac{1}{4}$) of Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West of the Fifth Principal Meridian which lies south of a line which is five hundred feet (500') south of and parallel to the south line of Windom Avenue in the City of Montevideo extended easterly except such portions thereof that are already in the City Limits of the City of Montevideo. Said tracts to be annexed containing 142.97 acres.

9. The Order of the Minnesota Municipal Commission should increase the population of the City of Montevideo by 68 for all purposes until the next federal census.

O R D E R

IT IS HEREBY ORDERED: That the area proposed for annexation be decreased by removal of the land described in Finding of Fact 13.


IT IS FURTHER ORDERED: That the following described real estate in Chippewa County, Minnesota, be and the same is hereby annexed to the City of Montevideo, Minnesota, the same as if it had originally been made a part thereof:

The West Half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) and the East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section Seventeen (17), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Seventeen (17) and the Southwest Quarter ($SW\frac{1}{4}$) of Section Seventeen (17), all in Township One Hundred Seventeen (117) North, Range Forty (40) West except such portions thereof that are already in the City Limits of the City of Montevideo, and all of that part of the Southwest Quarter ($SW\frac{1}{4}$) of Section Eight (8), Township One Hundred Seventeen (117) North, Range Forty (40) West of the Fifth Principal Meridian which lies south of a line which is five hundred feet (500') south of and parallel to the south line of Windom Avenue in the City of Montevideo extended easterly except such portions thereof that are already in the City Limits of the City of Montevideo. Said tracts to be annexed containing 142.97 acres.

IT IS FURTHER ORDERED: That the population of the City of Montevideo be increased by 68 for all purposes until the next federal census.

Dated this 16th day of July, 1971

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


Bruce Rasmussen
Executive Secretary