

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

|                   |                   |
|-------------------|-------------------|
| Robert W. Johnson | Chairman          |
| Harold J. Dahl    | Vice Chairman     |
| Robert J. Ford    | Member            |
| Lewis Handevidt   | Ex-Officio Member |
| Phillip Theobald  | Ex-Officio Member |

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| IN THE MATTER OF THE RESOLUTION FOR     | ) |                    |
| THE ANNEXATION OF CERTAIN LAND TO       | ) | FINDINGS OF FACT   |
| THE VILLAGE OF SHERBURN, MARTIN COUNTY, | ) | CONCLUSIONS OF LAW |
| MINNESOTA                               | ) | AND ORDER          |

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This proceeding under Minnesota Statutes Chapter 414, as amended for the Orderly Annexation to the Village of Sherburn, Minnesota, of certain property located in the Township of Manyaska, Martin County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Village Hall, 21 E. First Street, Sherburn, Minnesota, on the 13<sup>th</sup> day of September, 1972 at 10:00 O'Clock A.M.

Howard L. Kaibel, Jr., Executive Secretary of the Minnesota Municipal Commission, presided at the hearing.

The Village of Sherburn, Minnesota, was represented by L. M. Whitehead, Attorney at Law, Sherburn, Minnesota. Various interested persons appeared at the hearing and gave testimony. There were no objections made or filed opposing the proposed annexation.

The presiding officer of the Commission received all testimony relative to the property being annexed, the reasons therefore, received certain exhibits, and viewed the premises sought to be annexed.

The Commission, based upon the evidence adduced at the said hearing, the viewing of the premises, presentations by counsel, and files of records in these proceedings, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT:

I.

A due, timely and adequate legal notice of the hearing Ordered by the Minnesota Municipal Commission was published, posted and filed.

II.

There were no objections made or filed opposing the proposed annexation of the property herein described.

III.

The area proposed for Annexation is hereinafter fully described and is located adjacent to and abutts the Corporate limits of the Village of Sherburn, Martin County, Minnesota.

IV.

The Real Estate proposed to be annexed is legally described as follows:

A tract of land in the County of Martin and State of Minnesota, being the West Half ( $W\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section Six (6), Township One Hundred Two (102) North, Range Thirty-Two (32) West of the Fifth Principal Meridian, but excepting therefrom a strip of land Two Rods (2) wide and One Hundred Sixty (160) Rods long on the East line of said land.

and is approximately eighty (80) acres in area.

V.

The property in question is partially used for agricultural purposes, with about one third of the area being developed for an Interstate Highway Interchange; two major oil companies have purchased portions of the area and made plans to develop the area; that the area is or is about to become urban or suburban in character.

VI.

The property in question is in need of municipal police services, fire protection and water and sewer facilities, all of which the Village of Sherburn, Minnesota, is capable of furnishing to the area within a reasonable time, and is best situated to provide such services.

VII.

That the Village of Sherburn, Martin County, Minnesota, will reasonably require a period of time before all the municipal services can be extended to the area proposed to be annexed; that a five year step up in the mill levy on the annexed area is reasonably required effectively to provide full municipal services to such area.

## CONCLUSIONS OF LAW

### I.

The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

### II.

The area proposed for annexation is so conditioned and so situated as to be properly subject to the Municipal Government of the Village of Sherburn, Minnesota, and that annexation of the area to the Village of Sherburn, Minnesota, would be for the best interests of the said Village and of the area affected; that the area proposed to be annexed is or is about to become urban or suburban in character.

### III.

The Village of Sherburn, Martin County, Minnesota, is capable and best situated to provide municipal services and government to the area proposed for annexation within a reasonable length of time.

### IV.

That a five year step up in the mill levy to equality with the Village of Sherburn, Martin County, Minnesota, mill levy in equal proportions over five years is reasonably required effectively to provide full municipal services to the annexed area.

### V.

That an Order should be issued by the Minnesota Municipal Commission annexing to the Village of Sherburn, Martin County, Minnesota, the real estate described herein.

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IT IS HEREBY ORDERED:

That the Real Estate situated in the County of Martin and State of Minnesota, described as follows, be and the same is hereby annexed to the Village of Sherburn, Martin County, Minnesota, to wit:

A tract of land in the County of Martin and State of Minnesota being the West Half ( $W\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section Six (6), Township One Hundred Two (102) North, Range Thirty Two (32) West of the Fifth Principal Meridian, but excepting therefrom a strip of land Two (2) Rods wide and One Hundred Sixty (160) Rods long on the East line of said land.

AND BE IT FURTHER ORDERED:

That the mill levy of the Village of Sherburn, Martin County, Minnesota, on the area annexed shall be increased in substantially equal proportions over a period of five years to equality with the mill levy on the property heretofore within the said municipality.

Dated this 2nd day of November, 1972

MINNESOTA MUNICIPAL COMMISSION

304 Capitol Square Building

St. Paul, Minnesota 55101



Howard L. Kaibel, Jr.

Executive Secretary