

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson -	Chairman
Thomas J. Simmons -	Vice Chairman
Robert J. Ford -	Member
Marvin Rau -	Ex-Officio Member
Francis J. Murphy -	Ex-Officio Member

IN THE MATTER OF THE PETITION OF CERTAIN)	FINDINGS OF FACT,
PROPERTY OWNERS FOR THE INCORPORATION OF THE)	CONCLUSIONS OF LAW,
TOWN OF LAKE EDWARDS TO BE KNOWN AS THE)	AND ORDER
VILLAGE OF MERRIFIELD)	

The above-entitled matter came on for hearing before the Minnesota Municipal Commission on June 29, 1973, at the Crow Wing County Courthouse, Brainerd, Minnesota, and was continued to July 6, 1973, at the same location. Chairman Robert W. Johnson presided at the first session until he absented himself therefrom, and thereafter Secretary Howard L. Kaibel, Jr. presided pursuant to a duly adopted resolution of the Commission, and continued to preside until the completion of the hearing. Chairman Johnson attended both sessions of the hearing, Commissioner Simmons attended the second session, and ex-officio members Rau and Murphy attended both sessions.

Petitioners appeared by and through their attorney F. Clark Witter, Box 187, Crosby, Minnesota 56441. Objectors appeared by and through their attorney Bruce A. Rasmussen, Nieman & Bosard, P.A., Attorneys at Law, 1160 Northwestern Bank Building, Minneapolis, Minnesota 55402.

All parties were heard who desired to be heard. The Secretary duly reported those portions of the hearing which he was required to report.

The Minnesota Municipal Commission, upon all files, records and evidences herein, the report of the Secretary, the arguments of counsel, and being fully advised in the premises, hereby makes and issues its Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition for the incorporation of the Town of Lake Edwards into the Village of Merrifield was received by the Minnesota Municipal Commission on March 16, 1973. Said petition was proper in form, content, execution and filing.
2. The hearing on the proposed incorporation was held on June 29 and July 6, 1973, at Brainerd, Minnesota. Due, proper and adequate notice of said hearing was published, mailed and filed.
3. The territory proposed for incorporation is largely agricultural, wood land and swamp, with development limited to lakeshores and the small settlement of Merrifield.
4. Development has been concentrated on lakeshore property, which property is now mostly developed.
5. The town form of government has adequate powers to deal with problems of fire and police protection, to provide and maintain roads and meet all of the governmental requirements of the Town of Lake Edwards.
6. The County of Crow Wing and the Thirty Lakes Watershed District is adequately providing for land use regulations and environmental protection in the Town of Lake Edwards.

7. A large but undetermined area of the Town of Lake Edwards has a community of interest with the Village of Nisswa. Nisswa provides a commercial center, churches, schools, service clubs, recreational programs and other services and activities for this area. Nisswa provides a full range of municipal services for its residents.

8. The boundary of the proposed village cuts through eleven lakes which serve as the focus of interest of the lakeshore residents.

CONCLUSIONS OF LAW

1. The territory proposed for incorporation is not now urban or suburban in character, nor is it about to become so.

2. The town form of government is adequate to provide for the public health, safety and welfare.

3. All or part of the territory proposed for incorporation would be better served by annexation to the Village of Nisswa, Minnesota.

4. The proposed boundaries are arbitrary and irrational, and do not take into account the natural features of the area.

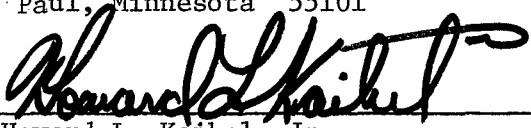
5. The Minnesota Municipal Commission should issue its Order denying the proposed incorporation.

ORDER

IT IS HEREBY ORDERED: That the proposed incorporation of the Town of Lake Edwards be and is hereby denied.

Dated this 29th day of October, 1973.

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

BY: 
Howard L. Kaibel, Jr.
Executive Secretary