

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice-Chairman
Robert J. Ford	Member
Andrew W. Sotebeer	Ex-Officio Member
Eugene Powell	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR	)	FINDINGS OF FACT,
THE ANNEXATION OF CERTAIN LAND TO	)	CONCLUSIONS OF LAW
THE CITY OF WASECA, MINNESOTA	)	AND ORDER

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The above entitled matter came on for hearing before the above named commission in the Municipal Courtroom of the City Hall in the City of Waseca, Waseca County, Minnesota on the 13th day of February, 1969. Commission members present were Robert W. Johnson, Arthur R. Swan, Robert J. Ford and Ex-Officio Member Andrew W. Sotebeer. The City of Waseca appeared through its Attorney F. Martin Senn. The Township of Woodville, Waseca County, Minnesota and Herter's Inc., Objectors, appeared by their Attorneys Gallagher & Madden of Waseca, Minnesota. Said matter was heard upon the petition of the City of Waseca for the annexation of certain unplatted land located in Woodville Township, Waseca County, Minnesota, which petition was duly filed with the above commission on December 30, 1968. It was made to appear that the commission made and entered its order scheduling said hearing for the date and place above stated and that notice of hearing was duly published in the Waseca Journal on January 16 and January 23, 1969 and duly posted as provided by law as more particularly appears from the affidavits of publication and

posting on file herein. It was further made to appear that said Township of Woodville and Herter's Inc., duly filed objections to the proposed annexation and that all jurisdictional requirements for the hearing on said petition and the objections thereto were satisfied and vested in said commission. Thereupon said commission heard the testimony and evidence for and against said annexation, and after due and careful consideration of the evidence so offered and received, together with all of the exhibits, records, files and proceedings had and taken herein, and being fully advised in the premises, 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 petition for annexation in proper form was duly made and filed herein and that notice of hearing thereon was duly mailed, published and posted and the hearing thereon was held, all pursuant to and in accordance with the provisions of Minnesota Statutes, 1967, Section 414.03 in such case made and provided.

##### II.

That the property described in the petition herein abuts the legal boundaries of the City of Waseca, Minnesota and consists of unplatted land of less than 200 acres.

##### III.

That the current estimated population of the City of Waseca is approximately 6500. That there are no residences and no persons living in the area proposed to be annexed.

IV.

That the area of the City of Waseca is 2126 acres. That the area proposed to be annexed is 41.4 acres. That the area proposed to be annexed is located in Woodville Township, Waseca County, Minnesota and the area of said Township is 20,914 acres.

V.

The assessed valuation of the City of Waseca is \$3,112,135.00. That the assessed valuation of the real estate in the area proposed to be annexed is \$207,880.00. That the assessed valuation of the personal property thereon is \$53,263.00. That the sum of the assessed valuation of real and personal property in the area proposed to be annexed is \$261,143.00. That the assessed valuation of Woodville Township is \$1,013,471.00.

VI.

That by special census the population of the City of Waseca in 1965 was 6102. That the estimated population of the City of Waseca in 1968 was 6500. That the growth of the city in population and construction has been steady and substantial and that the evidence establishes that such growth will continue.

VII.

That there are only about twenty scattered acres of industrially zoned property within the city that are not occupied by either industry or commerce, and that the greater part of said acreage is presently occupied by dwelling houses. There is virtually no space available within the city to accommodate commercial and industrial expansion. There has been in recent years substantial commercial and industrial development outside the city, partially in the area proposed to be annexed,

because of the unavailability of space within the city for such expansion.

#### VIII.

That annexation of the area proposed to be annexed would result in increased taxes in said area in the event of annexation, but that such increase in taxes would be commensurate with the expected benefits inuring to said area from municipal services to be provided by the City of Waseca as a result of such annexation. That the primary motive for the annexation is not to unreasonably increase revenues for the City of Waseca as measured by benefits conferred to the annexed area.

#### IX.

There is an existing need for governmental services and facilities in the area proposed to be annexed, including an existing need for water and sewer service, street construction and maintenance, police and fire protection, zoning and planning and other municipal services for the orderly development of said area.

#### X.

The City of Waseca has a Police Department and a Fire Department capable of providing full protection to the area proposed to be annexed. Said city is capable of providing adequate street construction and maintenance in said area. The water supply of said city is adequate for the provision of all the water necessary for said area and the city has facilities for the furnishing thereof to said area without impairing its ability to meet other anticipated expansion of the city. The city now has a sewage treatment facility which is adequate to meet the needs of

the area proposed to be annexed.

XI.

That the area proposed to be annexed constitutes a small geographical part of the Township of Woodville and that the Township of Woodville will be able to continue to function as a Township in the event the area proposed to be annexed is detached therefrom.

XII.

That the Township of Woodville is unable to meet the problems of the area proposed to be annexed. That the problems of said area are urban in nature, namely, the development of water and sewer and street improvements and the provision of police and fire protection services. Said township has no present capability or plans for meeting these needs of said area now or in the foreseeable future. The township government and the township facilities are inadequate to cope with the problems of urban growth in the area proposed to be annexed.

CONCLUSIONS OF LAW

I.

That jurisdiction of the above captioned annexation matter was properly acquired and vested in the Minnesota Municipal Commission.

II.

That the area proposed to be annexed is so located and conditioned and of such character as to be a proper area for municipal government and services, and is now or is about to become urban or suburban in character.

III.

That municipal government and services are necessary to the

proper preservation, further development and protection of the health, welfare and safety of the area proposed to be annexed.

IV.

That the government, facilities and services of Woodville Township are not adequate to meet the needs of the area proposed to be annexed.

V.

That the government facilities and services of the City of Waseca are adequate to meet the needs of the area proposed to be annexed.

VI.

That the anticipated increase in taxes in the area proposed to be annexed would be proportionate to the benefits which would inure to said area in the event of annexation.

VII.

That the detachment of said area from Woodville Township would not work an unreasonable hardship on said township or the inhabitants thereof.

VIII.

That the annexation of said area to the City of Waseca would be in the best interests of the territory affected.

IX.

That the order of the Minnesota Municipal Commission should be entered directing the annexation of the area proposed to be annexed as described in the petition herein. Let an annexation order be entered accordingly.

O R D E R

IT IS HEREBY ORDERED: That the petition of the City of Waseca, Minnesota in the above matter be and the same hereby is

granted, and there is hereby annexed to and made a part of said City of Waseca, to the same extent and effect as if it had originally been made a part thereof, the following described land in the County of Waseca and State of Minnesota, to-wit:

Commencing at the N.E. corner of the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, Township 107 North, Range 22 West as the point of beginning, thence West on the South Corporation line of the City of Waseca to its intersection with the West right-of-way line of The Chicago and Northwestern Railroad, thence South 10 feet on said corporation line, thence West on said corporation line to its intersection with the East right-of-way line of Waseca County Road #4, thence South on the East right-of-way line of said County Road to the South line of Section 18, Township 107 North, Range 22 West, thence East on the South line of said Section 18 to the Southeast corner of said Section 18, thence East on the South line of Section 17, Township 107 North, Range 22 West, a distance of 150 feet, thence North parallel with the West line of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 17 to a point 1005 feet South and 150 feet East of the Northwest corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 17, thence West parallel to the North line of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of said Section 17, a distance of 150 feet to the East line of Section 18, Township 107 North, Range 22 West, thence North on the East line of said Section 18 1005 feet to the point of beginning, containing approximately 41.4 acres.

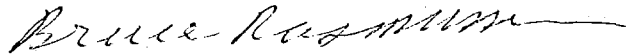
IT IS FURTHER ORDERED: That the ad valorem real property tax as levied in 1968 by the Town of Woodville, Waseca County, Minnesota and spread against the property herein ordered annexed to the City of Waseca, which taxes are due and payable on the effective date of this order, shall be the property of the City of Waseca, except that such taxes to be applied to the bonded indebtedness of said town shall be the property of said town, and except that such taxes that are delinquent as of the effective date of this order shall be the property of said town;

That the property herein ordered annexed to the City of Waseca shall remain liable for the bonded indebtedness of said town existing on the effective date of this order as if it were a part of said town, until said indebtedness is retired;

That all other property and obligations of said town shall remain the property and obligations of said town.

Dated this 11th day of August, 1969

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



Bruce Rasmussen  
Secretary