

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

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

The above entitled matter came on for hearing before the above named commission in the Municipal Courtroom in 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 103.6 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 \$23,946.00. That the assessed valuation of the personal property thereon is \$2,292.00. That the sum of the assessed valuation of real and personal property in the area proposed to be annexed is \$26,238.00. 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 6,102. That the estimated population of the City of Waseca in 1968 was 6,500. 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:

Beginning at the Northwest corner of Section 20, Township 107 North, Range 22 West, thence South on the west line of Section 20, Twp. 107 North Range 22 West, a distance of 1686.5 feet, thence east parallel with the north line of said Section 20 to the east line of State Highway #13, thence north and westerly on the east and northerly right

of way line of said State Highway #13 to a point thereon which intersects a line 750 feet east and parallel with the west line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 107 North, Range 22 West, thence north to a point 300 feet north of the south line of said Section 17 and 750 feet east of the west line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17, thence west 550 feet, thence south parallel to the west line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 250 feet to the north line of State Highway No. 13, thence west along the north line of State Highway No. 13 a distance of 200 feet to the west line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17, thence south along the west line of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 a distance of 50 feet to the north line of said Section 20, thence west along the north line of said Section 20 to the point of beginning, containing approximately 103.6 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

Bruce Rasmussen
Secretary

M E M O R A N D U M

On December 30, 1968, the City of Waseca filed two petitions with the Minnesota Municipal Commission pursuant to Minnesota Statutes Section 414.03, Subdivision 1, for the annexation of property of Woodville Township. The first petition, Minnesota Municipal Commission Docket Number A-1486, seeks the annexation of a parcel of 41.4 acres and includes the property of Herter's Inc., a large and well known mail order house dealing in sporting goods. The second petition, Minnesota Municipal Commission Docket Number A-1487, seeks the annexation of a parcel of 103.6 acres and includes property of the Waseca Development Corporation. Both parcels lie to the south of the city and abut the city and each other. After proper notice we convened our hearing on February 13, 1969. We are herewith issuing our Findings of Fact, Conclusion of Law and Order granting both annexations.

The record clearly shows that the land annexed is now or is about to become urban or suburban in character. Much of the land is already occupied by commercial buildings. The remainder is suitable for industrial expansion. Annexation will encourage such expansion by making municipal services more readily available.

We are aware that by granting these annexations we are creating an unincorporated "island" within the city. The "island", however is presently rural in nature and is not benefiting from urban services. Furthermore, upon the granting of the instant annexations the city may invoke the annexation by ordinance procedure and accomplish an annexation of the "island" whenever it deems necessary.

Herter's Inc. opposed the annexation of the first parcel in the belief that inclusion within the city would increase the likelihood of its being reclassified by the Post Office Department from rural service to city delivery. Such reclassification would adversely affect its privilege to mail larger size and weight parcels. Our investigation has shown, however, that the type of service is independent of political boundaries, and this factor was not significant in our deliberations.