

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Thornley Wells	Ex-Officio Member
Don Birmingham	Ex-Officio Member

IN THE MATTER OF THE PETITION OF CERTAIN PROPERTY OWNERS FOR ANNEXATION OF CERTAIN ADJOINING UNINCORPORATED TERRITORY TO THE CITY OF MOORHEAD))))	<u>A M E N D E D</u> FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
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The petition for the annexation to the City of Moorhead of certain real estate situated in the County of Clay and State of Minnesota, described as per attached Order, and as set forth in that certain Resolution adopted by the City Council of the City of Moorhead, Minnesota, on the 1st day of June, 1970, came duly on for hearing on the 14th day of July, 1970, said hearing being had before Bruce Rasmussen, Executive Secretary of the Municipal Commission who was designated to receive and report evidence on the written proceeding.

Vance N. Thysell appeared for and on behalf of the petitioning land owners. The City of Moorhead was present by and through its City Engineer, Ronald Stahlberg, and its City Clerk, Everett Lecy. The Township of Oakport appeared by and through its attorney, J. P. Dosland. Norman Van Raden was also present representing himself as an interested land owner. Thornley Wells and Don Birmingham were also present.

It was made to appear that a resolution of the City Council of the City of Moorhead and a petition by a majority of the property owners within the territory proposed to be annexed was filed with the Minnesota Municipal Commission on the 10th day of June, 1970.

It was made to appear that the Commission issued its Notice of Hearing dated June 17, 1970, setting the 14th day of July, 1970, at 10:30 o'clock A.M., in the City Hall in the City of Moorhead, Minnesota,

as being the time and place of said hearing.

It was made to appear that the Notice of Hearing was sent to the appropriate parties by the Secretary of the Municipal Commission of the State of Minnesota.

It was made to appear that said Notice of Hearing was duly published in THE FORUM on June 30, 1970, and again on July 7, 1970.

Evidence was offered and received for and against said annexation at said hearing by all parties and persons desiring to be heard, and the Secretary viewed the premises.

After due and careful consideration of the evidence so offered and received, together with all of the records, files and proceedings had and taken herein, and being duly 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 resolution of the City Council of the City of Moorhead and the petition of a majority of the property owners within the territory proposed to be annexed was filed pursuant to and in compliance with Minnesota Statutes 1967, Chapter 414, as amended, and said petition and resolution were in all respects proper in form, contents and execution.

II.

That the area proposed for annexation is described as follows:

1. All that part of the South Half (S $\frac{1}{2}$) of Section 32, Township 140, Range 48, including Hillside Sub-Division of Section 32 less the following described tracts:
 - (a) Land previously annexed by the City of Moorhead as their Sewage Treatment Plant which consists of 27.6 acres, and

- (b) Outlots 32L, 32K, 32J, 32H, 32G and 32F to the City of Moorhead, and
- (c) The East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$), Section 32, Township 140, Range 48.

2. The Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) and Government Lots One (1) and Three (3) and the East 14.10 acres of Lot Two (2) all in Section 32, Township 140, Range 48, LESS the following:

- (a) 1.243 acre lot in the $NE\frac{1}{4}$ of Section 32, Township 140, Range 48, more fully described as:

Beginning at a point 50 feet West of the Center line of Old Trunk Highway No. 75, and 50 feet North of the East and West Quarter Line of Section 32, Township 140, Range 48 West; thence West parallel with the said East and West Quarter Line of said Section 32, Township 140, Range 48, a distance of 209 feet; thence North parallel with the Center Line of said Old Trunk Highway No. 75 a distance of 309 feet; thence East parallel with the said East and West Quarter Line of said Section 32 a distance of 209 feet; thence South parallel with the Center Line of said Old Trunk Highway 75 a distance of 309 feet to the place of beginning. Said described tract of land containing an area of 1.243 acres, more or less; and

- (b) That part of the East 14.10 acres of Government Lot 2 of Section 32, Township 140, Range 48, described as follows, to-wit:

Beginning at a point that lies 113.75 feet North of the Southeast Corner of the North One-Third ($1/3$) of the West 22.6 acres of Government Lot 2 of Section 32, Township 140 North, Range 48 West of the Fifth Principal Meridian, said 113.75 feet being measured along the East line of the said North One-Third of the West 22.6 acres of Government Lot 2; said East Line has a bearing of North $01^{\circ}31'$ East; thence South $89^{\circ}16'30''$ East a distance of 124.95 feet; thence North $03^{\circ}34'30''$ East a distance of 118.83 feet; thence North $04^{\circ}22'$ East a distance of 116.65 feet; thence North $33^{\circ}01'$ East a distance of 71.00 feet, more or less to a Point of Intersection with the North line of Section 32, Township 140 North, Range 48 West of the Fifth Principal Meridian; thence West along the North line of said Section 32 a distance of 174.00 feet, more or less, to the Northeast corner of said North One-Third of the West 22.6 acres of said Government Lot 2; thence South along the East line of said North One-Third of the West 22.6 acres of said Government Lot 2 a distance of 321.83 feet, more or less, to the point of beginning. Said tract of land contains 0.883 acres, more or less.

3. All that part of Government Lot Two (2), Section 32, Township 140 North, Range 48 West, described as follows:

Beginning at the Southeast Corner of the South two-thirds of the West 22.6 acres of Government Lot 2 of Section 32, Township 140 North, Range 48 West of the Fifth Principal Meridian; thence North $02^{\circ}23'43''$ West a distance of 879.33 feet, more or less, to the North line of the South two-thirds of the West 22.6 acres of said Government Lot 2; thence South $89^{\circ}26'$ East along the said North line a distance of 60.00 feet; thence South $01^{\circ}31'$ West along the East line of the South two-thirds of the West 22.6 acres of said Government Lot 2 a distance of 878.28 feet, more or less, to the Point of Beginning. Said tract of land contains 0.60 acres, more or less, and is subject to such easements as are of record.

III.

That due, timely and adequate notice of the petition and the hearing hereon, was published, served and filed.

IV.

That the area proposed for annexation abuts the legal boundaries of the City of Moorhead, Minnesota, and is not included in any other Municipality.

V.

That the petition for annexation was executed by a majority of the property owners within the territory proposed to be annexed and was accompanied by a resolution adopted by the City Council of the City of Moorhead and the City Council has, therefore, indicated approval of such annexation and the contents of said petition.

VI.

That the area proposed for annexation is approximately 256 acres.

VII.

That the Town Board of the Township of Oakport was present and

presented testimony objecting to the inclusion of said territory of approximately four (4) acres upon which the Town Hall is located in these annexation proceedings.

VIII.

That the request by the Township of Oakport to exclude said four (4) acres is a reasonable request and should be excluded, the description of said property being as follows:

Four acres (4) in Auditor's Outlot 32U, Plat of Auditor's Subdivision in Section Thirty-two (32) and Thirty-three (33), Township One Hundred Forty (140), Range Forty-eight (48) described by metes and bounds as follows: Beginning at a point 899.8 feet West of the Southeast corner of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), Section 32, Township 140, Range 48, where the South line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) intersects the line of Auditor's Outlot 32U aforesaid; thence running due North 370.5 feet; thence North $34^{\circ} 8'$ East for a distance of 111.3 feet, thence North $55^{\circ} 52'$ West a distance of 40 feet; thence South $34^{\circ} 8'$ West a distance of 123.25 feet; thence due South 52.25 feet; thence due West 430 feet; thence South about 357.5 feet to the Red River of the North; thence upstream (East) along the bank of the Red River about 470 feet to a point due South of the point of beginning; thence due North about 27 feet to the point of beginning.

CONCLUSIONS OF LAW

I.

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

II.

That the area to be annexed herein is so conditioned and so located as to be properly subjected to Municipal Government by the City of Moorhead, Minnesota, and is now or is about to become urban or suburban in character.

III.

That the interests of the City of Moorhead and the area to be

annexed would be best served by the annexation of said area to the City of Moorhead, Minnesota.

IV.

That the Municipal form of government and the corresponding municipal services are required in the area to be annexed for the preservation and protection of public health, welfare and safety in the area to be annexed and in the City of Moorhead, Minnesota.

V.

That the area encompassing the Town Hall of the Township of Oakport should be excluded in these annexation proceedings.

VI.

That no referendum is required to effectuate the annexation ordered herein.

VII.

An Order should be issued by the Municipal Commission ordering the annexation of the land described herein, less the four (4) acres owned by the Township of Oakport and used as their Town Hall, to the City of Moorhead. Let an Order for such annexation be entered and filed accordingly.

O R D E R

IT IS HEREBY ORDERED: That certain real estate lying in and being a part of the County of Clay, State of Minnesota, and described as follows, to-wit:

1. All that part of the South Half ($S\frac{1}{2}$) of Section 32, Township 140, Range 48, including Hillside Sub-Division of Section 32 less the following described tracts:
 - (a) Land previously annexed by the City of Moorhead as their Sewage Treatment Plant which consists of 27.6 acres, and

- (b) Outlots 32L, 32K, 32J, 32H, 32G and 32F to the City of Moorhead, and the Westerly one-half of Old Trunk Highway No. 75 adjacent thereto, and
- (c) The East Half ($E\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section 32, Township 140, Range 48.
- (d) Four acres (4) in Auditor's Outlot 32U, Plat of Auditor's Subdivision in Section Thirty-two (32) and Thirty-three (33), Township One Hundred Forty (140), Range Forty-eight (48), described by metes and bounds as follows: Beginning at a point 899.8 feet West of the Southeast corner of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$), Section 32, Township 140, Range 48, where the South line of said Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) intersects the line of Auditor's Outlot 32U aforesaid; thence running due North 370.5 feet; thence North $34^{\circ} 8'$ East for a distance of 111.3 feet, thence North $55^{\circ} 52'$ West a distance of 40 feet; thence South $34^{\circ} 8'$ West a distance of 123.25 feet; thence due South 52.25 feet; thence due West 430 feet; thence South about 357.5 feet to the Red River of the North; thence upstream (East) along the bank of the Red River about 470 feet to a point due South of the point of beginning; thence due North about 27 feet to the point of beginning.

2. The Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) and Government Lots One (1) and Three (3) and the East 14.10 acres of Lot Two (2) all in Section Thirty-two (32), Township 140, Range 48, LESS the following:

- (a) 1.243 acre Lot in the Northeast Quarter of Section 32, Township 140, Range 48, and the Westerly One-half of Old Trunk Highway No. 75 adjacent to said lot, said lot being more fully described as:

Beginning at a point 50 feet West of the Center Line of Old Trunk Highway No. 75, and 50 feet North of the East and West Quarter Line of Section 32, Township 140, Range 48 West; thence West parallel with the said East and West Quarter Line of said Section 32, Township 140, Range 48, a distance of 209 feet; thence North parallel with the Center Line of said Old Trunk Highway No. 75 a distance of 309 feet; thence East parallel with the said East and West Quarter Line of said Section 32 a distance of 209 feet; thence South parallel with the Center Line of said Old Trunk Highway 75 a distance of 309 feet to the place of beginning. Said described tract of land containing an area of 1.243 acres, more or less; and

- (b) That part of the East 14.10 acres of Government Lot 2 of Section 32, Township 140, Range 48, described as follows, to-wit:

Beginning at a point that lies 113.75 feet North of the Southeast Corner of the North One-Third of the West 22.6 acres of Government Lot 2 of Section 32, Township 140 North, Range 48 West of the Fifth Principal Meridian, said 113.75 feet being measured along the East Line of the said North One-Third of the West 22.6 acres of Government Lot 2; said East Line has a bearing of North $01^{\circ} 31'$ East; thence South $89^{\circ} 16' 30''$ East a distance of 124.95 feet; thence North $03^{\circ} 34' 30''$ East a distance of 118.83 feet; thence North $04^{\circ} 22'$ East a distance of 116.65 feet; thence North $33^{\circ} 01'$ East a distance of 71.00 feet, more or less, to a Point of intersection with the North line of Section 32, Township 140 North, Range 48 West of the Fifth Principal Meridian; thence West along the North line of said Section 32 a distance of 174.00 feet, more or less, to the Northeast corner of said North One-Third of the West 22.6 acres of said Government Lot 2; thence South along the East line of said North One-Third of the West 22.6 acres of said Government Lot 2 a distance of 321.83 feet, more or less, to the point of beginning. Said tract of land contains 0.883 acres, more or less.

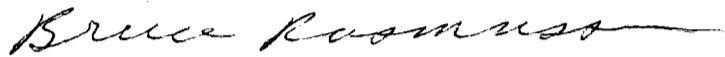
3. All that part of Government Lot Two (2), Section 32, Township 140 North, Range 48 West, described as follows:

Beginning at the Southeast Corner of the South two-thirds of the West 22.6 acres of Government Lot 2 of Section 32, Township 140 North, Range 48 West of the Fifth Principal Meridian; thence North $02^{\circ} 23' 43''$ West a distance of 879.33 feet, more or less, to the North line of the South two-thirds of the West 22.6 acres of said Government Lot 2; thence South $89^{\circ} 26'$ East along the said North line a distance of 60.00 feet; thence South $01^{\circ} 31'$ West along the East line of the South two-thirds of the West 22.6 acres of said Government Lot 2 a distance of 878.28 feet, more or less, to the Point of Beginning. Said tract of land contains 0.60 acres, more or less, and is subject to such easements as are of record,

Be, and the same hereby is, annexed to the City of Moorhead,
Minnesota, the same as if it had originally been made a part thereof.

Dated this 23rd day of April, 1971

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



Bruce Rasmussen
Executive Secretary