

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Carl Lindberg	Ex-Officio Member
Frank O. Anderson	Ex-Officio Member

IN THE MATTER OF THE ANNEXATION)
OF CERTAIN LANDS TO THE VILLAGE)
OF RUSH CITY, MINNESOTA)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This proceeding under Minnesota Statutes 1967, Section 414.03 as amended, for the annexation to the Village of Rush City, Minnesota, of certain real estate located in the town of Rushseba, Chicago County, State of Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Rush City Village Hall in the Village of Rush City, County of Chisago, State of Minnesota on October 13, 1970.

Bruce Rasmussen, Executive Secretary of the Minnesota Municipal Commission presided at the hearing. Also in attendance and sitting with said Executive Secretary as ex-officio members were Frank O. Anderson and Carl Lindberg, Chisago County Commissioners.

The Village of Rush City was represented by Darold Hanson, Clerk of said Village, and there was no appearance for or in behalf of the Town of Rushseba.

The petitioners were represented by Thomas Ryan and George W. Colburn, attorneys at law, of Pine City, Minnesota.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, and all other evidence, the arguments of counsel, and the files and records herein, and being fully advised

in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was posted, published, served and filed.

2. The area proposed for annexation contains approximately 105 acres. The area is located along the south limits of the present Village of Rush City, Minnesota.

3. The area above described contains several residences and no commercial buildings. The area proposed to be annexed also contains a farm home and a few small farm buildings. Of the 105 acres, approximately 11 acres have been platted to the extent that they have a parcel number in the County Auditor's office and a platted road, and the remaining approximately 94 acres is under one ownership currently and its obvious and best use is for residential purposes and home development.

4. The population of the area proposed to be annexed is approximately 22 persons as compared to approximately 1,200 persons in the Village of Rush City.

5. The Village of Rush City and the area abutting and surrounding said village is rapidly expanding principally as a result of the completion of Freeway Interstate #35 connecting the Twin Cities and the Twin Ports of Duluth and Superior which said Freeway is laid out through the West area of the Village of Rush City.

6. The area proposed to be annexed is in the same school district as the school district of the Village of Rush City and, therefore, school levy in the area will not be affected by said annexation.

7. The Town of Rushseba in which the area proposed to be annexed is situated operates no sanitary sewer or water facilities; provides no police protection; provides no fire protection other than that provided for by contract with other governmental units; neither owns or operates public parks or recreational facilities; and although it has a voluntary citizens planning group, retains no qualified planning personnel for present or long range planning. The Village of Rush City has available the foregoing services and maintains a road maintenance crew and road maintenance equipment.

8. The Village of Rush City has constructed water mains, a water tower, and sanitary sewers either in or adjacent to the area proposed to be annexed which with proper extensions and connections are adequate to serve the area.

9. The expected increase in property taxes if the area is annexed to the Village of Rush City will be proportionate to the benefits which will inure to the area by reason of such annexation.

10. The area proposed to be annexed is suburban in character and because of its proximity to residential and commercial development in the Village of Rush City is about to become urban in character.

CONCLUSIONS OF LAW

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

2. The area proposed to be annexed is so conditioned and so located as to be properly subjected to municipal government of the Village of Rush City.

3. The Township form of government is not adequate to cope with the problems of the area proposed to be annexed.

4. There is no need for the continuance of any township government

within the area proposed to be annexed.

5. Municipal government by the Village of Rush City in the area proposed to be annexed is necessary and required to protect the public health, safety and welfare and to provide proper needed governmental services.

6. The Village of Rush City is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area to be annexed.

7. The proposed annexation to the Village of Rush City will not materially affect the capability of the Town of Rushseba to continue its normal operation.

8. The annexation of the area to the Village of Rush City would be in the best interests of the area affected in the Village of Rush City.

9. An Order should be issued by the Minnesota Municipal Commission annexing to the Village of Rush City, the real estate located in Chisago County, Minnesota and described herein.

O R D E R

IT IS HEREBY ORDERED: That the real estate situated in the County of Chisago, State of Minnesota, described as follows be and the same is hereby annexed to the Village of Rush City, Minnesota, the same as if it had been originally made a part thereof:

Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Twenty-two (22), Township Thirty-seven (37), Range Twenty-one (21), excepting that part thereof taken by the State of Minnesota for Minnesota Trunk Highway No. 61.

The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Twenty-two (22), Township Thirty-seven (37), Range Twenty-one (21).

All that part of the Southeast Quarter of the Northwest

Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section Twenty-two (22), Township Thirty-seven (37), Range Twenty-one (21), lying southerly of the southerly right-of-way line of the Northern Pacific Railroad as presently existing and laid out.

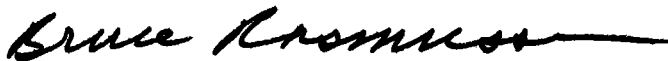
The North one-half of the South one-half of the Southwest Quarter ($N\frac{1}{2}$ of $S\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Twenty-two (22), Township Thirty-seven (37), Range Twenty-one (21), excepting that part thereof taken by the State of Minnesota for Minnesota Trunk Highway No. 61.

The East 33 feet of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Twenty-one (21), Township Thirty-seven (37), Range Twenty-one (21), lying northerly of Minnesota Trunk Highway No. 61 as presently existing and laid out, and lying southerly of the South line of the Village of Rush City, Minnesota, as presently existing and laid out.

- (211) Part of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) described as follows: Beginning at the point of intersection of the South line of the Northern Pacific-Grantsburg Railroad right-of-way with the West line of the Old State Highway No. 1; thence South 407 feet to the point of beginning; thence West 100 feet; thence South 38 feet; thence East 100 feet; thence North 38 feet to the point of beginning. .08-21-37-21.
- (214A) Part of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) described as follows: Beginning at the point of intersection of the South line of the Northern Pacific-Grantsburg Railroad right-of-way with the West line of Old State Highway No. 1; thence South 307 feet which is the point of beginning; thence South 100 feet; thence West 100 feet; thence North 100 feet; thence East 100 feet to the place of beginning. .23-21-37-21.

Dated this 8th day of January, 1971

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



Bruce Rasmussen
Executive Secretary