

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Virgil M. Olson	Ex-Officio Member
Earl Larson	Ex-Officio Member

IN THE MATTER OF THE PROPOSED)
ANNEXATION OF CERTAIN LANDS)
LOCATED IN WILLMAR TOWNSHIP TO)
THE CITY OF WILLMAR)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The Petition, by the City of Willmar, for the annexation of certain real estate situated in the County of Kandiyohi, State of Minnesota, to the City of Willmar, and described in the attached Order herein, came on duly for hearing before the Minnesota Municipal Commission on the 17th day of March, 1971, at the Municipal Utilities Building in the City of Willmar, County of Kandiyohi, State of Minnesota. Vice-Chairman Arthur R. Swan presided and member Robert J. Ford and Ex-Officio Members Virgil M. Olson and Earl Larson were in attendance. The City of Willmar appeared through its City Attorney, Ronald C. Anderson, Esq.; the Township of Willmar and the Township of Dover appeared through its attorney, Henry W. Schmidt, Esq.; the Kandiyohi County Co-operative Rural Electric Association appeared through its attorney, W. N. Bernard, Esq. Testimony was taken both for and against the said annexation.

It was made to appear that a proper resolution for the annexation of said land was executed by the City of Willmar and that objections thereto by the Township of Willmar were properly filed with the Commission. By virtue of the objections filed, jurisdiction of said

annexation vested with the Commission. It was made to appear that notice of the hearing was duly mailed and published in accordance with law. Evidence was offered and received for and against said annexation at said hearing. 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 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

1. A Resolution and Petition of the City of Willmar proposing to annex the property described in the Order herein was duly adopted by the City Council of the City of Willmar, and served upon the Town Boards of the Town of Willmar and the Town of Dover. Objections to the said proposed annexation were served upon the Minnesota Municipal Commission by the said Town Boards.

2. That due, timely and adequate notice of the hearing ordered by the Commission was published, served and filed.

3. That the property proposed for annexation abuts the legal boundaries of the City of Willmar, and is unplatted property.

4. That the property proposed for annexation consists of lands used by the State of Minnesota for state hospital purposes, and the number of residents located on said property fluctuates, but that generally it would include thirteen permanent residents and 650 patients as temporary residents. The population of the City of Willmar is estimated at 13,000.

That the area proposed for annexation is approximately 704.31 acres more or less, as compared to approximately $7\frac{1}{2}$ square miles in the City of Willmar.

5. That existing public facilities are provided in part by the State of Minnesota, and in part by the City of Willmar, Minnesota. Water facilities are provided by the state on its own property by virtue of an existing well located on state hospital grounds. Other services including waste treatment, fire protection, sanitary landfill and law enforcement are provided by the City of Willmar pursuant to contractual agreement.

6. That the lands proposed for annexation are tax free lands owned by the State of Minnesota, and that annexation will not effect the tax status.

7. That there is a present need in the area proposed for annexation for all municipal services, and particularly police and fire protection and sewer service. That the evidence disclosed that there are plans for the development of a civic center project and state highway buildings in the area which would require the facilities that can be made available by the City of Willmar.

8. That the City of Willmar has a police department and a fire department capable of providing full protection to the area proposed for annexation. That the area proposed for annexation, being State Hospital property, requires full fire protection which is available by the City of Willmar if the property is part of the City of Willmar. That the City of Willmar is capable of providing all other municipal services as may be required and needed by the area proposed for annexation. That the City of Willmar is providing sewage service at this time by virtue of a contract and that continued sewage service will be available through the sewage treatment facility owned by the said city, which facility has capabilities sufficient to take care of the needs of the area proposed for annexation.

9. That the area proposed for annexation constitutes a small part of the quantity of land within the Townships of Willmar and Dover, and that said townships will be able to continue to function if the annexation is approved.

10. That the Township of Willmar is unable to meet the urban problems of the area proposed for annexation, namely, the providing of water, sewer, road maintenance, police protection and fire protection, and did not show any possibility of meeting those problems in the near future.

11. That the Township does not have an adequate fire department, and has no police department, but is served by the Kandiyohi County Sheriff's Department.

12. That the City of Willmar has expanded with respect to population and construction and will continue to do so, and that space is needed to accommodate that expansion.

13. That the assessed valuation of the City of Willmar is \$7,061,840.00 and the area proposed for annexation is state lands, not subject to taxation.

14. That a document entitled "Consent to Annexation and Waiver of Referendum" purporting to be signed by all of the residents of the area proposed for annexation was received by the Minnesota Municipal Commission on September 28, 1971.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired, and now has jurisdiction of the within proceedings.
2. That the area proposed for annexation is so conditioned and so located as to be properly subjected to municipal government by the City of Willmar, Minnesota, and is urban or suburban in character or is about to become so.
3. That the interests of the City of Willmar and the area proposed for annexation would be best served by the annexation of said area to the City of Willmar, Minnesota.
4. Municipal government and the corresponding municipal services are required in the area proposed for annexation for the preservation and protection of the public health, welfare and safety in said area and in the City of Willmar.
5. The township form of government is not adequate to meet the problems found to exist in the area proposed for annexation.
6. That the City of Willmar can meet the problems existing in the area proposed for annexation, can remedy them and can provide any and all governmental services presently required and which may be necessary in the future in said area.
7. An Order should be issued by the Minnesota Municipal Commission ordering the annexation of the area proposed for annexation to the City of Willmar.
8. That the Order of the Minnesota Municipal Commission should increase the population of the City of Willmar by 663 for all purposes until the next federal census.
9. That a referendum pursuant to M. S. 414.031, Subd. 5 is not required.

O R D E R

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

All that part of Section 1, Township 119 North, Range 35 West, Kandiyohi County, Minnesota, described as follows:

Beginning at the Northeast Corner of said Section 1, Thence West on the North line of said section 4,897.70 feet to the centerline of State Road No. 1. Thence South 5°27' west on the centerline of said road 138.27 feet, thence south 2°57' east on the centerline of said road 737.93 feet, thence south 12°2' east on the centerline of said road 431.12 feet. Thence south 19°40' east on the centerline of said road 242.29 feet, thence south 10°24' east on the centerline of said road 549.52 feet, thence south 65°42' west 88 feet to the margin of Willmar Lake, also known as Foot Lake, thence southwesterly along the margin of said lake 2,441.33 feet to the intersection of the line between Sections 1 and 2 of aforesaid township and range, thence south on said section line 670 feet to the southwest corner of said Section 1. Thence east on the south line of said Section 1 3,076.50 feet to the westerly line of the right-of-way of the Great Northern Railway. Thence northeasterly on said right-of-way line 4,118.30 feet to the east line of said Section 1; thence north on said east line 1,807.38 feet to the point of beginning, containing 494.31 acres.

and

Lot 1 of Section 35 of said Township 120 North, Range 35 West.

and

Government Lots 2 and 3 of Section 36 of said Township and Range, and the East Half of the Southwest Quarter, the West Half of the Southeast Quarter excepting and reserving the following tracts or parcels of the said west half of the southeast quarter described by metes and bounds, more particularly as follows: Commencing at the southeast corner of the southwest quarter of the southeast quarter running thence west on the section line 22 rods, thence north a distance of 160 rods on a line parallel with the easterly line of the west half of the southeast quarter of said section thence east a distance of 22 rods to the northeast corner thereof; thence south along the east line of said west half of the northeast quarter to the point of beginning, all lying and being in Section 36, Township 120, Range 35 of Kandiyohi County, Minnesota, and containing in all 210 acres, to be the same more or less.

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

IT IS FURTHER ORDERED: That the population of the City of Willmar be increased by 663 for all purposes until the next federal census.

IT IS FURTHER ORDERED: That the annexation herein ordered shall not become effective until consented to by the Executive Council of the State of Minnesota.

Dated this 6 day of October, 1971

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

A handwritten signature in cursive script, reading "Bruce Rasmussen", followed by a long horizontal flourish.

Bruce Rasmussen
Executive Secretary