

A-1997 Sauk Rapids

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson  
Robert J. Ford  
Harold J. Dahl  
Jeff Hennes  
Leo Sufka

Chairman  
Vice-Chairman  
Member  
Ex-Officio Member  
Ex-Officio Member

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IN THE MATTER OF THE PETITION AND	)	
RESOLUTION TO ANNEX CERTAIN LAND IN	)	FINDINGS OF FACT, CONCLUSIONS
THE TOWNSHIP OF SAUK RAPIDS TO THE	)	OF LAW AND ORDER
VILLAGE OF SAUK RAPIDS	)	

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This proceeding under Minnesota Statutes 1969, Section 414.031, as amended, for the annexation to the Village of Sauk Rapids of certain real estate located in the Township of Sauk Rapids, Benton County, State of Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission at the Sartell Village Hall in the Village of Sartell, County of Benton, State of Minnesota on October 20, 1971.

Robert W. Johnson, Chairman of the Municipal Commission presided at the hearing. Also in attendance were Commission Members, Robert J. Ford and Harold J. Dahl and Ex-Officio Members Jeff Hennes and Leo Sufka, Benton County Commissioners. The Petitioner, Village of Sauk Rapids, was represented by Roger M. Klaphake of the law firm of Rinke, Klaphake & Noonan, Ltd., Village Attorneys. The Township of Sauk Rapids was represented by John B. Pattison, Jr., and Daniel Eller, Attorney at Law, St. Cloud, Minnesota appeared on behalf of certain property owners.

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 original area proposed for annexation contained approximately 929.90 acres.

3. Upon motion by the Petitioner, Village of Sauk Rapids, duly made at said hearing, all of said area in the original Petition was dismissed from the Petition herein, except for the following two tracts, to-wit:

- A. The East One-half of the Southeast Quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section Fourteen (14), Township 36 North, Range Thirty-one (31) West, Benton County, Minnesota.
- B. The Northwest Quarter of the Northeast Quarter of the Northeast Quarter ( $NW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ), Section Twenty-three (23), Township Thirty-six (36) North, Range Thirty-one (31) West, Benton County, Minnesota.

4. The area above described and subject to the jurisdiction of the Minnesota Municipal Commission is farm land and wood land and is about to become urban or suburban in character.

5. There is presently no population in the area above described.

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

7. The Township of Sauk Rapids in which the area proposed to be annexed is situated, operates no sanitary sewer or water facilities and provides no regular full time police protection and no fire protection other than that provided for by contract with the Village of Sauk Rapids. The Village of Sauk Rapids has available the foregoing services and maintains street maintenance crews and equipment.

8. The Village of Sauk Rapids has constructed water mains and sanitary sewers in the vicinity of the area proposed to be annexed, the extensions and connections of which will be adequate to serve the area proposed for annexation.

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

10. The area proposed for annexation is contiguous to the Village of Sauk Rapids.

11. The Village of Sauk Rapids has the ability to protect the area proposed for annexation and the area surrounding such area in reference to plat control, land development, building construction and zoning.

12. The annexation of the area to the Village of Sauk Rapids would be in the best interests of the area and of the Village of Sauk Rapids.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction over the within proceeding.

2. The territory proposed for annexation, more particularly described in Finding 3, is now or is about to become urban or suburban in character.

3. Municipal government of the territory proposed for annexation is required to protect the public health, safety and welfare.

4. Annexation to another adjacent municipality of all or a part of the territory proposed for annexation would not better serve the interests of the residents of said territory.

5. An Order should be issued by the Minnesota Municipal Commission granting the requested annexation.

#### O R D E R

##### IT IS HEREBY ORDERED:

1. That the real estate situated in the County of Benton, State of Minnesota, described as follows be, and the same hereby is, annexed

to the Village of Sauk Rapids, Minnesota, the same as if it had been originally made a part thereof:

- A. The East One-half of the Southeast quarter ( $E\frac{1}{2}$  of  $SE\frac{1}{4}$ ) of Section Fourteen (14), Township 36 North, Range Thirty-one (31) West, Benton County, Minnesota.
- B. The Northwest Quarter of the Northeast Quarter of the Northeast Quarter ( $NW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$ ), Section Twenty-three (23), Township Thirty-six (36), North, Range Thirty-one (31) West, Benton County, Minnesota.

2. That inasmuch as there are no residents of the area in question, no annexation election is authorized or necessary and the annexation herein shall be effective upon the filing of this Order pursuant to Minnesota Statutes Section 414.031, Subdivision 6.

Dated this 20<sup>th</sup> day of April, 1972.

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



Bruce Rasmussen  
Executive Secretary