

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Louis DeCathelineau	Ex-Officio Member
Earl Larson	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF WILLMAR, MINNESOTA)

AMENDED
FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter came on for hearing on the 17th day of September, 1971, at the City of Willmar, Minnesota, upon petition of a majority of landowners for the annexation of certain lands to the City of Willmar.

The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence, and upon all the files and records herein, and being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

I.

That due, timely and adequate notice of the hearing herein was properly published, served and mailed.

II.

That the area proposed for annexation is described as follows:

That part of the SW $\frac{1}{4}$ of Sec. 23, and the SE $\frac{1}{4}$ of Sec. 22, T119N, R35W, described as follows:

The South 231 feet of the North 1,824.75 feet of the East 405 feet of the southeast quarter of Sec. 22, T119N, R35W, County of Kandiyohi, Minnesota; and

The South Half of the Southwest Quarter of Sec. 23, T119N, R35W, Kandiyohi County, Minnesota except for the following:

The West 600 feet of the South 650.3 feet of the North 993.3

feet of the Southwest Quarter of the Southwest Quarter of Section 23; and

That part (approx. 2.2 acres) of the South half of the SW $\frac{1}{4}$ of Section 23 which lies north and east of the centerline of Co. Ditch 23-A.

III.

That a majority of the landowners of the area proposed for annexation executed the petition for annexation.

IV.

That the area proposed for annexation is unplatted and is partly urban and partly agricultural; that there is one farm located in said area; that said area abuts the City of Willmar and is not included in any other municipality.

V.

That the population of the City of Willmar as of the year 1970 was 12,969, and that the present population of the City of Willmar is approximately 13,000, and the area proposed for annexation has no population.

VI.

The area proposed for annexation contains some commercial property and a part thereof is about to become urban or suburban in character.

VII.

That the City of Willmar has water and sanitary sewer pipe lines in the area proposed for annexation suitable to provide such services as may become necessary.

VIII.

That the assessed valuation of the City of Willmar is \$7,756,000; and that the assessed valuation of the area proposed for annexation is \$5,000.

IX.

That the real estate taxes in the area herein ordered annexed can reasonably be expected to increase, but the increase will be proportional to the expected benefit inuring to said area as the result of the annexation.

X.

That the City of Willmar has a modern, well-equipped Police Department of adequate size which will be able to serve the area herein ordered annexed while the Town of Willmar does not have a Police Department and said area now receives its police protection from the Kandiyohi County Sheriff's Office.

XI.

That the City of Willmar has a modern well-equipped Fire Department which will be able to serve the area herein ordered annexed. That said area is presently protected by the Fire Department of the City of Willmar on the basis of a contract between the City of Willmar and the Town of Willmar.

XII.

That the City of Willmar has adopted a Zoning Ordinance and has adopted comprehensive plans for the development of the area surrounding the City of Willmar, which includes the area herein ordered annexed.

XIII.

That the Town of Willmar provides no sanitary sewer or water service in the area herein ordered annexed, and said township offered no evidence to indicate that it is planning such services in the future for said area.

XIV.

That the area of the City of Willmar is much larger than the area of the territory herein ordered annexed.

XV.

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

XVI.

That the township form of government is inadequate to cope with the problems of urban and suburban growth in the area herein ordered annexed.

XVII.

That the annexation herein ordered will not materially affect the ability of the Township of Willmar to function as a governmental unit.

XVIII.

That the area herein ordered annexed is suitable for commercial enterprises.

CONCLUSIONS OF LAW

1.

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

2.

The area proposed for annexation should be decreased by removal of the following described property:

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 23, T119N, R35W except:
~~That part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 23 lying~~
~~north and east of the centerline of Co. Ditch 23-A~~
and the W 600 feet of the north 993.3 343 feet of the
SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 23, T119N, R35W.

3.

The remainder of the area proposed for annexation is now or is about to become urban or suburban in character.

4.

Said area is so conditioned and so located as to be properly subjected to municipal government by the City of Willmar.

5.

Annexation of said area by the City of Willmar will be in the best

interests of said area and the City of Willmar.

6.

Municipal government of said area is necessary and is required to protect public health, safety and welfare, and to provide necessary governmental services.

7.

That the majority of owners of the land to be annexed initiated the petition for annexation thereof.

An order should be issued by the Minnesota Municipal Commission annexing said area to the City of Willmar the real estate located in the Town of Willmar, Kandiyohi County, Minnesota, described herein.

O R D E R

IT IS ORDERED: That the area proposed for annexation be decreased by removal of the following described property.

The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 23, T119N, R35W except:
~~That part of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 23 lying~~
~~north and east of the centerline of Co. Ditch 23-A~~
and the W 600 feet of the north 993.3 343 feet of the
SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 23, T119N, R35W.

IT IS FURTHER ORDERED: That the following described real estate in the Town of Willmar, Kandiyohi County, Minnesota, be, and the same hereby is, annexed to the City of Willmar, Minnesota, the same as if it had originally been made a part thereof:

The South 231 feet of the North 1,824.75 feet of the East 405 feet of the Southeast quarter of Section 22, Township 119 North, Range 35 West, County of Kandiyohi, Minnesota; and The west 600 feet of the north 343 feet of the SW $\frac{1}{4}$ of the southwest quarter of Sec. 23, Township 119N, Range 35 W, County of Kandiyohi, Minnesota.

Dated this *19* day of *January*, 1972.

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building, St. Paul, Minn.

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

Amended Order dated this 11th day of October, 1973

Howard L. Kaibel, Jr.

Howard L. Kaibel, Jr.
Executive Secretary