

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

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| Robert W. Johnson | Chairman |
| Robert J. Ford | Vice Chairman |
| Harold J. Dahl | Member |
| Leo R. Borkowski | Ex-Officio Member |
| Charles E. Williams | Ex-Officio Member |

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| IN THE MATTER OF THE PETITION FOR) | FINDINGS OF FACT, |
| THE ANNEXATION OF CERTAIN LAND TO) | CONCLUSIONS OF LAW, |
| THE VILLAGE OF GOODVIEW) | AND ORDER |

The above-entitled matter came on for hearing before the Minnesota Municipal Commission on January 18, 1972, at the Winona County Courthouse. Commissioner Harold J. Dahl presided, and Ex-Officio Members Leo R. Borkowski and Charles E. Williams were in attendance. Petitioners for annexation were represented by their attorney, Dale Evavold of the firm of Darby and Brewer, Chartered, 59 On the Plaza West, Winona, Minnesota 55987. The Chairman of the Board of Supervisors of the Town of Rollingstone appeared and testified on behalf of the town. Having fully considered the testimony of the witnesses, the exhibits received into evidence and all other evidence, the arguments of counsel, upon all files and records herein, the Minnesota Municipal Commission, being fully advised in the premises hereby makes and issues its Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition requesting annexation of the following-described property was received by the Minnesota Municipal Commission on May 21, 1971. Said petition was proper in form, content and execution.

Parcel A. That portion of a fractional acre in Lot 3 of Section 18, Township 107 North, Range 8 West, Winona County, Minnesota, which is included in a parcel described as commencing at a point five rods due south from the NE corner of Lot 5 Section 13, Township 107 North, Range 8 West, thence Southwesterly along a line drawn and produced to a point five rods due North of the Southwest corner of said Lot 5 a distance of 2802 feet, thence Southeasterly at right angles to said line to produce 132 feet, thence Northeasterly at right angles 2802 feet, thence Northwesterly 132 feet to place of commencement.

Parcel B. Those portions of Lot 3 and Northwest one-fourth of Southwest one-fourth Section 18, Township 107 North, Range 8 West, owned by Edward and Mary Bronk lying Southerly of the center line of Minnesota Highway No. 61 and Northwesterly of a line projected by extending Northeast to Highway 61 the Southeasterly boundary line of a tract described as commencing at a point 5 rods due South from the Northeast corner of Lot 5 Section 13, Township 107 North, Range 8 West, thence Southwesterly along a line drawn and produced through a point 5 rods due North of the Southwest corner of said Lot 5 a distance of 2802 feet, thence Southeasterly at right angles to said line so produced 132 feet, thence Northeasterly at right angles 2802 feet, thence Northwesterly 132 feet to place of commencement, containing 1.1 acres more or less.

Parcel C. That portion of Lot 5 Section 13, Township 107 North, Range 8 West, Winona County, Minnesota, included in a parcel described as commencing at a point five rods due South from the Northeast corner of Lot 5 Section 13, Township 107 North, Range 8 West, thence Southwesterly along a line drawn and produced through a point 5 rods due North of the Southwest corner of said Lot 5 a distance of 2802 feet, thence Southeasterly at right angles to said line so produced 132 feet, thence Northeasterly at right angles 2802 feet, thence Northwesterly 132 feet to the place of commencement containing 5.4 acres more or less.

Parcel D. A portion of Lot 5 Section 13, Township 107 North of Range 8 West, Winona County, Minnesota, described as beginning at a point on the center line of Goodview Road 4 rods Southeasterly of the Southeasterly corner (located on the center line of Goodview Road) of the W. F. Bambenek parcel described in Book of Deeds, Number 243, Page 289. Thence Southwesterly in a straight line to the South line

of Lot 5, said line running parallel to and 4 rods Southeasterly of the Southeast boundary line of the W. F. Bambenek tract, thence West along the South line of Lot 5 to a point where said line intersects the Southeasterly line of parcel C. Thence Northeasterly along the Southeasterly boundary of that parcel to the center line of Goodview Road, thence along the center line of Goodview Road to point of beginning excepting therefrom the following two parcels:

1. The W. F. Bambenek parcel described in Book of Deeds Number 243, Page 289.
2. The E. B. Wiskow parcel described in Book of Deeds Number 242, page 673.

Parcel E. Those portions consisting of 191.25 acres more or less lying Southeasterly of the center line of that certain town road identified as Hillsdale No. 6 and also known as the Hart Hill Road of the North one-half of the Northeast one-fourth, Southwest one-fourth of the Northeast one-fourth, North one-half of the Southeast one-fourth of the Northeast one-fourth, Southeast one-fourth of the Northwest one-fourth and Northeast one-fourth of Southwest one-fourth all being in Section 24, Township 107 North, Range 8 West, Winona County, Minnesota, excepting therefrom that portion in the East one-half of the Northeast one-fourth consisting of 19.8 acres more or less included in the following described tract; beginning at a point on the center line of Goodview Road 4 rods Southeasterly of the Southeasterly corner (located on the center line of Goodview Road) of the W. F. Bambenek tract described in Book of Deeds No. 243, Page 289. Thence Southwesterly in a straight line 950 feet, said line running parallel to and 4 rods Southeasterly of the Southeast boundary of the W. F. Bambenek tract, then Southeasterly in a straight line at a 90 degree angle to the boundary line of the Missionary Servants property described in Book of Deeds No. 255, Pages 89 and 90, thence Northeasterly along the Property line of the Missionary Servants property and continuing to the center line of the Goodview Road, thence Northwesterly to the center line of Goodview road to point of beginning, containing 171.45 acres more or less.

2. Timely objection to the proposed annexation by the Town of Rollingstone was received by the Minnesota Municipal Commission on June 23, 1971.

3. The Minnesota Municipal Commission scheduled a public hearing on the proposed annexation for October 6, 1971 at the Winona County Courthouse, which hearing was continued to January 18, 1972 at the same place. Due, proper and adequate notice of said hearing was published, served and filed.

4. The evidence adduced at said hearing is insufficient to support annexation.

CONCLUSIONS OF LAW

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

2. The proposed annexation should be denied without prejudice.

O R D E R

IT IS HEREBY ORDERED: That the annexation proposed herein be denied without prejudice.

Dated this 3rd day of March, 1972

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

M E M O R A N D U M

It is the Commission's judgment that certain issues were raised at the hearing on this matter which were not fully developed. These issues include, but are not limited to, questions of access to the proposed development, sanitary sewage collection, treatment and disposal, surface water drainage, and the impact of the proposed annexation on the City and Town of Winona. The Commission decided that it required additional information to reach a sound judgment. The annexation was denied without prejudice so as to afford petitioners the opportunity of initiating a new proceeding and providing evidence relating to the issues which have been raised.