

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Robert J. Ford
Thomas J. Simmons
Paul Knoblauch
Harold Lerschen

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

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

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

This proceeding under Minnesota Laws 1969, Ch. 1146, Sec. 11,
(Minnesota Statutes Annotated, Section 414.032) for the annexation to
the City of Marshall of certain real estate located in the Town of Lake
Marshall, more particularly described herein, came on for hearing before
the Minnesota Municipal Commission at the Municipal Building in the City
of Marshall, County of Lyon, State of Minnesota, on June 18, 1973.

Howard L. Kaibel, Jr., Executive Secretary of the Municipal Com-
mission, presided at the hearing. Also in attendance were Ex-Officio
Members Paul Knoblauch and Harold Lerschen, Commissioners of Lyon County.

The Town of Lake Marshall was represented by Francis DeMay, Chair-
man, Emil Doom, Clerk, and Carl Fuhrman and Ray Vandendriessche, Members of
the Town Board.

The City of Marshall was represented by Glenn Catlin, City Attorney,
who presented the evidence in support of the joint resolution of the
Town of Lake Marshall and the City of Marshall which conferred jurisdiction
upon the Commission in this proceeding.

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 published, served and filed as required by the statute.

2. The area proposed for annexation contains approximately 6.19 acres and is located on the easterly limits of the City of Marshall, Minnesota, on State Trunk Highway No. 19.

3. The area is the site of a major discount store now in the final stages of construction and is currently being developed for commercial purposes.

4. No one is presently living in the area proposed to be annexed but since the 1970 Federal decennial census 17 areas have been annexed to the City by ordinance with the respective populations in each of such areas shown below:

<u>Ordinance No.</u>	<u>Date Adopted</u>	<u>Population</u>
431	5/18/70	102
437	8/17/70	33
444 & 453	3/1/71	2
450	2/1/71	0
452	2/1/71	2
462	9/11/71	66
466	11/1/71	0
467	11/15/71	0
473 & 481	5/15/72	122
474	3/20/72	0
475	4/3/72	0
488	7/3/72	0
492	9/19/72	0
501	12/18/72	0
502	12/18/72	2
503	12/26/72	0
510	4/23/73	0

5. The population of the City of Marshall as shown by the 1970 Federal census was 9,886 and the population of the areas which have been annexed since that census is 329, making a total new population of 10,215.

6. The area proposed to be annexed is in Independent School District No. 413 which is the same school district in which the City of Marshall is located and thus the school levy in said area will not be affected by said annexation.

7. The Township of Lake Marshall operates no central sanitary sewage collection and treatment system, no central water system, no electric power, generating and distribution system, and no publicly owned hospital and nursing home, all of which services are available in the City of Marshall and are and will be adequate to serve the area to be annexed.

8. Other services provided by the City of Marshall, none of which are available in the area proposed to be annexed, are a volunteer fire department with a membership of 32 men, a police department consisting of 17 full-time officers and men backed up by a volunteer police reserve unit, and a high-rise Federally financed apartment building for senior citizens which has been completed since the 1970 census.

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 City of Marshall and is now or is about to become urban in character.

3. The township form of government is not adequate to cope with the problems of the area proposed to be annexed and there is no need for the continuance of any township government within such area.

4. Municipal government by the City of Marshall 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.

5. The City of Marshall is capable and is best situated to provide the governmental services presently needed and those services which will become necessary within a reasonable time in the future in the area to be annexed.

6. The annexation of the area to the City of Marshall would be in the best interests of the area and the City of Marshall.

7. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Marshall the real estate located in Lyon County, Minnesota, and described in the Order herein.

8. The Order shall increase the population of the City of Marshall by 329 for all purposes until the next Federal census.

O R D E R

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

That part of the Easterly 325.00 feet of the Westerly 1,598.35 feet of the Southerly 829.61 feet of the Northwest Quarter (NW $\frac{1}{4}$) of Section Two (2), Township Eleven (11), North of Range Forty-One (41), West of the Fifth Principal Meridian.

IT IS FURTHER ORDERED: That the population of the City of Marshall be and the same is hereby increased by 329 to 10,215 for all purposes until the next State or Federal census.

IT IS FURTHER ORDERED: That the mill levy on the property herein annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy on the property already within the City of Marshall.

Dated this 28th day of June, 1973

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
Saint Paul, Minnesota 55101



Howard L. Kaibel, Jr.
Executive Secretary