

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Charles Brantner	Ex-Officio Member
Clifford Halmrast	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF DILWORTH)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before a quorum of the Municipal Commission on the 26th day of June, 1975, in the Dilworth City Hall, Dilworth, Minnesota pursuant to a Resolution for Annexation of certain lands to the City of Dilworth filed with the commission on March 20, 1975.

The hearing was conducted by Chairman Simmons and testimony was heard, & records and exhibits were received. Mr. Rod McLarnon, Attorney at Law, appeared on behalf of the City of Dilworth Mr. Michael Donohue, Attorney at Law, appeared on behalf of the township of Glyndon.

The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence, and upon all the files, records and proceedings herein, and being fully advised in the premises, makes and enters the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. That the resolution of the City of Dilworth initiating the proposed annexation of approximately 261 acres of land was filed on March 20, 1975 and was in all respects proper in form, contents, execution and filing.

2. That due, timely, and adequate legal notices of the hearing ordered by the Minnesota Municipal Commission were properly published, served and filed.

3. That the property owner and business lessees within the portion of the proposed annexation lying in Moorhead township approve of and desire the annexation.

4. That the portion of the proposed area lying in Moorhead Township is largely developed for commercial and industrial purposes or about to become so, including: railway yards, motel, auto transportation business, and asphalt and fertilizer plants.

5. That the city is already providing municipal services to businesses in the area proposed for annexation lying in Moorhead Township and is capable of providing full municipal services in the immediate future to that area, including: water, sewer, fire, police, road maintenance and drainage. These services can best be provided through annexation instead of separate incorporation or consolidation with another adjacent municipality.

6. That Moorhead Township has no objection to the annexation of the proposed area lying within its boundaries and such an annexation would not affect its ability to continue to carry out the functions of government.

7. That the terrain of the entire area lying within Moorhead Township drains towards the City of Dilworth and there is a need for municipal services in this area to alleviate drainage problems.

8. That the assessed valuation of the proposed area lying within Moorhead Township is \$121,776 which has a mill rate in 1975 of .88.

9. That the annexation of the portion of the proposed area lying within Moorhead Township would not adversely affect the school district or adjacent municipalities.

10. That the Township of Moorhead cannot adequately deal with the problems of the area proposed for annexation.

11. That the portion of the proposed area lying within Moorhead Township is largely contiguous with the existing city boundaries on the west and south.

12. That the city needs space for projected commercial and industrial growth.

13. That the Glyndon Township Board of Supervisors objects to the immediate annexation of the portion of the proposed area lying within its boundaries, which area is not yet contiguous to city boundaries.

14. That the assessed valuation of the portion of the proposed area lying within Glyndon Township is \$5,148 and the mill rate for 1975 is 1.3.

15. That development within the area lying in Glyndon Township is limited to three potato warehouses on the extreme eastern edge of the area proposed for annexation, roughly two miles from the existing city boundaries. The warehouse lessees object to the proposed annexation.

16. That it would be difficult for the city to provide full municipal services to the portion of the proposed annexation lying within Glyndon Township in the immediate future.

17. That Glyndon Township can adequately deal with the problems of the proposed area located therein.

CONCLUSIONS OF LAW

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

2. That the portion of the proposed area lying in Moorhead Township is or is about to become urban or suburban in character and municipal government is required in that area to protect the public health, safety, and welfare with respect to development reasonably expected to occur within a reasonable time.

3. That annexation of the portion of the proposed area lying in Moorhead Township would be in the best interest of the property proposed for annexation and the annexing municipality.

4. That Moorhead Township can continue to carry out the functions of government without undue hardship if the portion of the proposed area lying therein is annexed to the City of Dilworth.

5. That the boundaries of the area proposed for annexation should be altered to exclude that portion lying in Glyndon Township which area would be better serviced in the immediate future by the existing township unit of government.

ORDER

IT IS HEREBY ORDERED: That the portion of the following described area which lies in Township 139 North, Range 48 West be and the same is hereby annexed to the City of Dilworth:

Those portions of Burlington Northern Inc. main line right of way and adjacent property in the N½ of Section 7, Township 139 North, Range 47 West, Fifth Principal Meridian, and in the N½ of Section 12, Township 139 North, Range 48 West, Fifth Principal Meridian, being more particularly described as follows:

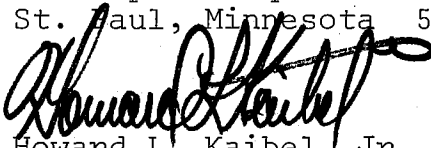
Beginning at a point on the east line of said Section 7 distant 748 feet southerly, measured along said east line, from the northeast corner of said Section 7; thence north 89 degrees, 37 minutes west to the west line of the NE¼ of said Section 7; thence northwesterly in a straight line to a point in the west line of the NE¼NW¼ of said Section 7 distant 519 feet northerly, measured along said west line of said NE¼NW¼, from the center line of Burlington Northern Inc. westbound main track as hereinafter described; thence north 89 degrees, 37 minutes west to the west line of said Section 7; thence northerly along said west line of said Section 7 to the northeast corner of Section 12; thence west along said north line of said Section 12 to a point in said north line distant 80 feet easterly, measured along said north line, from the northwesterly corner of said Section 12; thence southerly parallel with the west line of said Section 12 a distance of 672.1 feet; thence north 89 degrees, 37 minutes west a distance of 80 feet to said west line of said Section 12; thence southerly along said west line of said Section 12 a distance of 1150 feet; thence south 89 degrees, 37 minutes east to the west line of the SE¼NW¼ of said Section 12; thence northerly along said west line of said SE¼NW¼ to a point distant 801 feet southerly, measured along said last-mentioned west line from said track center line; thence northeasterly in a straight line to a point in the east line of said SE¼NW¼ distant 601 feet southerly, measured along said last-mentioned east line from said track center line; thence southerly along said last-mentioned east line to the center of said Section 12; thence east along the south line of the SW¼NE¼ of said Section 12 to the east line of SW¼NE¼ of said Section 12; thence northerly along said last-mentioned east line and the east line of said NW¼NE¼ of said Section 12 to a point distant 391.08 feet southerly, measured along said east line of said NW¼NE¼ of said Section 12, from said track center line; thence northeasterly along a straight line to a point in the east line of said Section 12 distant 201 feet southerly, measured along said east line of said Section 12; from said track center line; thence northerly along said last-mentioned east line to a point distant 101 feet southerly, measured along said east line, from said track center line; thence south 89 degrees, 37 minutes east to a point distant 300 feet westerly, measured along an easterly production of the last-described course, from the east line of said Section 7; thence southerly parallel with said last-mentioned east line a distance of 100 feet; thence south 89 degrees, 37 minutes east a distance of 300 feet to said last-mentioned east line; thence north along said last-mentioned east line to the point of beginning.

The center line of the westbound main track hereinbefore referred to is described as follows:

Beginning at a point on the east line of Section 7, Township 139 North, Range 47 West, Fifth Principal Meridian, distant 997 feet southerly, measured along said east line, from the northeast corner of said section; thence north 89 degrees, 37 minutes west to a point in the west line of Section 10, Township 139 North, Range 48 West, Fifth Principal Meridian, distant 815 feet southerly, measured along said west line, from the northwesterly corner of said Section 10, and terminating.

Dated this 20TH day of August 1975

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


Howard L. Kaibel, Jr.
Executive Secretary