

JUN 03 1987

## PETITION FOR ANNEXATION

TO: The City Council of the City of Glencoe and the Minnesota Municipal Board

We, the undersigned, all of the owners of the territory described below, hereto request and petition that said lands be annexed to the City of Glencoe and that the City of Glencoe boundaries be extended to include the same and for that purpose respectively state:

1. That the territory to be annexed consists entirely of lands unplatted approximately amounting to 15.2 acres in area lying exclusively in Glencoe Township, McLeod County, Minnesota and described as follows:

That part of the Southwest Quarter of the Southwest Quarter of Section 11, Township 115 North, Range 28 West of the 5th Principal Meridian described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence East, assumed bearing, along the south line of said Southwest a distance of 660.00 feet to the point of beginning of the land to be described; thence continuing East, along said south line, a distance of 582.22 feet; thence North 2 degrees 06 minutes 24 seconds West a distance of 1169.00 feet; thence West to the intersection with a line drawn northerly from the point of beginning and parallel with the west line of said Southwest Quarter; thence southerly, along said parallel line, to the point of beginning.

That said lands abut the North boundary line of the present corporate limits of the City of Glencoe.

2. That the following parties are entitled to notice of these proceedings pursuant to Minn. Stat. Sec. 414.09 (a copy is attached for reference): The County of McLeod; Glencoe Township; City of Glencoe; and the McLeod County Zoning Board.

3. That reason for the requested annexation is that said property is urban in character and require municipal services to be provided by the City of Glencoe, to-wit: water and sanitary sewer, and other services by which this requested annexation will permit.

REC'D. BY  
MMR JUN 03 1987

Dated this 14<sup>th</sup> day of May, 1987.

/s/ J. Willard Haukos  
J. Willard Haukos

/s/ Bernice Lund  
Bernice Lund

**414.08. Appeals from district court**

An appeal may be taken under the rules of civil appellate procedure by the Minnesota municipal board from a final order or judgment made or rendered by the district court when the board determines that the final order or judgment adversely affects the public interest.

Laws 1965, c. 834, § 1. Amended by Laws 1975, c. 271, § 6; Laws 1976, c. 239, § 43; Laws 1983, c. 247, § 151, eff. Aug. 1, 1983.

**1975 Amendment.** Changed the name of the municipal commission to Minnesota municipal board.

**1982 Amendment.** Laws 1982, c. 501, proposed a constitutional amendment creating a Court of Appeals. Laws 1982, c. 501, § 25, directed the revisor to remove references which provide for appeal from the district court or the trial court to the Supreme Court so that they provide for an appeal from the district or other trial court "as in other civil cases" without refer-

ence to the Supreme Court within this section. Laws 1982, c. 501, § 27, was repealed by Laws 1983, c. 247, § 219.

**1983 Amendment.** Laws 1983, c. 247, provided generally for appeal of various matters to the Court of Appeals and also provided for the manner of election of Court of Appeals judges.

**Library References**

Municipal Corporations ←12(12), 33(8).  
C.J.S. Municipal Corporations §§ 26, 64.

**414.09. Uniform procedures of board**

**Subdivision 1. Hearings.** Proceedings initiated by the submission of an initiating document or by the board of its own motion shall come on for hearing within 30 to 120 days from receipt of the document by the board or from the date of board action. In any proceeding before the board and upon the request of any party, the board shall meet physically rather than by means of electronic media. The place of the hearing shall be in the county where a majority of the affected territory is situated, and shall be established for the convenience of the parties. The executive director shall mail notice of the hearing to the following parties: the township or municipality presently governing the affected territory; any township or municipality abutting the affected territory; the county where the affected territory is situated; and each planning agency which has jurisdiction over the affected area. The executive director shall cause notice of the hearing to be published for two successive weeks in a legal newspaper of general circulation in the affected area. When the board exercises its authority to change the boundaries of the affected area so as to increase the quantity of the land, the hearing shall be recessed and reconvened upon two weeks published notice in a legal newspaper of general circulation in the affected area.

**Subd. 2. Transmittal of board's order.** The executive director shall cause copies of the board's order to be mailed to all parties entitled to mailed notice of hearing under subdivision 1, the secretary of state, the department of revenue, the state demographer, individual property owners if initiated in that manner, and any other party of record.

**Subd. 3. Elections of municipal officers.** An order approving an incorporation or consolidation pursuant to this chapter shall set a date for this election of new municipal officers not less than 45 days nor more than 60 days after the issuance of such order. The board shall appoint an acting clerk for election purposes, at least three election judges who shall be residents of the new municipality, and shall designate polling places within the new municipality.

The acting clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks nor less than two weeks before the date designated by the board for the election.

The election shall be conducted in conformity with the charter and the laws for conducting municipal elections insofar as applicable. Any person eligible to vote at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

Any excess in the expense of consolidation shall be a charge against the new municipal treasury of the new municipality.

Amended by Laws 1969, c. 1146, § 19, c. 271, § 6; Laws 1976, c. 44, § 31, eff. Laws 1984, c. 543, § 48.

**1973 Amendment.** Laws 1973, c. 12, § 7, was a general authorization for the addition of the terms "villages" and "boroughs" into the term "cities" or the substituted term "statutory cities" for "villages" "boroughs."

**1975 Amendment.** Changed the name of the municipal commission to Minnesota municipal board.

**1976 Amendment.** Laws 1976, c. 247, retained the stated purpose indicating that the board would determine which laws formerly applicable to cities would be extended to former cities (see section 410.015 for the full state purpose). Section 31 inserted "home rule" preceding "city" in the second sentence of the next to the last paragraph of subdivision 1.

**1978 Amendment.** Revised this section to read:

"Subdivision 1. Proceedings initiated by the submission of a petition, resolution, or request of a public agency, shall come on for hearing within 30 to 120 days from receipt of the document by the board. The place of the hearing shall be in the county where a majority of the affected territory is situated, and shall be established for the convenience of the parties. The secretary shall mail notice of the hearing to the following parties: the township or municipality presently governing the affected territory; any township or municipality abutting the affected territory; the county where the affected territory is situated; and each planning agency which has jurisdiction over the affected area. The hearing shall be set for hearing on a day at least 30 days after such mailed notice. The secretary shall cause notice of the hearing to be published for two successive weeks in a legal newspaper of general circulation in the affected area. When the board exercises its authority to change the boundaries of the affected area so as to increase the quantity of the land, the hearing shall be recessed and reconvened upon two weeks published notice in a legal newspaper of general circulation in the affected area.

"Subd. 2. The secretary shall cause copies of the board's order to be mailed to all parties entitled to mailed notice of hearing under subdivision 1, and any other party of record. The order changes the boundaries of an existing municipality, or creates a new municipality. The secretary shall transmit copies of the order to the county clerk of the county in which the territory is situated, and to the county clerk of each county abutting the territory. The secretary shall also transmit copies of the order to the state demographer, the department of revenue, and the secretary of state.

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Any excess in the expense of conducting the election over receipts from filing fees shall be a charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality.

Amended by Laws 1969, c. 1146, § 19, eff. June 10, 1969; Laws 1970, c. 123, art. 5, § 7; Laws 1975, c. 271, § 6; Laws 1976, c. 44, § 31, eff. March 18, 1978; Laws 1978, c. 705, § 32, eff. March 29, 1978; Laws 1984, c. 543, § 48.

**1973 Amendment.** Laws 1973, c. 123, art. 5, § 7, was a general authorization for the consolidation of the terms "villages" and "boroughs" into the term "cities" or the substitution of the term "statutory cities" for "villages" and/or "boroughs."

**1975 Amendment.** Changed the name of the municipal commission to Minnesota municipal board.

**1976 Amendment.** Laws 1976, c. 44, contained the stated purpose indicating that the act would determine which laws formerly applicable to cities would be extended to former villages (see section 410.015 for the full statement of purpose). Section 31 inserted "home rule charter" preceding "city" in the second sentence of the next to the last paragraph of subd. 3.

**1978 Amendment.** Revised this section which formerly read:

"Subdivision 1. Proceedings initiated by the submission of a petition, resolution, or official request of a public agency, shall come on for hearing within 30 to 120 days from receipt of the document by the board. The place of the hearing shall be in the county where a majority of the affected territory is situated, and shall be established for the convenience of the parties. The secretary shall mail notice of the hearing to the following parties: the township or municipality presently governing the affected territory; any township or municipality abutting the affected territory; the county where the affected territory is situated; and each planning agency which has jurisdiction over the affected area. Proceedings initiated by the board of its own motion shall be set for hearing on a day at least 30 days after such mailed notice. The secretary shall cause notice of the hearing to be published for two successive weeks in a legal newspaper of general circulation in the affected area. When the board exercises its authority to change the boundaries of the affected area so as to increase the quantity of the land, the hearing shall be recessed and reconvened upon two weeks published notice in a legal newspaper of general circulation in the affected area.

"Subd. 2. The secretary shall cause copies of the board's order to be mailed to all parties entitled to mailed notice of hearing under subdivision 1, and any other party of record. If the order changes the boundaries of an existing municipality, or creates a new municipality, the secretary shall transmit copies of the order, the

document by which the proceeding was initiated, where applicable, the notice of hearing and the proof of service and publication thereof, to the secretary of state and the auditor of the county where the affected territory is situated, for filing as a public record.

"Subd. 3. An order approving an incorporation or consolidation pursuant to sections 414.02, 414.03 or 414.04 shall set a date for this election of new municipal officers not less than 45 days nor more than 60 days after the issuance of such order. The board shall appoint an acting clerk for election purposes, at least three election judges who shall be residents of the new municipality, and shall designate polling places within the new municipality.

"The acting clerk shall prepare the official election ballot. Affidavits of candidacy may be filed by any person eligible to hold municipal office not more than four weeks nor less than two weeks before the date designated by the board for the election. At least one week before the first day to file such affidavits the acting clerk shall publish a notice in a newspaper qualified as a medium of official publication and of general circulation within the new municipality stating the first and last dates on which such affidavits may be filed, the location of the clerk's office, the clerk's office hours, and the amount of the filing fee.

"The acting clerk shall publish a notice of election in a newspaper qualified as a medium of official publication and of general circulation within the new municipality for two successive weeks immediately prior to the date designated by the board for the election. The election notice shall state the purpose, date, and polling places for the election, and shall state the time the polls shall be open, which time shall be at least five hours.

"If the new municipality is a statutory city, the election shall be conducted in conformity with the requirements of the laws for conducting a statutory city election in so far as applicable. If the new municipality is a home rule charter city, the election shall be conducted in conformity with the charter and the laws for conducting city elections in so far as applicable. Any person eligible to vote, at a township or municipal election within the area of the new municipality, is eligible to vote at such election.

"Any excess in the expense of conducting the election over receipts from filing fees shall be a

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charge against the new municipality; any excess of receipts shall be deposited in the treasury of the new municipality."

Laws 1978, c. 705, § 33 provides: "The provisions of this act shall be applicable to all proceedings before the Minnesota Municipal Board initiated after the effective date of this act [March 29, 1978]."

1984 Amendment. Laws 1984, c. 543, § 48, in subd. 3, deleted the last sentence of the second paragraph and deleted the third paragraph. The deleted provisions read:

"At least one week before the first day to file such affidavits the acting clerk shall publish a notice in a newspaper qualified as a medium of official publication and of general circulation within the new municipality stating the first and last dates on which such affidavits may be filed, the location of the clerk's office, the clerk's office hours, and the amount of the filing fee.

"The acting clerk shall publish a notice of election in a newspaper qualified as a medium of official publication and of general circulation within the new municipality for two successive weeks immediately prior to the date designated by the board for the election. The election notice shall state the purpose, date, and polling places for the election, and shall state the time the polls shall be open, which time shall be at least five hours."

Laws 1984, c. 543, § 70, provided that §§ 1 to 69 of c. 543 were effective Jan. 1, 1985, except as they applied to independent school districts, with

respect to which they were effective July 1, 1985.

Cross References

Home rule charter city defined, see § 410.015.

Law Review Commentaries

Municipal Law, 1978 legislation. July-August 1978, 47 Hennepin Lawyer 16.

Notes of Decisions

1. In general

Persons eligible to vote in a township which had been consolidated with city into a single new municipality would not be required to register under the city's voter registration system as a qualification for voting in the election of new municipal officers ordered by the municipal commission as a part of the consolidation of the city and township. Op.Atty.Gen., 484-g-1, April 30, 1971.

Canvass of election of new municipal officers for consolidated municipality held in accordance with this section, should be conducted in conformity with the election laws of the consolidating city. Id.

Terms of officers of consolidated municipality accomplished under § 414.021, when controlled by neither statute nor charter, could appropriately be determined by following the procedure set forth in § 412.021. Id.

Rule	
6000.0100.	Definitions.
6000.0110.	Commencement.
6000.0200.	Form of Petition.
6000.0300.	Representation.
6000.0500.	Findings.
6000.0600.	Petition as Elected.
6000.0700.	Amendments.
6000.0800.	Plan of Petition.
6000.0900.	Continuances.
6000.1000.	Stipulations.
6000.1150.	Prehearing Conference.
6000.1200.	Public Hearing.
6000.1310.	Examination of Records.
6000.1400.	Exhibits.

Subpart 1. Scope. in this part have the r

Subp. 2. Parties. The term also includes by the board and ente who fill out the appea the incorporation, ann of the proceedings th interest particular to public of other taxpay

Subp. 3. Petition. intent.

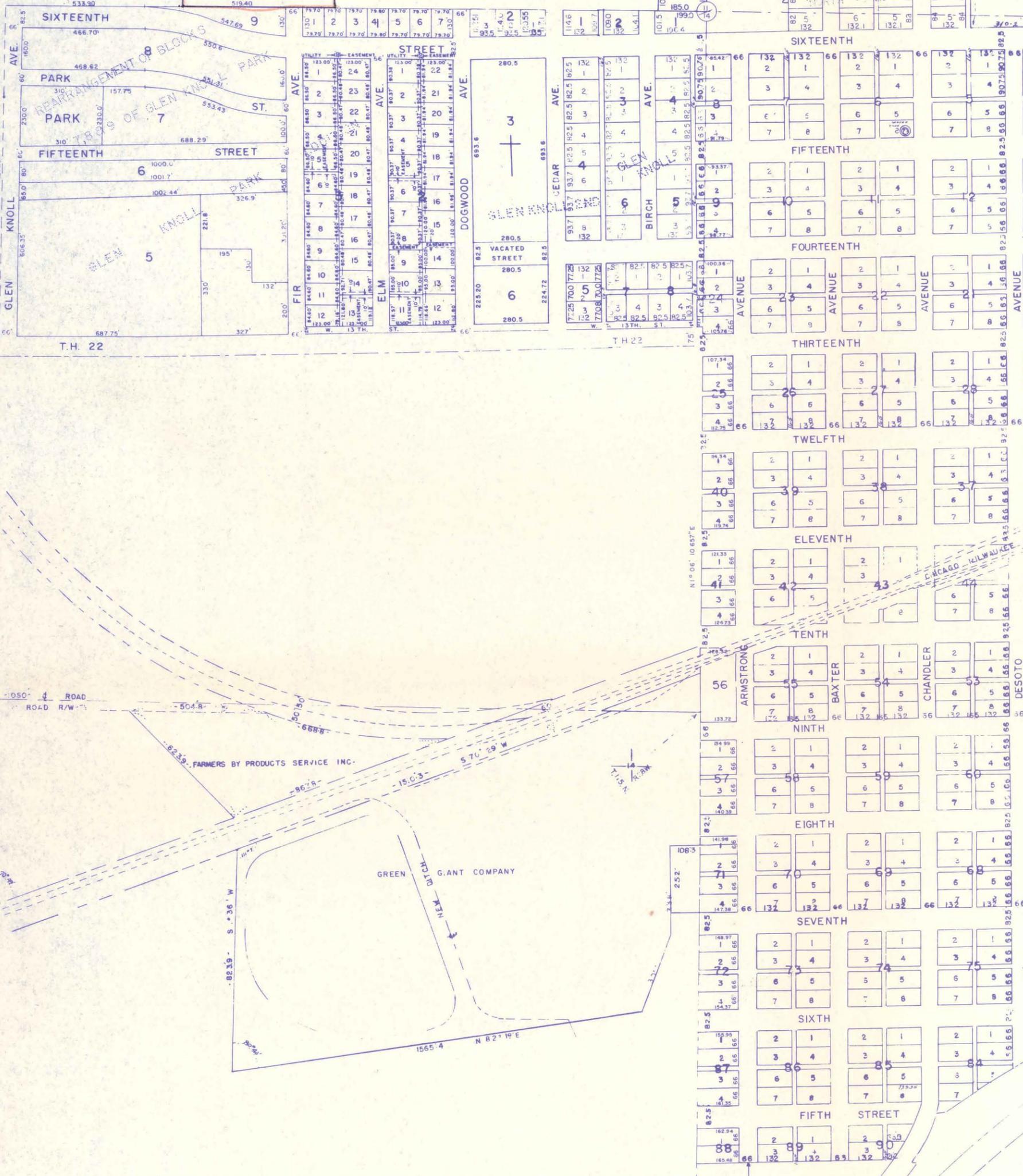
Subp. 4. Property section 414.011, subdi

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