

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas J. Simmons	Vice Chairman
Gerald J. Isaacs	Member
Lyle R. Smith	Ex-Officio Member
Roger Marturano	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	<u>AMENDED</u>
BETWEEN THE CITY OF BECKER AND THE)	<u>FINDINGS OF FACT,</u>
TOWN OF BECKER FOR THE ORDERLY)	<u>CONCLUSIONS OF LAW,</u>
ANNEXATION OF CERTAIN LAND TO THE CITY)	<u>AND ORDER</u>
OF BECKER)	

The above-entitled matter came on for hearing before the Minnesota Municipal Commission pursuant to Minnesota Statutes 414, as amended, on February 27, 1974 at Elk River, Minnesota. The City of Becker appeared by and through Mr. Lee Hanson, Attorney at Law, 201 Hall Bldg., St. Cloud, Minnesota. The Township of Becker appeared by and through Mr. K. B. Reishus, Attorney at Law, 685 Prentice, Granite Falls, Minnesota and the Northern States Power Company appeared by and through Mr. David G. McGannon, Law Department, 414 Nicollet Mall, Minneapolis, Minnesota. No one appeared in opposition to the annexation. The hearing was conducted by Howard L. Kaibel, Executive Secretary of the Minnesota Municipal Commission pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Lyle R. Smith and Roger Marturano, Ex-Officio Members of the Commission. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, and being fully advised in the premises, the Minnesota Municipal Commission hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing was published, served and filed.

2. That the city and township have jointly stipulated that the property proposed for annexation is about to become urban or suburban in character.

3. That the city and township have jointly stipulated that the city will have the ability to provide services to the area within a reasonable time.

4. No evidence has been presented to the commission controverting the factual stipulation of the parties encouraged by Minnesota Municipal Commission Rule of Practice Number 8.

5. Northern States Power Company fee owner of a substantial portion of the area proposed for annexation concurred with the factual stipulation and further affirmatively indicated its desire that the annexation be approved in accord with the terms of the joint resolution for orderly annexation.

6. There will be no increase in the mill rate as a result of the proposed annexation and the provisions of Minnesota Statutes 414.032, Subdivision 4 therefore do not apply to this proceeding.

7. The population of the area proposed for annexation is 40.

8. The population of the City of Becker at the present time according to a special count taken and certified to by the City Clerk is 445.

CONCLUSIONS OF LAW

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

2. The area proposed for annexation is now or is about to become urban or suburban in nature.

3. The City of Becker is capable of providing the services required by the area described herein within a reasonable time.

O R D E R

IT IS HEREBY ORDERED: that the following described property lying in the Township of Becker, County of Sherburne, State of Minnesota, be and the same hereby is annexed to the City of Becker the same as if it had originally been made a part thereof:

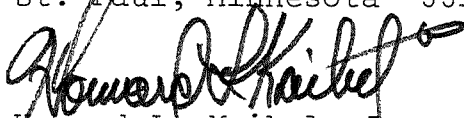
Starting at the Northwest (NW) corner of the South One-half ($S\frac{1}{2}$) of Section Twenty-five (25), Township Thirty-four North (34N), Range Twenty-nine West (29W); thence East along the North line of said South One-half ($S\frac{1}{2}$) of Section Twenty-five (25) and along the North line of the South One-half ($S\frac{1}{2}$) of Section Thirty (30), Township Thirty-four North (34N), Range Twenty-eight West (28W) to the intersection of the North line of the South One-half ($S\frac{1}{2}$) of Section Thirty (30), Township Thirty-four North (34N), Range Twenty-eight West (28W) with the thread of river, being Elk River; thence southerly along the thread of the Elk River to the North line of Section Five (5), Township Thirty-three North (33N), Range Twenty-eight West (28W); thence West along the North line of said Section Five (5) to Northwest Corner of Section Five (5), Township Thirty-three North (33N), Range Twenty-eight West (28W); thence South along the West line of said Section Five (5) to the Southwest corner of the North One-half ($N\frac{1}{2}$) of said Section Five (5); thence West along the North line of the Southeast Quarter ($SE\frac{1}{4}$) Section Six (6), Township Thirty-three North (33N), Range Twenty-eight West (28W) to the East right-of-way of Township Road; thence South along the Easterly and Northerly right-of-way line of the Township Road extending Southerly through Section Seven (7) and making a turn to the East in Section Eighteen (18) and thence continuing Easterly through Section Seventeen (17) and Section Sixteen (16) to East line of 16, Township Thirty-three North (33N), Range Twenty-eight West (28W); thence South along said West line of Section Twenty-two (22) and continuing along the West line of Section Twenty-seven (27) to its point of intersection with the thread of the Mississippi River; thence Northwesterly along the thread of the Mississippi River to the Westerly boundary of the Northeast Quarter ($NE\frac{1}{4}$) of Section Two (2), Township Thirty-three North (33N), Range Twenty-nine West (29W); thence North along the West line of said Northeast Quarter ($NE\frac{1}{4}$) to the Northwest corner thereof; thence East along the North line of said Section Two (2) to the Northeast corner thereof; thence Northerly along the West line of Section Thirty-six (36) and Section Twenty-five (25) to the point of beginning; including all abutting roadways.

IT IS FURTHER ORDERED: that the population of the Township of Becker is hereby decreased by 40 for all purposes until the next federal or state census.

IT IS FURTHER ORDERED: that the population of the City of Becker is hereby 445 for all purposes until the next federal or state census.

Dated this 19TH day April, 1974

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


Howard L. Kaibel, Jr.
Executive Secretary

Amended Order dated this

31st day of December, 1974


Patricia D. Lundy
Asst. Executive Secretary