

McGRANN SHEA CARNIVAL STRAUGHN & LAMB, CHARTERED
ATTORNEYS AT LAW

WILLIAM R. MCGRANN
DOUGLAS M. CARNIVAL
ROBERT O. STRAUGHN
PETER L. COOPER
KATHLEEN M. LAMB
JOHN R. SCHULZ
COREY J. AYLING
BRIAN L. SOBOL
SCOTT B. CROSSMAN

CARLA J. PEDERSEN
JOSEPH T. BAGNOLI
ROGER J. STELLJES
JEFFREY C. URBAN
KATHLEEN MICHAELA BRENNAN
JENNIFER A. JAMESON
CARL S. WOSMEK
JASON H. THOMAS
AMY L. COURT

CHRISTY E. LAWRIE

RETIRED
ANDREW J. SHEA

October 22, 2014

VIA ELECTRONIC FILING

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square Building
121 Seventh Place East
St. Paul, MN 55101

Re: In the Matter of the Joint Request of the City of Granite Falls and
Minnesota Valley Cooperative Light & Power Association to Modify
Electric Service Territory Boundaries
MPUC Docket: _____
Our File No.: 61173-0002

Dear Dr. Haar:

I represent the City of Granite Falls (the "City"), which is authorized, on behalf of the City and Minnesota Valley Cooperative Light & Power Association (the "Cooperative") (collectively, the "Parties"), to make this filing.

This letter constitutes the Parties' joint request, under Minn. Stat. § 216B.39, subd. 3, that the MPUC modify the Parties' service territory boundaries. This joint request concerns approximately eleven acres that have been annexed into the City, described in greater detail in the map and legal description attached hereto as Exhibit A ("Affected Area"). The Affected Area is located within the electric service territory assigned to the Cooperative. The City is building a City-owned nursing home in the Affected Area.

As background information, it is helpful to note that the existing Granite Falls Municipal Hospital and Manor is owned by the City. The current Manor building is over fifty years old. To better serve the community, the City has decided to acquire the Affected Area for the purposes of constructing and operating a replacement nursing home facility. The City will serve as the owner and developer for this important project for the community. The Affected Area is immediately adjacent to the City's existing independent senior housing facility, Granite Ridge Place, as well as its townhouse

Dr. Burl W. Haar
October 22, 2014
Page 2

apartment project, Skyview Estates, both located within the City Limits and the City's electric service territory.

Under this joint request, the Affected Area permanently transfers to the City's assigned electric service territory. Exhibit B to this letter provides proof of annexation of the Affected Area (with corrected legal description noted in the recorded Affidavit of Scrivener's Error).

By written agreement of the Parties, the City has been providing construction service to the Affected Area. The building is not yet completed. The City itself is the "customer" for this construction service. To complete the record, if desired by the Commission, the City will provide formal notice of this proceeding to the City. The Parties agreed to compensation for the transfer of the Affected Area, after arms-length negotiations.

The Parties therefore petition the Commission to accept and file these documents and provide due acknowledgment thereof and further request that the Commission provide evidence of its acceptance of this change in service territory.

A copy of this letter and the accompanying documents has been mailed or emailed to the persons on the enclosed proposed service list.

Please contact me if you have any questions.

Sincerely,



Kathleen M. Brennan

Enclosures

cc (w/encl.): Proposed Service List

PROPOSED SERVICE LIST

Re: In the Matter of the Joint Request of the City of Granite Falls and Minnesota Valley Cooperative Light & Power Association to Modify Electric Service Territory Boundaries

MPUC Docket: _____

Via Electronic Filing

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square Building
121 Seventh Place East
St. Paul, MN 55101

Via Electronic Filing

Ms. Sharon Ferguson
MN Department of Commerce
85 7th Place East, Suite 500
St. Paul, MN 55101-2198

Via Electronic Filing

Julia Anderson
Office of the Attorney General-DOC
1800 BRM Tower
445 Minnesota Street
St. Paul, MN 55101-2134

Via Electronic Filing

John Lindell
Office of the Attorney General-RUD
1400 BRM Tower
445 Minnesota Street
St. Paul, MN 55101-2130

Via Electronic Mail

Stephen Torvik
Nelson Oyen Torvik, PLLP
221 N. 1st Street
PO Box 219
Montevideo, MN 56265
storvik@nelsonoyentorvik.com
(Minnesota Valley Cooperative Light & Power Association)

Via Electronic Mail

Bill Lavin
City of Granite Falls
641 Prentice Street
Granite Falls, MN 56241-1598
Bill.lavin@granitefalls.com

Via Electronic Mail

George Gerlach
City of Granite Falls
641 Prentice Street
Granite Falls, MN 56241-1598
Geroge.Gerlach@granitefallshealthcare.com

Courtesy Copies:

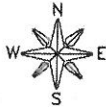
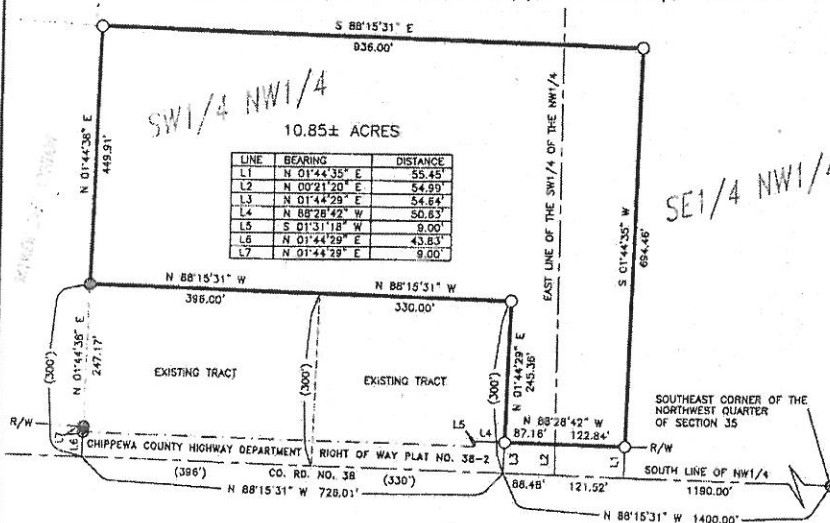
Ms. Kathleen M. Brennan
McGrann Shea Carnival Straughn
& Lamb
800 Nicollet Mall
Suite 2600
Minneapolis, MN 55402-7035
kmb@mcgrannshea.com
(City of Granite Falls)

EXHIBIT

A

CERTIFICATE OF SURVEY

Part of the South Half of the Northwest Quarter of Section 35,
Township 116 North, Range 39 West, Chippewa County, Minnesota



- LEGEND**
- = FOUND CORNER MONUMENT
 - = SET 1/2" REBAR WITH CAP STAMPED "RLS 19092"
 - () = RECORD DATA

LAND DESCRIPTION

That part of the South Half of the Northwest Quarter (S1/2 NW1/4) of Section Thirty-five (35), Township One hundred sixteen (116) North, Range Thirty-nine (39) West, Chippewa County, Minnesota, described as follows:

Commencing at the southeast corner of the Northwest Quarter (NW1/4) of said Section Thirty-five (35); thence North 88 degrees 15 minutes 31 seconds West, assumed bearing along the south line of said Northwest Quarter (NW1/4), a distance of 1190.00 feet, thence North 01 degrees 44 minutes 35 seconds East a distance of 55.45 feet to a point on the northerly line of Chippewa County Highway Department Right of Way Plat No. 38-2, that point being the point of beginning of the tract to be described; thence North 88 degrees 28 minutes 42 seconds West, along said northerly right of way, a distance of 210.00 feet to a point on the easterly line on existing tract; thence North 01 degrees 44 minutes 29 seconds East, along said easterly line, a distance of 245.36 feet to the northeast corner of said existing tract; thence North 88 degrees 15 minutes 31 seconds West, along the northerly lines of existing tracts, a distance of 726.00 feet to a point on the easterly line of Skyview East Addition; thence North 01 degrees 44 minutes 38 seconds East, along said easterly line, a distance of 449.91 feet to the northeast corner of Lot Three (3) of Block One (1) of Skyview East Addition; thence South 88 degrees 15 minutes 31 seconds East a distance of 936.00 feet, thence South 01 degrees 44 minutes 35 seconds West a distance of 694.46 feet to the point of beginning.

Said tract contains 10.85 acres more or less and is subject to any easements of record.

Surveyors Certificate

I, Roy Marihart, do hereby certify that this survey and drawing was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the Laws of the State of Minnesota.

Roy Marihart August 16, 2013
 Roy Marihart - MN Reg. No. 19092 Date
 Marihart Surveying, P.A.



ORDINANCE NO. 164, 2ND SERIES

AN ORDINANCE OF THE CITY OF GRANITE FALLS, MINNESOTA, ANNEXING PROPERTY LOCATED IN GRANITE FALLS TOWNSHIP, CHIPPEWA COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES 414.033, SUBD. 2(1), PERMITTING ANNEXATION BY ORDINANCE.

WHEREAS, said property is unincorporated and abuts the City of Granite Falls on its northeasterly boundary; and is owned by the City of Granite Falls; and

WHEREAS, the City of Granite Falls was not required to hold a public hearing pursuant to Minnesota Statutes §414.033, Subd. 2(b), as the land is owned by the City, nor was written notice required to be mailed to the Township of Granite Falls; and

WHEREAS, the city council held meetings to review the annexation;

NOW, THEREFORE, the city council of the City of Granite Falls hereby ordains as follows:

1. The city council hereby determines that the property as hereinafter described abuts the City limits and is urban or suburban in nature or about to become so pursuant to proposed development by the Granite Falls Municipal Hospital and Manor and said land is currently owned by the City of Granite Falls.

2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes §414.0325.

3. The corporate limits of the City of Granite Falls, Minnesota, are hereby extended to include the following described property, said land abutting the City of Granite Falls and already owned by said City of Granite Falls and it being necessary and appropriate that the same be annexed within the corporate limits of said City of Granite Falls, Minnesota, to-wit:

That part of the South Half of the Northwest Quarter (S2NW3) of Section Thirty-five (35), Township One Hundred Sixteen (116) North, Range Thirty-nine (39) West, Chippewa County, Minnesota, described as follows:

Commencing at the Southeast corner of the Northwest Quarter (NW3) of said Section Thirty-five (35); thence North 88 degrees 15 minutes 31 seconds West, assumed bearing along the South line of said Northwest Quarter (NW3), a distance of 1190.00 feet; thence North 01 degrees 44 minutes 35 seconds East a distance of 55.45 feet to a point on the North line of Chippewa County Highway Department Right of Way Plat No. 38-2, that point being the point of beginning of the tract to be described;

thence North 88 degrees 28 minutes 42 seconds West, along said northerly right of way, a distance of 210.00 feet to a point on the easterly line an existing tract; thence North 01 degrees 44 minutes 29 seconds East, along said easterly line, a distance of 245.36 feet to the Northeast corner of said existing tract; thence North 88 degrees 15 minutes 31 seconds West, along the northerly lines of existing tracts, a distance of 726.00 feet to a point on the easterly line of Skyview East Addition; thence North 01 degrees 44 minutes 38 seconds East, along said easterly line, a distance of 449.91 feet to the Northeast corner of Lot Three (3) of Block One (1) of Skyview East Addition; thence South 88 degrees 15 minutes 31 seconds East a distance of 936.00 feet; thence South 01 degrees 44 minutes 35 seconds West a distance of 694.46 feet to the point of beginning.

The above-described property consists of a total of 10.85 acres more or less. A copy of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries of the City of Granite Falls is attached hereto as Exhibit A.

4. That the area legally described herein is vacant and will not affect the population of the City at this time.

5. The City of Granite Falls will make no cash payment to Granite Falls Township pursuant to Minnesota Statutes §414.036, since the land being annexed is City owned.

6. That pursuant to Minnesota Statutes §414.036 there are no special assessments assigned by the town to the annexed property.

7. That the city manager of the City of Granite Falls is hereby authorized and directed to file a copy of this ordinance with the Municipal Boundary Adjustment Unit of the Office of the Administrative Hearings, the Minnesota Secretary of State, the Chippewa County Auditor/Treasurer and the Granite Falls Township clerk.

8. That this ordinance shall be in full force and effect and final upon the date this ordinance is approved by the Office of Administrative Hearings.

Passed and adopted by the city council of the City of Granite Falls, Minnesota, this 18th day of November, 2013.

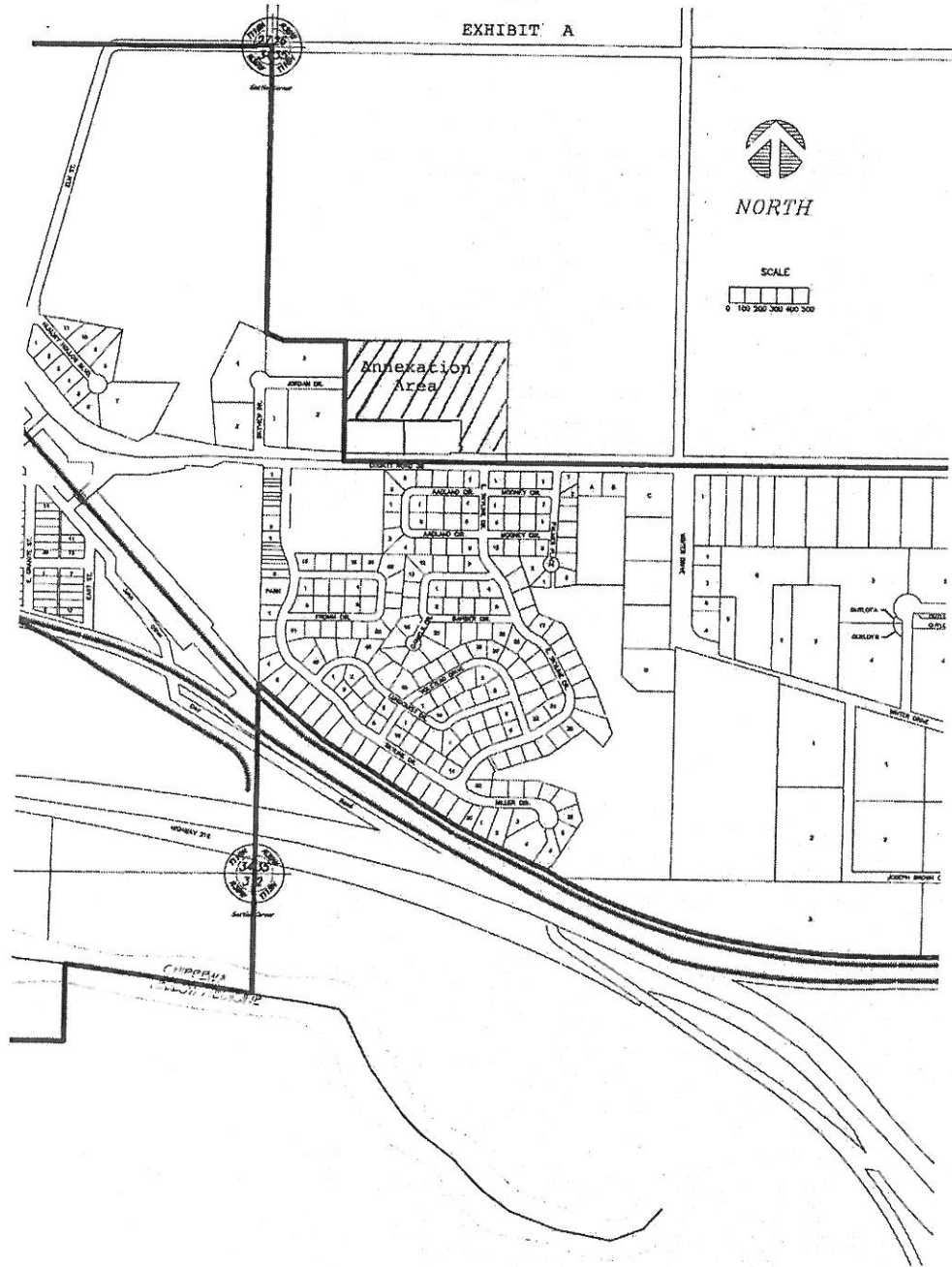
ATTEST:

Joan M. Taylor, City Clerk



David Smiglewski, Mayor

This Ordinance published in the *Granite Falls-Clarkfield Advocate Tribune* on the 20th day of November 2013.



COPY

IND.	<i>YH</i>
MARG.	<i>YH</i>
SCAN	<i>YH</i>
TRACTED	<i>YH</i>

THE COUNTY OF CHIPPEWA RECORDS DEPARTMENT HAS RECEIVED THIS INSTRUMENT FOR RECORDATION

A000292649
OFFICE OF THE COUNTY RECORDER
CHIPPEWA COUNTY, MINNESOTA

CERTIFIED, FILED, AND
RECORDED ON
9/18/2014 2:05 PM

PAGES: 4
REC FEES: 46.00

DIANE KETILSEN
CHIPPEWA COUNTY RECORDER

BY *Diane Ketilsen*
DEPUTY

Holmstrom & Kram

AFFIDAVIT OF SCRIVENER'S ERROR

State of Minnesota)
) ss.
County of Yellow Medicine)

Gregory L. Holmstrom, being first duly sworn on oath, states and alleges as follows:

1. That I am the drafter of that certain Trustee's Deed dated September 4, 2013, filed for record on September 20, 2013, and recorded as Document Number A000290343 in the office of the Chippewa County Recorder running from Dale Vos, as trustee of the Leslie L. Vos Trust dated March 12, 1993, to the City of Granite Falls, Minnesota, as well as that certain Warranty Deed dated September 4, 2013, filed for record on September 20, 2013, and recorded as Document Number A000290344, in the office of the Chippewa County Recorder running from Dale Vos, also known as Dale F. Vos, and Christyn R. Vos, husband and wife, to the City of Granite Falls, together with Certificate of Trust and Affidavit of Trustee filed for record on September 20, 2013, as Document Number A000290342.

2. That Granite Falls City Ordinance Number 164, 2nd Series, filed for record on December 19, 2013, and recorded as Document Number A000290835, is an ordinance of the City of Granite Falls annexing property located in Chippewa County, Minnesota, to the City of Granite Falls, a survey describing the annexed property being attached thereto as Exhibit A and also attached thereto as Exhibit A a map showing the annexation area. That pursuant to action of the Minnesota Office of Administrative Hearings, the annexation ordinance was approved on December 10, 2013. That copies of said ordinance have been filed with the Minnesota Secretary of State, the Granite Falls Township Clerk and the Chippewa County Auditor/Treasurer by correspondence of December 11, 2013, a copy of which is attached hereto and incorporated herein as Exhibit A.

3. That in filing this Affidavit it is the intent of the undersigned as drafter of the ordinance herein referenced and the deeds herein above and related transfer instruments herein above noted to specifically note the existence of scrivener's errors in the legal description in the above referenced deeds, Certificate of Trust and ordinance insofar as the legal description while correctly describing that the property consists of "That part of the South Half of the Northwest Quarter.... of Section Thirty-five (35), Township One Hundred Sixteen (116) North, Range Thirty-nine (39) West, Chippewa County, Minnesota,.....", unfortunately incorrectly contains scrivener's errors wherein it uses the following as an abbreviation for said South Half of the Northwest Quarter, to-wit: (S2NW3) or with respect to Northwest Quarter the following: (NW3). Your undersigned states that the intent of the documents is clear and the description is clear in

that it provides for property located in the South Half of said Northwest Quarter (S½NW¼) as is described in detail by the wording used and also as is shown in the survey which is attached to said ordinance and incorporated therein by reference.

4. All documents should refer to the tract lying in the South Half of the Northwest Quarter (S½NW¼) of Section Thirty-five (35), Township One Hundred Sixteen (116) North, Range Thirty-nine (39) West, Chippewa County, Minnesota, where those words are noted.

5. Attached hereto and incorporated herein by reference as Exhibit B is a true and correct copy of the entire legal description. It is noted that the abbreviation of the quarters for a portion of the section is correct on the attached and is also correct in the wording as described in words in both documents and that the correct wording controls over the erroneous abbreviations which are obviously typographical errors.

Dated: September 16, 2014

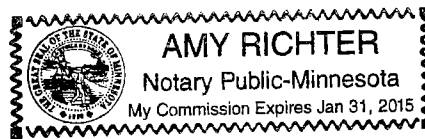


Gregory L. Holmstrom

Subscribed and sworn to before me
this 16th day of September 2014.



Notary Public

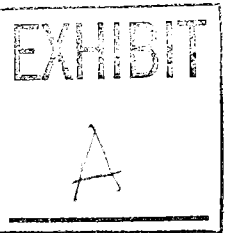


GREGORY L. HOLMSTROM
HOLMSTROM & KVAM
685 PRENTICE STREET
P.O. BOX 70
GRANITE FALLS, MN 56241



City of Granite Falls

641 Prentice Street
Granite Falls, MN 56241-1598
Phone (320) 564-3011 FAX (320) 564-3013
7-1-1 or 1-800-627-3529 Voice, TTY, ASCII
www.granitefalls.com



Office of City Clerk

December 11, 2013

Mr. Mark Ritchie
Secretary of State
Retirement Systems of MN Building
60 Empire Drive, Suite 100
St. Paul, MN 55103

Mr. Jon Clauson
Chippewa County Auditor/Treasurer
629 North 11th Street
Montevideo, MN 56265

Ms. Cindy Baker
Granite Falls Township Clerk
12010 15th Avenue
Granite Falls, MN 56241

CERTIFIED/RETURN RECEIPT

RE: Annexation Ordinance No. 164 – City of Granite Falls

TO WHOM IT MAY CONCERN:

Pursuant to the Minnesota Office of Administrative Hearings I have enclosed a copy Annexation Ordinance No. 164 for the City of Granite Falls.

If you should have any questions or need additional information, please feel free to contact me at (320) 564-3011 ext. 1.

Sincerely,

Joan M. Taylor
City Clerk

encl. 2
pc: MN Office of Admin Hearings
City Attorney Gregory Holmstrom
Hospital Admin. George Gerlach

EXHIBIT
B

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