

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
John Finley	Ex-Officio Member
Anthony Dana	Ex-Officio Member

IN THE MATTER OF THE PETITION)
FOR ANNEXATION OF CERTAIN LAND)
TO THE CITY OF VADNAIS HEIGHTS)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 28, 1980, at Vadnais Heights, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Municipal Board Members Thomas J. Simmons and Robert J. Ferderer and County Commissioner Anthony Dana, ex-officio member of the Board. The City of Vadnais Heights appeared by and through Willard Converse, the Township of White Bear appeared by and through Robert Lydon, and the petitioners appeared by and through James Blomquist. Testimony was heard, and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I. On January 17, 1980, a copy of a petition for annexation by a majority of the property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

The Northwest Quarter of the Northeast Quarter, Section 28, Town 30 North, Range 22 West, Ramsey County, Minnesota and that part of the West 306.4 feet of the Northeast Quarter of the Northeast Quarter Section 28, Town 30 North, Range 22 West, Ramsey County, Minnesota lying North and West of the Northwesterly right-of-way line of Burlington Northern, Inc. Railway.

An objection to the proposed annexation was received by the Minnesota Municipal Board from White Bear Township on April 10, 1980. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

A resolution supporting the annexation was not received from the annexing municipality.

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

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Vadnais Heights.
- B. The total area of the City of Vadnais Heights is approximately 5,239 acres. The total area of the territory subject to annexation is 44.14 acres.
- C. The perimeter of the area to be annexed is approximately 75% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: wetlands, hilly with, developable land.

IV. Population Data

- A. The City of Vadnais Heights:
 - 1. In 1970, there were 3,391 residents.
 - 2. The present estimated population is 4,860 (1979 Metro Council estimate)
 - 3. By 1980, the projected population is 5,200.
- B. The area subject to annexation:
 - 1. In 1970, there were 0 residents.
 - 2. The present population is -0-.
- C. The Township of White Bear:
 - 1. In 1970, there were 6,175 residents.
 - 2. The present estimated population is 6,050.
 - 3. By 1980, the projected population is 6,100.

V. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.
 - 1. Area in Use
 - a. In the City of Vadnais Heights:

1. Residential: 771 acres	4. Industrial: 69 acres
2. Institutional: 10 acres	5. Agricultural: 100 acres
3. Commercial: 49 acres	6. Vacant land: 1880 acres
 - b. In the area subject to annexation:
 - 1. Institutional and governmental, including road right-of-ways: approximately 5 acres
 - 2. Industrial: 5 acres
 - 3. Wet land: 14 acres
 - c. In the Township of White Bear:

1. Residential: 1140 acres	3. Industrial: 140 acres
2. Commercial: 42 acres	4. Vacant land: 501 acres
 - 2. Area Being Developed
 - a. In the City of Vadnais Heights:

1. Residential: 175 acres	4. Industrial: 40 acres
2. Institutional: 0 acres	5. Agricultural: 0 acres
3. Commercial: 10 acres	

b. In the area subject to annexation:

- | | |
|---------------------------|--------------------------|
| 1. Residential: 0 acres | 4. Industrial: 5 acres |
| 2. Institutional: 0 acres | 5. Agricultural: 0 acres |
| 3. Commercial: 0 acres | |

3. Area Remaining for Various Uses

a. In the City of Vadnais Heights:

- | | |
|-----------------------------|--------------------------|
| 1. Residential: 1,206 acres | 4. Industrial: 371 acres |
| 2. Institutional: 0 acres | 5. Agricultural: 0 acres |
| 3. Commercial: 278 acres | |

b. In the area subject to annexation:

1. Industrial: 15 acres

c. In the Township of White Bear:

1. Residential: 1037 acres
2. Commercial: 14 acres
3. Industrial: 383 acres

B. Transportation:

1. The present transportation network is:

- a. In the City of Vadnais Heights: State, Federal, County and City Roads
b. In the area subject to annexation: LaBore Road to County Road E, to either 35E or Highway 61

2. Potential transportation issues include: Should the proposed annexation not occur, the Township has developed transportation plans that include a road through the area subject to annexation. The petitioners testified that such a road would destroy approximately 50% of the usable land in the area subject to annexation.

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Vadnais Heights:

- a. Zoning: yes
b. Subdivision Regulations: yes
c. Comprehensive Plan: being adopted
d. Official Map: adopted zoning map
e. Fire Code: Minnesota Uniform Fire Code adopted; Industrial property in Fire Zone 2.
f. Building Inspector: Full time
g. Planning Commission: seven members and two alternates

2. In the Township of White Bear:

- a. Zoning: yes
b. Comprehensive Plan: yes
c. Capital Improvements Program: yes

3. In the County of Ramsey: no evidence was presented as to the land use controls and planning occurring at the County level.

4. The Metropolitan Council provides the following planning and land use services: adviser

5. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VI. Governmental Services

- A. The Town of White Bear provides the area subject to annexation with the following services:
1. Water and Sewer: The annexation area has been assessed for sewer and water, but the service lines are approximately one half mile north of the annexation area.
 2. Fire protection and rating: yes, by contract with White Bear Lake; 6
 3. Police protection: yes through a contract with Ramsey County Sheriff
 4. Street improvements: Planning a street through the area subject to annexation.
 5. Administrative services: yes
 6. Animal Control Services: though no testimony indicated that the annexation area had used it.
 7. Transportation Services: though no testimony indicated that the annexation area had used it.
- B. The City of Vadnais Heights provides its residents with the following services:
1. Water: four deep wells owned and operated by Municipality (approximately 50% of City is served)
 2. Sewer: approximately 95% of the City has sanitary sewer
 - c. Fire protection and rating: Vadnais Heights Volunteer Fire Department (rating currently 7.)
 - d. Police protection: Contract Ramsey County
 - e. Street improvements: contracted public improvements
 - f. Street maintenance: City staff, County, or MDOT depending on street
 - g. Recreational: 58.66 Acres for park dedicated at present
 - h. Administrative services: City clerk's staff and consultants
- C. The City of Vadnais Heights provides the area subject to annexation with the following services:
1. Police protection: road patrolled by the police
 2. Street improvements: yes--patching and cleaning
 3. Street maintenance: yes--winter plowing and sanding
 4. Other: Sole access to the property by road is through Vadnais Heights
- D. Existing or potential environmental problems and the need for additional services to resolve these problems: The area is wetland, requiring sewerage to accommodate any expanded development of the property, with the majority of said drainage from the annexation area flowing into Vadnais Heights.
- E. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the extension of sewer and water pursuant to municipal procedures, as well as the delivery of other municipal services at the request of the property owners.
- F. The following services will be available to the annexed area within two years: sewer and water

VII. Tax Base

- A. In the City of Vadnais Heights, the tax base includes the following: (all payable in 1980).
1. Residential property in 1980 was valued at \$10,955,671, generating \$198,049.79 in taxes or 69.5% of the total.
 2. Commercial property in 1980 was valued at \$2,941,343, generating \$59,954.23 in taxes or 21% of the total.
 3. Industrial property in 1980 was valued at \$384,172, generating \$13,735.91 in taxes or 4.8% of the total.
 4. Agricultural property in 1980 was valued at \$259,016, generating \$4,681.45 in taxes or 1.6% of the total.

5. Vacant land in 1980 was valued at \$500,066, generating \$9,000.11 in taxes or 3.1% of the total.
 6. Non-taxable property
 - a. Institutional use in 1980 included 70 acres worth, as developed, \$1,020,676.
 - b. Other non-taxable uses (such as roadways, parks) in 1980 included 620 acres.
- B. In the Township of White Bear, the tax base includes the following: (assessed values)
1. Residential property in 1979 was valued at \$18,048,921, generating \$146,165.13 in taxes or 87.7539% of the total.
 2. Commercial property in 1979 was valued at \$1,084,659, generating \$8800.05 in taxes or 5.2833% of the total.
 3. Industrial property in 1979 was valued at \$325,120, generating \$2632.91 in taxes or .8000% of the total.
 4. Agricultural land in 1979 was valued at \$410,714, generating \$3,326.07 in taxes or 1.9969% of the total.
 5. Vacant land in 1979 was valued at \$481,721, generating \$3,900.91 in taxes or 3.1228% of the total.
 6. Non-taxable property
 - a. Institutional use in 1979 is worth, as developed, \$1,865,625.
- C. In the area subject to annexation, the tax base includes the following:
1. Industrial property in 1980 was valued at \$172,252 generating \$1,143.75 in taxes or 100% of the total.
 2. Vacant land in 1980 was valued at \$373.00, generating \$0 in taxes or 0% of the total.

VIII. Tax Data

- A. In the City of Vadnais Heights:
1. Mill rate payable in 1980 is 17.433.
 2. Bonded indebtedness in December 31, 1979 was \$7,300,000.
- B. In the Township of White Bear:
1. Mill rate in 1980 is 7.676.
 2. Bonded indebtedness in 1980 is \$14,540,000.
- C. In the area subject to annexation:
1. Mill rate in 1980 is 7.676.
- D. Mill rate in the respective governmental units:
1. County in 1980 is 29.713.
 2. School district in 1980 is 51.873.
 3. Township in 1980 is 7.676.

IX. Annexation to the City of Vadnais Heights is the best alternative.

- A. There will be no effect on area school districts or on adjacent communities if the proposed annexation is approved.

B. The City of Vadnais Heights can better serve the annexation area than the Town of White Bear can serve the annexation area.

C. Necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.

D. Present assessed valuation of the Town of White Bear: \$20,353,136.

Present assessed valuation of proposed annexation area: \$172,627.

New valuation of the Town of White Bear if entire area is annexed: \$20,180,509.

E. White Bear Township can continue to function without the area subject to annexation.

XII. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to annexation is now or is about to become urban or suburban in character.

III. Municipal government will better protect the public health, safety, and welfare in the area subject to annexation.

IV. The best interest of the area subject to annexation will be furthered by annexation.

V. The remainder of the Township of White Bear can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in revenue for the City of Vadnais Heights and the value of benefits conferred upon the area subject to annexation.

VII. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

VIII. Two years will be required to effectively provide full municipal services to the annexed area.

IX. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

X. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Ramsey, State of Minnesota, be and the same is hereby annexed to the City of Vadnais Heights, Minnesota, the same as if it had been originally made a part thereof:

The Northwest Quarter of the Northeast Quarter, Section 28, Town 30 North, Range 22 West, Ramsey County, Minnesota and that part of the West 306.4 feet of the Northeast Quarter of the Northeast Quarter Section 28, Town 30 North, Range 22 West, Ramsey County, Minnesota lying North and West of the Northwesterly right-of-way line of Burlington Northern, Inc. Railway.

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

III. IT IS FURTHER ORDERED: That the annexation of the property described in Article I of this Order, to the City of Vadnais Heights shall be effective, operational, and completed on January 1, 1981.

IV. IT IS FURTHER ORDERED: That the effective date of this order is October 31, 1980.

Dated this 31st day of October, 1980.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101

Terrence A. Merritt
Terrence A. Merritt
Executive Director