

BEFORE THE MINNESOTA MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Joseph Robbie	Chairman
Robert W. Johnson	Vice-Chairman
Terrance S. O'Toole	Member
Idor Pederson	Ex-officio
Roy F. Johnson	Ex-officio

IN THE MATTER OF THE APPLICATION FOR THE INCORPORATION OF THE VILLAGE TO BE KNOWN AS THE VILLAGE OF COTTAGE GROVE, MINNESOTA, PURSUANT TO MINNESOTA STATUTES, 414.02,

IN THE MATTER OF THE APPLICATION FOR THE INCORPORATION OF THE VILLAGE TO BE KNOWN AS THE VILLAGE OF WASHINGTON, MINNESOTA, PURSUANT TO MINNESOTA STATUTES, 414.02.

The above petitions for the proposed incorporation of the Village of Cottage Grove and the Village of Washington were duly heard before the Minnesota Municipal Commission. The hearing on the petition for the incorporation of the proposed Village of Cottage Grove was commenced at 2:00 o'clock P.M. November 20, 1961, at Thompson Grove Community Club, and the hearing on the petition for the incorporation of the Village of Washington was commenced at 2:00 o'clock P.M. December 19, 1961, at the Cottage Grove Community Club. At said hearing it was stipulated that said petitions be combined. The hearings were reconvened at 10:00 A.M., January 7, 1962, at the Cottage Grove Community Club, and further reconvened at 10:00 A.M., February 22, 1962, at the Cottage Grove Community Club. A quorum of the Minnesota Municipal Commission was present at all times, including the ex-officio members, Mr. Idor Pederson, Chairman of the Board of Washington County Commissioners, and Mr. Roy F. Johnson, Washington County Auditor. James J. Schumacher, 810 Title Insurance Building, Minneapolis, Minnesota, appeared for the petitioners for the incorporation of the Village of Cottage Grove. Lyle J. Eckberg of the law firm of Neumeier, Rheinberger, Eckberg & Kimmel, 109 South Main Street, Stillwater, Minnesota, appeared for the petitioners in the matter of the incorporation of the Village of Washington. Robert Emery, 900 Bush Avenue, St. Paul, Minnesota appeared

for Minnesota Mining & Manufacturing Company.

The Commission, having carefully considered all the evidence, and upon all of the files and records, now makes and files the following Findings of Fact, Conclusions of Law, Order, and Memorandum Opinion.

FINDINGS OF FACT

I.

The petition for the incorporation of the Village of Washington complies with all statutory requirements.

II.

Copies of the Notice of Hearing were served, posted and published as required by law.

III.

The area sought to be incorporated is now operating under the town form of government, containing two townships, and said towns have certain powers of villages as provided under the laws of the State of Minnesota in the case of so-called "Urban Towns."

IV.

The territory proposed for the incorporation of the Village of Washington was legally described as "all of the Township of Cottage Grove, Washington County, Minnesota, and all of the Township of Woodbury, all of the area lying and being within the County of Washington, State of Minnesota."

V.

The name of the new village shall be the Village of Washington.

VI.

The population of the territory proposed for incorporation at the 1960 decennial census was as follows:

Town of Cottage Grove	4,850
Town of Woodbury	3,014

and the combined population of both townships at the time the time the census was taken for this incorporation was 9,390.

The population of the Town of Woodbury was 3,178. The population of the Town of Cottage Grove was 6,282. The projected population of the proposed area in 1970, according to estimates of the South Washington County Planning Commission is in the range of 33,000 to 36,000. The population of the area at the time of the 1950 decennial census was - The Town of Cottage Grove, 883, and the Town of Woodbury, 1,056.

VII.

The area proposed contains a total of 45,880 acres, of which there are considerable platted lands in both townships.

VIII.

The two townships are of approximately equal size, each consisting of more than thirty-five sections of land. A common boundary line exists between said townships, and they abut each other for a distance of six miles, Woodbury being on the north and Cottage Grove on the south. The area proposed to be incorporated is bounded on the west by the Village of Maplewood, Village of Newport, Village of St. Paul Park, and Town of Grey Cloud; on the south by the Mississippi River and Dakota County; on the east by the Town of Denmark and Town of Afton; on the north by the Town of East Oakdale, Village of Landfall, and Town of Oakdale; and the common boundary line between the two townships was established by the original U.S. Government Survey. The said townships are not separated by any natural barriers.

IX.

The area sought to be incorporated has a common watershed and drains toward the Mississippi River to the south.

X.

The Town of Cottage Grove has a large commercial development located in Thompson Grove in which there is located two supermarkets and numerous shops and stores. The unincorporated settlement of Cottage Grove in the Town of Cottage Grove also has a shopping center with a supermarket, gasoline filling

stations, garages, and other shops. The Town of Woodbury has considerable commercial development along the south side of Minnesota Highway 12 and it is expected that this area will develop rapidly along the new Freeway. Building applications for a considerable number of structures have also been received recently by the respective Town Boards, and it is expected that some of them will be granted.

XI.

The Town of Cottage Grove has located within its confines the large chemical plant operated by Minnesota Mining & Manufacturing Company, and there is considerable desirable industrial real estate located in the Town of Cottage Grove. Cottage Grove township is bordered on the south by the Mississippi River and has two railroads operating within the Town, namely the Chicago, Milwaukee, St. Paul & Pacific Railroad and the Chicago, Burlington & Quincy Railroad Company.

The Town of Woodbury has some industrial development in the northeast corner of the town known as the Durox Plant.

XII.

The Town of Cottage Grove has located within its limits Thompson Grove Additions located in Sections 17 and 18, consisting of 1,184 homes, Thompson Estates located in Sections 16, 17 in the Town of Cottage Grove is now in the process of development and contains approximately 300 homes at the present time.

The unincorporated settlement known as Cottage Grove is located in Sections 11 and 12 and contains approximately 50 homes, has existed for many years, and is expanding slowly. There are also a number of homes located in the area known as Langdon, which is located in Section 21 of the Town of Cottage Grove.

The Town of Woodbury has located within its limits the settlement of Woodbury Heights in Section 6 in the northwest corner of said Township and contains approximately 384 homes.

There is also considerable housing along Highways 12 and 100 in the Town of Woodbury, and both townships have a large number of homes located on tracts one-acre or larger within their respective townships.

In the Town of Woodbury a large housing development is planned on Colby Lake, in Sections 14, 15, 22, and 23.

XIII.

The governing bodies of the Towns of Cottage Grove and Woodbury have had joint meetings, consulted with each other and cooperated for many years. Their ordinances governing building, zoning and other necessary regulations are similar in nature and are the product of joint consultation of the two Townships. Both Townships are members of the South Washington County Planning Commission.

XIV.

The area proposed for incorporation is located in the Twin Cities Metropolitan Area a short distance from the City of St. Paul and is subject to subdividing and developing as residential, commercial and industrial property.

XV.

The assessed valuation of the Town of Cottage Grove is \$4,744,754. The assessed valuation of Woodbury is \$1,252,109., being a total assessed valuation in the area sought to be incorporated of \$5,996,863.

XVI.

The Town of Cottage Grove has a municipally owned water system which serves the area known as Thompson Grove and Thompson Estates. The Town of Woodbury has a franchise water system which serves the area known as Woodbury Heights located in the northwest corner of the Town. This system was purchased by the Town of Woodbury on April 30, 1962, and is now operated and owned by the Town as a municipal function. The Town of Cottage Grove has a municipally owned sanitary sewer system which serves the area of Thompson Estates and the Town is now

in the process of installing sanitary sewer facilities in the Thompson Grove area. The Town of Woodbury is in the process of installing sanitary sewer facilities within the area known as Woodbury Heights.

XVII.

The Town of Cottage Grove is served by several Fire Departments, including the Thompson Grove Volunteer Fire Department, the Cottage Grove Volunteer Fire Department, and has a contract with the Village of St. Paul Park Fire Department for fire protection. The Town of Woodbury receives fire protection under contract with the East County Line Fire Department located in the Village of Maplewood and the Village of St. Paul Park Fire Department. The Woodbury Heights Volunteer Fire Department has been in operation since January 1, 1963.

XVIII.

The Town of Cottage Grove is served by one full time policeman and two part time policemen, has two elected constables available when required, and owns and operates a 1962 Plymouth automobile as a police car. The Town of Woodbury is served by two elected constables. Both areas receive police protection from the Sheriff of Washington County and the Sheriff's office also has a full time deputy stationed at nearby Saint Paul Park.

XIX.

The area proposed for incorporation is in transition from agricultural to urban character.

XX.

The town form of government is not adequate to meet the problems that are created in an area developing as rapidly as the area proposed for incorporation, and is not adequate to provide for future safeguards and regulations in the subdivision and development of land for residential, industrial and other urban uses.

XXI.

The township form of government is not adequate to meet the problems of water contamination and public health raised as a result of people living in close proximity.

XXII.

There are five parcels of land now a part of Cottage Grove Township which are the only parcels on upper Grey Cloud Island. They are not now included in Grey Cloud Township. These five parcels of land are more naturally a part of Grey Cloud Township geographically than of Cottage Grove Township. They should be excluded from the area approved for incorporation of the proposed Village of Washington. The Board of County Commissioners of Washington County has agreed with the Municipal Commission that upon entry of an order approving the election on the proposed incorporation of the Village of Washington, the Board of County Commissioners will grant a petition already filed to attach these five parcels of land to Grey Cloud Township. The five parcels are legally described as follows:

1. Beginning at a point in ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section (30), Township (27), Range (21), (20) Rods South from the monument on the Section line of the East side of the county road and thence running (8) Rods South of said (20) Rods, and thence running Easterly to the high water mark of the slough on the East side, thence running North along said high water mark to the Section line; thence running West to a point (16) Rods East from the before mentioned monument; thence running South (20) Rods, thence running West (16) Rods to the point of beginning containing (5) acres more or less, excepting therefrom the North 247.5 feet thereof, heretofore conveyed in 167 Deeds 218, all according to the United States Government Survey thereof:
2. Part of the ($S\frac{1}{4}$ of $NW\frac{1}{4}$) and all of the ($SW\frac{1}{4}$ of $NW\frac{1}{4}$), 51 acres more or less of Section (30), Township (27), Range (21), of Washington County, Minnesota
3. All that part of the ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section (30), Township (27) North, Range (21) West, described as follows, to-wit: Beginning at the Northwest corner of

said Quarter Section, and running thence East along the North line thereof, (16) Rods; thence South parallel with the West line of said Section (10) Rods; thence West parallel with said North line (16) Rods to the West line of said Section; thence North along said West line (10) Rods to the point of beginning; containing (1) acre, including the strip two (2) Rods in width occupied by the Public Highway along the West side of said tract, and lying and being in the County of Washington and State of Minnesota; also

The North 247.5 feet of that part of the West half of the Southwest quarter of Section Thirty (30), Township (27), North of Range (21), West described as follows to-wit:

Beginning at a point (20) Rods South from the monument at the Northwest corner of said West half of the Southwest quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$) on said section line of the East side of the County Road, and thence running (8) Rods south of said (20) Rods, and thence running Easterly to the high water mark of the slough on the East side; thence running North along said high water mark to the section line; thence running West to a point (16) Rods East from the before mentioned monument; thence running South (20) Rods; thence running West Sixteen (16) Rods to the point of beginning, all according to the United States Government Survey thereof;

4. Beginning at a point (10) Rods South of NW corner of ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section (30), Township (27), Range (21); thence (16) Rods East; (10) Rods South, (16) Rods West; (10) Rods North to point of beginning, and lying and being in the County of Washington, State of Minnesota
5. All that part of ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section (30), Township (27) North, of Range (21) West described as follows, viz:
Beginning at a point (20) Rods South from the monument on the Section line on the East side of the County road and thence running South to a point at the high water mark on the lake; running thence Easterly on the high water mark of the slough; running thence North to Section line; running thence West to a point (16) Rods East from the before mentioned monument; running thence South (20) Rods; running thence West (16) Rods to the point of beginning; containing (10) acres more or less and lying and being in the County of Washington, State of Minnesota.

CONCLUSIONS OF LAW

I.

The incorporation of Cottage Grove and Woodbury Townships is in the interest of the residents of both townships and of the public.

II.

The petition for the incorporation of Cottage Grove and Woodbury Townships should be granted. An election to ratify incorporation should be ordered pursuant to statute.

III.

The name of the proposed village should be the Village of Washington.

IV.

The five parcels of land described in paragraph XXII of the Findings of Fact should be excluded from the effect of this order because it is more properly geographically a part of Grey Cloud Township.

O R D E R

Upon petition by the freeholders of Cottage Grove Township and Woodbury Township for incorporation of all of the remaining unincorporated property in each of such townships as the Village of Washington, which was heard before the Municipal Commission as part of a consolidated record with the separate petition for the separate incorporation of Cottage Grove

Township on November 20, 1961, at Thompson Grove Community Club, on December 19, 1961, at the Cottage Grove Community Club, on January 7, 1962, at the Cottage Grove Community Club, and again on February 22, 1962, at the Cottage Grove Community Club, all of the members of the Municipal Commission having attended such hearings or fully examined the transcripts thereof and all of the files and records relating thereto, and upon all of the evidence and all of the files and records, the Commission being fully advised in the premises,

IT IS ORDERED: That the petition of the freeholders of Cottage Grove Township and Woodbury Township for the joint incorporation of such townships as the Village of Washington be, and it is hereby, approved in all things, except that the proposed boundaries are altered by deleting therefrom the following described area commonly known as upper Grey Cloud Island:

1. Beginning at a point in ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section (30), Township (27), Range (21), (20) Rods South from the monument on the Section line of the East side of the county road and thence running (8) Rods South of said (20) Rods, and thence running Easterly to the high water mark of the slough on the East side, thence running North along said high water mark to the Section line; thence running West to a point (16) Rods East from the before mentioned monument; thence running South (20) Rods, thence running West (16) Rods to the point of beginning containing (5) acres more or less, excepting therefrom the North 247.5 feet thereof, heretofore conveyed in 167 Deeds 218, all according to the United States Government Survey thereof:

2. Part of the ($S\frac{1}{4}$ of $NW\frac{1}{4}$) all of the ($SW\frac{1}{4}$ of $NW\frac{1}{4}$), 51 acres more or less of Section (30), Township (27), Range (21) of Washington County, Minnesota
3. All that part of the ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section (30), Township (27) North, Range (21), West described as follows, to-wit:
Beginning at the Northwest corner of said Quarter Section, and running thence East along the North line thereof, (16) Rods; thence South parallel with the West line of said Section (10) Rods; thence West parallel with said North line (16) Rods to the West line of said Section: thence North along said West line, (10) Rods to the point of beginning; containing (1) acre, including the strip two (2) Rods in width occupied by the Public Highway along the West side of said tract, and lying and being in the County of Washington and State of Minnesota: also

The North 247.5 feet of that part of the West half of the Southwest quarter of Section Thirty (30) Township (27) North of Range (21) West, described as follows, to-wit:

Beginning at a point (20) Rods South from the monument at the Northwest corner of said West half of the Southwest quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$) on said section line of the East side of the County Road, and thence running (8) Rods South of said (20) Rods, and thence running Easterly to the high water mark of the slough on the East, side; thence running North along said high water mark to the section line; thence running West to a point (16) Rods East from the before mentioned monument; thence running South (20) Rods; thence running West Sixteen (16) Rods to the point of beginning, all according to the United States Government Survey thereof;

4. Beginning at a point (10) Rods South of NW corner of ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section (30), Township (27), Range (21) thence (16) Rods East; (10) Rods South; (16) Rods West; (10) Rods North to point of beginning, and lying and being in the County of Washington, State of Minnesota
5. All that part of ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section (30), Township (27) North, of Range (21) West described as follows, viz:
Beginning at a point (20) Rods South from the monument on the Section line on the East side of the County road and thence running South to a point

at the high water mark on the lake; running thence Easterly on the high water mark of the slough; running thence North to Section line; running thence West to a point (16) Rods East from the before mentioned monument; running thence South (20) Rods; running thence West (16) Rods to the point of beginning; containing (10) acres more or less and lying and being in the County of Washington, State of Minnesota.

IT IS FURTHER ORDERED: That an election be held in the area approved for incorporation, which is all of the remaining unincorporated area of Cottage Grove and Woodbury Townships except for the area described in the immediate preceding paragraph commonly known as upper Grey Cloud Island, on the question of whether or not the area approved for incorporation should be incorporated as the Village of Washington.

IT IS FURTHER ORDERED: That such election be held on the 5th day of November, 1963, at the following described polling places within the area proposed for incorporation, and that the polls be opened at said polling place from 8:00 o'clock A.M. to 8:00 o'clock P.M.; that the following three elector residents of each of the precincts of the area proposed to be incorporated act as judges, and that such election be conducted insofar as is practicable in accordance with the election of town officers:

COTTAGE GROVE

Precinct One -Voting place old Langdon School now the Union Hall-Judges of Election:

Glenn Brown
William Biscoe
Hazel Halberg

Precinct Two -Voting place 99 Belden Boulevard in Thompson Grove -Judges of Election:

Leo Vogelsang
Betty Pauliet
Helen Jaspersen

WOODBURY -Voting place Woodbury Community Hall

Judges of Election:
Orville Bielenberg
Francis Sheppard
Robert Wolterstorff

Only voters residing in the territory approved for incorporation shall be entitled to vote. The ballot shall bear the words, "For Incorporation" and "Against Incorporation" with a square before each of the phrases, in one of which the voter shall make a cross to express his opinion. The ballots and necessary supplies shall be furnished at the joint expense of Cottage Grove and Woodbury in equal shares.

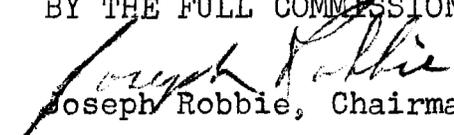
IT IS FURTHER ORDERED: That in the event the incorporation election is successful a village election shall be held within 60 days at a date to be fixed by the Municipal Commission. At this election six councilmen shall be elected from the six wards shown on the attached map and a mayor shall be elected at large. This election to be conducted under Minnesota Statutes governing village elections. The councilmen's terms shall be three-year terms and the mayor's a two-year term and in this first election councilmen shall be elected as follows: Wards 1 & 4 = 1 year, Wards 2 & 5 = 2 years, and Wards 3 & 6 = 3 years.

IT IS FURTHER ORDERED: That the fire departments located in the proposed Village of Washington namely, Thompson Grove Volunteer Fire Department and Cottage Grove Volunteer Fire Department and the Woodbury Heights Fire Department shall on the effective date of incorporation cease to contribute to their separate pension funds and shall contribute to a new pension fund to be established by the Village of Washington. Each of the present members of the volunteer departments will participate in his old pension fund to the extent that those benefits are due him.

IT IS FURTHER ORDERED: That within two years of incorporation these three fire departments shall be fully merged into a single department.

IT IS FURTHER ORDERED: That the petitioners cause a copy of this order approving the petition to be posted not less than 20 days before the 5th day of November, 1963, in three public places in the area proposed for incorporation and to be published in the Stillwater Weekly Gazette, a medium of official and legal publication of general circulation in the area proposed for incorporation two weeks before the 5th day of November, 1963.

Dated this 27th day of Sept., 1963
BY THE FULL COMMISSION


Joseph Robbie, Chairman

MEMORANDUM OPINION

We have under consideration rival petitions affecting the municipal status of Cottage Grove and Woodbury Townships. The respective town boards have jointly planned and consulted for several years. Freeholders of the two townships have petitioned for the joint incorporation of Cottage Grove and Woodbury as the Village of Washington. Certain freeholders within Cottage Grove filed a petition for the separate incorporation of Cottage Grove. The hearings were combined and the same record supports both petitions by stipulation of all parties to both proceedings.

Rule XIII (1) of the Rules and Procedures adopted by the Minnesota Municipal Commission require that "every decision or order adverse to a party in a contested case shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor." This memorandum serves to dispose of both petitions for incorporation under Rule XIII (1) and shall be filed with each order.

We approve the proposed joint incorporation of Cottage Grove and Woodbury as the Village of Washington. We therefore reject the petition for the separate incorporation of Cottage Grove.

We are persuaded that the citizens of Cottage Grove and Woodbury have performed a constructive and unselfish service by laying aside their narrower interests to present the Municipal Commission with a comprehensive joint plan to incorporate the entire area as one. The respective town boards are to be commended for approving this proposal. It appears to us that this insures better municipal services at a more economical cost than would be obtained if the townships were separately incorporated. The Twin Cities metropolitan area already has several hundred more taxing units than are efficient in the effective and economical provision of municipal and local services. Woodbury and Cottage Grove have set an example for this metropolitan region by jointly planning and consulting in past years with the result that their building,

zoning, and other ordinances are the product of consultation and are similar in nature. Both have been members of the South Washington County Planning Board. Both realize the necessity of sensible building and zoning restrictions so that builders and land developers do not aggravate the serious urban sprawl which already besets virtually the entire metropolis outside the major cities and the largest suburbs.

The Municipal Commission favors reduction of the number of governmental units because of the evidence it has obtained in several dozen public hearings throughout the metropolitan area. The petition to create the Village of Washington advances this objective. We acknowledge that the answer to metropolitan problems lies in the willingness of local people in each segment of the metropolitan region to jointly plan, consult, and offer constructive solutions.

We can do nothing about urban sprawl if absence of adequate local jurisdictional authority provides an opportunity for builders and land developers to profit by constructing isolated housing projects away from existing development. This "leap frog" growth is creating problems in providing municipal services within this region which will ultimately result in crisis as they relate to pure water and sewage disposal unless the practice is controlled.

As between the proposal to incorporate both Cottage Grove and Woodbury as one municipality or to separately incorporate Cottage Grove and leave Woodbury's municipal future in doubt, we strongly endorse the joint solution.

The area proposed for incorporation contained 7,864 people in 1960 and this had increased to 9,390 when the petition was filed. This indicates rapid population growth. The area covers 45,880 acres and includes important industrial development including a Minnesota Mining and Manufacturing chemical plant in Cottage Grove and the Durox Plant in Woodbury.

We have excluded from the incorporation the area known as upper Grey Cloud Island which geographically should more legitimately be a part of Grey Cloud Township. The Board of Washington County Commissioners has agreed to attach this property to Grey Cloud Township.

The proposed incorporation must now be ratified by the voters who have the ultimate determination in the creation of a new municipality.

WASHINGTON COUNTY

MINNESOTA

SOUTHERN TOWNSHIPS

