

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Edward L. Henry	Vice-Chairman
Thomas R. Byrne	Member
Edwin H. Thalman	Ex-Officio Member
Bernard F. Schneider	Ex-Officio Member

IN THE MATTER OF THE PETITION OF THE TOWN OF  
CHANHASSEN FOR ANNEXATION FOR UNINCORPORATED  
LAND IN SAID CHANHASSEN TOWNSHIP TO THE VILLAGE  
OF VICTORIA

APPEARANCES:

Vance Grannis, Jr., Grannis & Grannis, F. J. Schult  
Building, South St. Paul, Minnesota, Attorney for  
Chanhasseen Township.

John A. Fahey, Klein Bros. Building, Chaska, Minnesota  
Attorney for the Village of Victoria.

Julius C. Smith, Klein Bros. Building, Chaska, Minnesota,  
Attorney for the City of Chaska.

Russell Larson, First National Bank Building, Minneapolis,  
Minnesota, Attorney for the Village of Chanhasseen.

Richard Johnson, First National Bank Building, Minneapolis,  
Minnesota, Attorney for Assumption Seminary.

Wallace C. Odell, Excelsior, Minnesota, Attorney for John  
Heitz, Clarence Williams, Leo Williams, Florian Hammers  
and Frank Klingelhutz.

The petition by the Town Board of Chanhasseen Township  
for annexation of certain adjoining unincorporated terri-  
tory in the Township of Chanhasseen to the Village of  
Victoria, Carver County, Minnesota, came regularly on for  
hearing before the Minnesota Municipal Commission in the  
Village Hall in the Village of Victoria on September 27,  
1966, at 2:00 o'clock in the afternoon, at which time  
evidence was taken, testimony heard and certain exhibits  
received.

All members of the Commission were present at the  
hearing, including Edward Thalman and Bernard Schneider,  
members of the Carver County Board of County Commissioners,  
duly certified by said county board to sit on the Commission

for purposes of this hearing. All parties noting an appearance, and all parties of record were represented by counsel at the hearing.

The Commission having carefully considered all the evidence, and upon all the files and records, now makes and files the following FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER:

#### FINDINGS OF FACT

1. The Petition of the Town Board of Supervisors of Chanhassen Township for annexation of unincorporated land in Chanhassen Township to the Village of Victoria was filed pursuant to and in compliance with Minnesota Statutes Chapter 414; and that said Petition was in all respects proper in form, contents and execution, and was accompanied by the required Resolution duly made by the Village of Victoria.

2. Notice of the hearing on the Petition by the Town Board of the Township of Chanhassen to annex to the Village of Victoria the lands therein described was duly given as required by statute. The Commission convened by lawful quorum at the scheduled hearing. All parties of record for and against said Petition were present at, and participated in, the hearings.

3. The correct legal description of the unincorporated territory proposed by said petition for annexation to the Village of Victoria is as follows: See Exhibit 2.

4. The following described land is contiguous to the Village of Victoria and is wholly included within, but its boundaries are not coextensive with, the land proposed by said petition for the annexation as set out in the proceedings in paragraph 3: See Exhibit 1.

5. The population of the area described in the petition for annexation is 259 persons. The population of the Village of Victoria is 425 persons according to the

United States Census of 1960. The population of Chanhassen Township is 3,167 persons according to the United States Census of 1960. The area of the territory described in the Petition for Annexation is 2,045 acres. The area of land described in paragraph 4 is approximately 1,580 acres.

6. The area described in paragraph 4 will accommodate growth which can reasonably be anticipated by the Village of Victoria.

7. The Petition for Annexation is not motivated by revenue raising purposes for the Village of Victoria. The taxes can be reasonably expected to increase in the territory annexed to the Village of Victoria; however, the return in additional improvements of services available in the future from the Village of Victoria to all property owners in the territory described in paragraph 4 hereof are commensurate with any prospective increase in taxes.

8. The area described in paragraph 4 hereof contains many residential buildings and numerous non-farm residences scattered throughout the area. The remaining unoccupied property within said area is generally available for expansion, except for waste land. That the said area described in paragraph 4 hereof would be best served by the Village of Victoria.

9. That the area described in paragraph 4 hereof can be reasonably expected to participate in suburban growth in the metropolitan area, and is now, or is potential residential, commercial and industrial property adjoining the present Village of Victoria.

10. That said area is or is about to become urban or suburban in character.

11. The township form of government in Chanhassen Township is inadequate to cope with the problems of urban or suburban growth in the area described in paragraph 4 hereof.

12. Chanhassen Township presently has a zoning ordinance

and a planning-zoning commission, but said Township has no public water system, no fire department and no public sewage system. The Village of Victoria has a public sewer system and waste disposal plant, a volunteer fire department, and other governmental services.

13. That there is a need for public sewer and other governmental services in those portions of the area described in paragraph 4 hereof which are already developed or in the process of being developed. The intervening and adjacent portions of such territory will need such services as its anticipated development proceeds.

14. The area as described in paragraph 4 will enhance and provide for the orderly growth and development of the Village of Victoria.

15. That the area described in paragraph 4 hereof is located within a single drainage district, and the result of annexation will be to provide the most reasonable and efficient governmental services relating to drainage and sewage disposal within said area.

16. The annexation to the Village of Victoria of the lands described in paragraph 4 hereof is to the best interest of the Village of Victoria and said territory.

17. That the land described in paragraph 3 hereof, except that portion thereof described in paragraph 4 hereof, lies in a different watershed than the territory described in paragraph 4 hereof, and can better be served by annexation to the City of Chaska.

18. Municipal Government of the entire area described in paragraph 4 hereof is required for the protection of the public health for said territory.

19. That a portion of the area described in the original petition, not included in paragraph 4, is urban or suburban in character or is about to become urban or suburban in character.

## CONCLUSIONS OF LAW

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

2. The area described in paragraph 4 of the Findings of Fact herein is, or is about to become, urban or suburban in character.

3. The area described in paragraph 4 of the Findings of Fact herein is so conditioned and so located as to be properly subjected to municipal government of the Village of Victoria.

4. The annexation of the territory described in paragraph 4 of the Findings of Fact herein by the Village of Victoria would be to the best interest of the Village of Victoria and said territory.

5. Municipal Government of the territory described in paragraph 4 of the Findings of Fact herein is required to protect the public health, safety and welfare in reference to plat control and land development and construction which can be reasonably expected to occur within a reasonable time hereafter in said territory.

6. There is an existing and reasonably anticipated need of governmental services, such as, but not limited to, sewage disposal and fire protection, in the area described in paragraph 4 of the Findings of Fact herein.

7. The township form of government is not adequate to cope with problems of urban or suburban growth in the territory described in paragraph 4 of the Findings of Fact herein.

8. The Village of Victoria can feasibly and practically provide for, and best serve, the need for governmental services presently, and as they become necessary, in the territory described in paragraph 4 of the Findings of Fact herein.

9. An election should be ordered on the proposition of annexation pursuant to Minnesota Statutes Section 414.03, Subdivision 5.

## ORDER FOR ELECTION

Upon Petition of the Town Board of the Township of Chanhassen for the annexation of unincorporated land in Chanhassen Township to the Village of Victoria, which came regularly on for hearing before the Minnesota Municipal Commission at 2:00 o'clock in the afternoon on the 27th day of September, 1966, in the Village Hall of the Village of Victoria, Carver County, Minnesota, at which hearing testimony was heard and evidence taken, and upon all the files and records herein, and the Commission being fully advised:

IT IS ORDERED: That the Petition for Annexation to the Village of Victoria, of the following described territory, viz:

See Exhibit No. 1

be, and the same hereby is, approved.

IT IS FURTHER ORDERED: That the effective date and the date this Order shall be filed shall be November 14, 1966.

IT IS FURTHER ORDERED: That an election be held in the area approved by this Order to be annexed pursuant to Minnesota Statute Section 414.03, Subdivision 5, on the question of whether or not such unincorporated territory should be annexed and become part of the Village of Victoria, Carver County, Minnesota.

IT IS FURTHER ORDERED: That such election be held on the 6th day of December, 1966, at a polling place within the area hereby approved to be annexed, the University Farms at Chanhassen Township, and that polls be open at said polling place from 7:00 A.M. until 8:00 P.M. on such date.

IT IS FURTHER ORDERED: That the following ~~electors~~ residing in the area hereby approved to be annexed act as judges of the election and that such election be conducted so far as practicable in accordance with the laws regulating election of township officers:

Mrs. Richard Harris  
Mrs. Edward Vanderlinde  
Mrs. Omer Gay  
William Mitchell  
Mrs. Gordon Whiteman

Mrs. Arthur Thorwick  
Mrs. George Schmieg  
Mrs. William Mitchell  
Richard Harris

Only voters residing in the territory described in the legal description shall be entitled to vote. The ballot will bear the words "For Annexation" and "Against Annexation," with a square before each of the phrases, in one of which the voter will make a cross to express his choice. The ballots and election supplies shall be provided by the petitioner.

IT IS FURTHER ORDERED: That the petitioner cause a copy of this Order approving the Petition for Annexation to be posted not less than 20 days before the 6th day of December, 1966, in three public places in the area proposed for annexation, and to be published in the Weekly Valley Herald and Minnetonka Record, a medium of official and legal publication of general circulation in the area proposed for annexation, two weeks before the 6th day of December, 1966.

Dated this 14th day of November, 1966

MINNESOTA MUNICIPAL COMMISSION  
459 Rice Street  
St. Paul, Minnesota 55103

  
Irving R. Keldsen  
S e c r e t a r y

## EXHIBIT 1

Beginning at the Northwest corner of Section Six (6), Township One Hundred Sixteen (116), Range Twenty Three (23), Carver County, Minnesota; thence East along the North Lines of Section Six (6) and Five (5), said Township and Range, to the intersection of said North Line of said Section Five (5) and the southeasterly right-of-way line of the Chicago and North Western Railway Company as now located in the Northwest Quarter (NW $\frac{1}{4}$ ) of said Section Five (5); thence southwesterly along the southeasterly right-of-way line of said Railway Company to its intersection with the North-South division line of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Six (6); thence South along the North-South division line of the Northeast Quarter and the Southeast Quarter (NE $\frac{1}{4}$  & SE $\frac{1}{4}$ ) of said Section Six (6) and the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Seven (7), said Township and Range, to the Southwest corner of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of said Section Seven (7); thence East along the South Line of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Seven (7) to the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Seven (7); thence South along the East Line of Sections Seven (7) and Eighteen (18); said Township and Range, to the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Eighteen (18); thence West along the South Line of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Eighteen (18) to the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Eighteen (18); thence South along the North-South center section line of Section Eighteen (18) to the South Line of said Section Eighteen (18); thence West along the South Line of said Section Eighteen (18) to the Southwest corner thereof; thence North along the West Section Line of Sections Eighteen (18), Seven (7) and Six (6) to the place of beginning; all in Township One Hundred Sixteen (116), Range Twenty Three (23), Carver County, Minnesota

## EXHIBIT 2

Beginning at the NW corner of Section 6, T 116, R23, Carver County, Minnesota; thence East along the North Lines of Section 6 and 5, said Township and Range, to the intersection of said North Line of Said Section 5 and the southeasterly right-of-way line of the Chicago and North Western Railway Company as now located in the NW $\frac{1}{4}$  of said Section 5; thence southwesterly along the southeasterly right-of-way line of said Railway company to its intersection with the North-South division line of the NE $\frac{1}{4}$  of said Section 6; thence South along the North-South division line of the NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of said Section 6 and the NE $\frac{1}{4}$  of Sec. 7, said tp. and Range, to SW corner of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Sec. 7, thence East along the South Line of the NE $\frac{1}{4}$  of said Sec. 7 to the SE corner of the NE $\frac{1}{4}$  of said Sec. 7; thence South along the east line of Sections 7 and 18, said Township and Range, to the SE corner of the NE $\frac{1}{4}$  of said Sec. 18; thence West along the South line of the NE $\frac{1}{4}$  of said Sec. 18 to the SW corner of the NE $\frac{1}{4}$  of said Sec. 18; thence south along the north-south centersection line of Sections 18, 19, and 30, to the intersection of said north-south line with the northwesterly right-of-way line of the Chicago, Milwaukee St. Paul and Pacific Railway Company, thence Southwesterly along said right-of-way line to its intersection with the West line of Section 30; thence North along the West Section Lines of Said Sections 30, 19, 18, 7 and 6, to the place of beginning; all in T116, R23, Carver County, Minn.



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Robert W. Johnson	Chairman
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IN THE MATTER OF THE PETITION OF THE TOWN OF CHANHASSEN  
FOR ANNEXATION FOR UNINCORPORATED LAND IN SAID CHANHASSEN  
TOWNSHIP TO THE VILLAGE OF VICTORIA

Pursuant to Minn. Stat. 414.03 the matter for the annexa-  
tion of certain land herein described to the Village of  
Victoria came duly on for public hearing before the Minnesota  
Municipal Commission on the 27th day of September, 1966. The  
Municipal Commission on all records, being fully advised in  
the premises did make Findings of Fact and Conclusions of Law  
and Ordered an Election to be held December 6, 1966 in the  
area proposed for annexation.

The December 6th, 1966 election results were as follows:

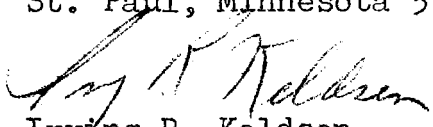
93	For Annexation
28	Against Annexation

Area to be annexed: See Exhibit I attached.

THEREFORE: The Minnesota Municipal Commission does Order  
that the area herein described is hereby annexed and shall  
become a part of the Village of Victoria.

Dated this 15th day of December, 1966

MINNESOTA MUNICIPAL COMMISSION  
459 Rice Street  
St. Paul, Minnesota 55103

  
Irving R. Keldsen  
S e c r e t a r y

# EXHIBIT I

Beginning at the Northwest corner of Section Six (6), Township One Hundred Sixteen (116), Range Twenty Three (23), Carver County, Minnesota; thence East along the North Lines of Section Six (6) and Five (5), said Township and Range, to the intersection of said North Line of said Section Five (5) and the southeasterly right-of-way line of the Chicago and North Western Railway Company as now located in the Northwest Quarter ( $NW\frac{1}{4}$ ) of said Section Five (5); thence southwesterly along the southeasterly right-of-way line of said Railway Company to its intersection with the North-South division line of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section Six (6); thence South along the North-South division line of the Northeast Quarter and the Southeast Quarter ( $NE\frac{1}{4}$  &  $SE\frac{1}{4}$ ) of said Section Six (6) and the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Seven (7), said Township and Range, to the Southwest corner of the Southeast Quarter of the Northeast Quarter ( $SE\frac{1}{4}$  of  $NE\frac{1}{4}$ ) of said Section Seven (7); thence East along the South Line of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section Seven (7) to the Southeast corner of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section Seven (7); thence South along the East Line of Sections Seven (7) and Eighteen (18); said Township and Range, to the Southeast corner of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section Eighteen (18); thence West along the South Line of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section Eighteen (18) to the Southwest corner of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section Eighteen (18); thence South along the North-South center section line of Section Eighteen (18) to the South Line of said Section Eighteen (18); thence West along the South Line of said Section Eighteen (18) to the Southwest corner thereof; thence North along the West Section Line of Sections Eighteen (18), Seven (7) and Six (6) to the place of beginning; all in Township One Hundred Sixteen (116), Range Twenty Three (23), Carver County, Minnesota