

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
Edwin H. Thalman	Ex-Officio Member
Bernard F. Schneider	Ex-Officio Member

IN THE MATTER OF THE PETITION OF THE CITY OF CHASKA
FOR ANNEXATION OF CERTAIN ADJOINING UNINCORPORATED
TERRITORY IN THE TOWN OF CHASKA TO THE CITY OF
CHASKA, CARVER COUNTY, MINNESOTA.

APPEARANCES:

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

Arthur H. Wagener, Waconia, Minnesota, Attorney for
the Town of Chaska

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

Larry L. Vickery, First National Bank Building,
Minneapolis, Minnesota, Attorney for M.A. Gedney Company

Julius A. Collier II, Shakopee, Minnesota, City Attorney
for the City of Shakopee

The petition for the annexation of certain adjoining
unincorporated territory therein described to the City of Chaska,
Carver County, Minnesota, came regularly on for hearing before the
Minnesota Municipal Commission in the Carver County Courthouse in
the City of Chaska on September 12, 1967, at 10:00 o'clock in the
forenoon. That pursuant to the consent of counsel for all parties
who had appeared, the Commission continued the hearing to October 17,
1967, at the same time and place. After receiving various motions
and petitions, and pursuant to consent of counsel for all parties
of record, the Commission continued the hearing to December 7, 1967,
at the same time and place. An additional hearing was held on January 10,
1968 at the Carver County Court House.

At the reconvened hearing on December 7, 1967, at 10:00 A.M. in the Carver County Courthouse, evidence was taken, testimony heard, and certain exhibits were received. That pursuant to petition of 100% of landowners in a portion of the territory affected for annexation to the Village of Chanhassen, which petition was duly filed with the Commission on October 17, 1967, the Commission entered its order granting the annexation of said portion of the territory, as described in said petition, to the Village of Chanhassen.

The Commission having carefully considered all of 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 of the City of Chaska for annexation of unincorporated land in Chaska Township was filed pursuant to and in compliance with Minnesota Statutes, Chapter 414; and that said petition was in all respects proper in form, content and execution, and was accompanied by the required resolution duly made by the said City of Chaska.

II

Notice of the hearing on the petition by the City of Chaska to annex the lands described in said petition was duly given as required by Statute. The Commission convened by lawful quorum at the scheduled hearing and all continuances thereof, and then and there announced the date to which such hearing was continued. All parties of record were present at, and participated in, the hearing and all continuances thereof.

III

The correct legal description of the unincorporated territory proposed by petitioner for annexation is as described in the Order herein.

IV

The land described in the Order herein is adjacent to the City of Chaska. The area of said land is approximately 228 acres. The number of residents within said area is approximately 287. The number and character of existing buildings are as follows: 12 residences, 84 mobile home trailers used for residences, 3 unattached garages, 1 shed, and a mobile home combination office and laundromat building with attached residence. The population of the City of Chaska according to the 1965 Mid-decennial U. S. Census was 3268; and its present estimated population is 3570. The population of the Town of Chaska according to the U. S. Census of 1960 was 233 persons.

V

The assessed valuation of the area described in the Order herein is approximately \$20,991.00. The assessed value of the City of Chaska is \$1,845,095.00, plus the assessed valuation of the territory annexed to the City of Chaska by Order of this Commission on December 15, 1966. The assessed valuation of the Town of Chaska is approximately \$208,553.00

VI

The petition for annexation is not motivated by revenue raising purposes. The taxes can reasonably be expected to increase in the annexed territory; however, the return in additional improvements of services available in the future from the City of Chaska to all property owners within the territory described in the Order herein are commensurate with any prospective increase in taxes.

VII

There are no existing municipal water, sewage collection, treatment or disposal facilities serving said area. Sewage disposal is by means of private cess pools and septic tanks. Water is supplied by individual wells, except within the mobile home trailer park in said area, wherein all mobile homes are served by one

private well. The Township of Chaska has no zoning or subdivision ordinances. Police protection is provided by the Sheriff of Carver County. Fire protection for said area is furnished under contract between individual owners and the City of Chaska. Chaska Township does not maintain a fire department. The Township has a constable.

VIII

That the territory described in the Order herein is now, or is potential residence, commercial and industrial property adjacent to the City of Chaska.

IX

That said area is or is about to become urban or suburban in character. That said area is within the metropolitan area and can reasonably be expected to participate in suburban growth.

X

That a substantial portion of the area constitutes a flood plain of the Minnesota River, which when considered with the interests of the area and the City of Chaska, compels the comprehensive and integrated zoning and flood plain protection and control provided only by municipal government.

XI

That it is to the best interests of the area described in the Order herein for annexation to the City of Chaska and said area will be best served by annexation to the City of Chaska; and that municipal government is essential for said area to protect the public health, welfare and safety with reference to present and future development of the area.

XII

The township form of government in Chaska Town is inadequate to cope with the problems of urban and suburban growth in the area described in the Order herein.

XIII

The areas described in the Order herein will enhance and provide for the orderly growth and development of the City of Chaska.

XIV

That there is an existing need for public sewer and water systems and other governmental services in those portions of the area described in the Order herein which are already developed, and the intervening and adjacent portions of said area will need such services as its anticipated development proceeds.

XV

The City of Chaska has public water and sewer systems, a volunteer fire department, light, police and street departments, a planning commission, an electrical distribution system, zoning and subdivision ordinances, a library, parks, summer recreational programs and other governmental services.

XVI

The most economical and efficient way to provide for the existing need for governmental services such as, but not limited to, sewer and water systems, is by extension of the existing facilities of the City of Chaska into the area described in said Order herein and thereby eliminating costly duplication of such facilities and services.

XVII

The City of Chaska provides electrical service to said area; and the City of Chaska is prepared to furnish sewer, water, police and fire protection, planning and other municipal services to said area.

XVIII

The annexation to the City of Chaska of the lands described in the Order herein is to the best interests of the City of Chaska and said territory.

XIX

The remaining unincorporated part of the organized Township of Chaska has the ability to continue township government and provide services comparable to those provided prior to the annexation without any undue hardship on the remaining residents.

XX

The tax rate for the City of Chaska for 1967 was 75.36 mills in the urban taxing district and 22.60 mills in the rural taxing district. The tax rate for Chaska Township in 1967 was 6.50 mills.

XXI

The City of Chaska and the area described in the Order herein have common county, state and school district taxes.

XXII

The Petitioner commenced and completed the census of the territory proposed for annexation on June 29, 1967.

CONCLUSIONS OF LAW

I

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

II

The area described in the Order herein is, or is about to become, urban and suburban in character.

III

The area described in the Order herein is so conditioned and so located as to be properly subjected to municipal government of the City of Chaska.

IV

The annexation of the territory described in the Order herein by the City of Chaska would be to the best interests of the City of Chaska and said territory.

V

Municipal government of the territory described in said Order herein is required to protect the public health, safety and welfare in reference to plain control and land development and construction which can reasonably be expected to occur within a reasonable time hereafter in said territory.

VI

There is an existing and reasonably anticipated need of governmental services, such as water system, sewage disposal, zoning, subdivision control, police and fire protection, in the area described in the Order herein.

VII

The township form of government is not adequate to cope with problems of urban and suburban growth in the territory described in the Order herein.

VIII

The City of Chaska can feasibly and practically provide for, and best serve, the need for governmental services presently required, and as they become necessary, in the territory described in the Order herein.

IX

That it is just and equitable in view of the value of the township property and the assessed value of all the taxable property in the Township, both within and without the area to be annexed, that all the Town property remain with the Town of Chaska.

ORDER

The duly executed and filed petition for the annexation of certain adjoining unincorporated territory therein described to the City of Chaska, Carver County, Minnesota, came regularly on for hearing, after due notice thereof was given as required by law, in the Carver County Courthouse in the City of Chaska on September 12, 1967, at 10:00 o'clock A.M., and which was thereafter heard at reconvened hearing, after due notice given, on October 17, 1967, and on December 7, 1967 and January 10, 1968, at which times testimony was heard and evidence taken, and at said hearing on October 17, 1967, a portion of the land described in the petition was deleted from the petition, and upon all of the files and records herein, and the Commission being fully advised in the premises,

IT IS ORDERED, that the petition as amended for annexation by the City of Chaska, be, and the same is hereby approved as to the following described land, to-wit:

Beginning at the point of intersection of the West Line of Section Three (3), Township One Hundred Fifteen (115), Range Twenty Three (23), Carver County, Minnesota, and the Southeasterly right-of-way line of the Chicago, North Western Railroad (formerly the Minneapolis and St. Louis Railroad), which said point is 1795.7 feet, more or less, south of the Northwest corner of said Section Three (3); thence running Northeasterly along the Southeasterly right-of-way line of said Railroad to the North Line of said Section Three (3); thence easterly along the North Line of Sections Three (3) and Two (2), Township One Hundred Fifteen (115), Range Twenty Three (23), Carver County, Minnesota, to the Northeast corner of said Section Two (2); thence Southerly along the East Line of said Section Two (2) to the centerline of the Minnesota River; thence westerly along the centerline of the Minnesota River to the intersection of said centerline and the West Line of said Section Three (3); thence northerly along the West Line of said Section Three (3) to the point of beginning. Excepting therefrom the following five (5) tracts of land:

TRACT ONE

That part of the Northwest Quarter (NW $\frac{1}{4}$) of Section Three (3), Township One Hundred Fifteen (115), North, Range Twenty Three (23) West, Carver County, Minnesota, described as follows: Beginning at a point in the West Line of said Section Three (3) distant 1795.7 feet due South of the Northwest corner thereof, said point being in the Southeasterly right-of-way line of the Minneapolis & St. Louis Railroad; thence running

Northeasterly along said right-of-way line 997.8 feet; thence running due South parallel with the West line of said Section Three (3), 272.18 feet to a point in the centerline of the industry spur track, said point being the actual point of beginning of the tract of land to be described, said point also being in a curve having a radius of 694.69 feet, the radius point of said curve being South $46^{\circ} 57'$ East, 694.69 feet from said actual point of beginning; thence running northeasterly along the centerline of said industry spur track and along the arc of said curve to the right a distance of 89.72 feet to the end of said curve; thence running North $50^{\circ} 27'$ East tangent to said curve and along the centerline of said industry spur track 1270.56 feet to the beginning of a curve to the left having a radius of 599.39 feet; thence running Northeasterly along the arc of said curve to the left and along the centerline of said industry spur track, a distance of 307.21 feet to the end of said curve; thence running North $21^{\circ} 05'$ East tangent to said curve and along the centerline of said industry spur track, 151.69 feet to the beginning of a curve to the right having a radius of 532.18 feet; thence running Northeasterly along the arc of said curve to the right and along the centerline of said industry spur track 142.42 feet to its intersection with the Southeasterly right-of-way line of the Minneapolis & St. Louis Railroad, said point being 48.93 feet Southwesterly from the North Line of said Section Three (3) as measured along said Southeasterly right-of-way line; thence running Northeasterly along said Southeasterly right-of-way line 48.93 feet to a point in the North Line of said Section Three (3); thence running East along said North Line 146.4 feet, more or less, to the Northwest corner of the parcel of land conveyed to St. John's Evangelical Lutheran Church as recorded in Book 46 of Deeds, page 19, filed August 23, 1950; thence running South at right angles 593.85 feet, thence deflecting $53^{\circ} 47'$ to the right and running Southwesterly parallel with the Northerly right-of-way line of the Chaska and Shakopee Road, 150 feet; thence deflecting $53^{\circ} 47'$ to the left and running Southerly 175 feet to a point in the Northerly right-of-way line of the Chaska and Shakopee Road; thence running Southwesterly along said Northerly right-of-way line 1676.9 feet, more or less, to a point in a line drawn parallel with the West Line of said Section Three (3) from the actual point of beginning; thence running North along said parallel line 367.62 feet, more or less, to the actual point of beginning, excepting therefrom a strip of land 8.5 feet in width lying immediately South of and adjacent to the centerline of the industry spur track, said 8.5 foot strip of land being the right-of-way of said industry spur track. Said above-described tract of land containing 18.31 acres. For the purpose of this description the West Line of Section Three (3), Township One Hundred Fifteen (115) North, Range Twenty Three (23) West is considered to be a due North and South Line.

TRACT TWO

All that part of Section 2, Township 115 North, Range 23 West lying North of the centerline of the main channel of the Minnesota River.

TRACT THREE

All of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter

(NE $\frac{1}{4}$) of Section 3, Township 115 North, Range 23 West;

TRACT FOUR

All that part of Government Lot 1, Section 3, Township 115 North, Range 23 West lying North of the centerline of the main channel of the Minnesota River;

TRACT FIVE

All that part of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 3, Township 115, Range 23 lying Northwesterly of a line drawn parallel with and distant 350 feet Southeasterly, measured at right angles thereto from the centerline of Old Shakopee Road as now constructed, except the Westerly 310 feet thereof, as measured at right angles to the West line of said Northwest Quarter of the Northeast Quarter, Carver County, Minnesota.

IT IS FURTHER ORDERED, that an election be held in the area so approved for annexation, on the question of whether or not the area so approved should be annexed to the City of Chaska, Minnesota.

IT IS FURTHER ORDERED, that such election shall be held on Tuesday, March 5, 1968, at the following place within the area approved for annexation;

The laundromat and community room of the main building in Riverview Mobile Home Park, Chaska Township, Carver County, Minnesota,

and the polls be open at said polling place from 7:00 o'clock A.M. to 8:00 o'clock P.M. on said date; that the following 3 voter residents of the area so approved for annexation shall act as election judges thereof: Otto Kohn, Mrs. Roland Johnson and Mrs. Mary Lapean;

with the following as alternate judges: Mr. Dale Berry, Emanuel Nelson and Mrs. Janet Lundgren,

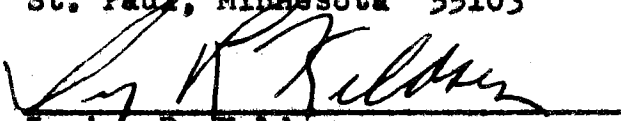
and that such election shall be conducted, so far as practicable, in accordance with the laws regulating the election of town officers. Only voters residing within the territory so approved for annexation shall be entitled to vote. The ballot shall bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases in one of which the voter shall make a cross to make his choice. The ballots and election supplies shall be provided

and the election judges shall be paid by the annexing municipality, the City of Chaska.

IT IS FURTHER ORDERED, that the Secretary cause a copy of this ORDER approving the petition, as amended, including the notice of the election, to be posted not less than twenty (20) days before the 5th day of March, 1968, said election day, in three (3) public places in the area so approved for annexation, and shall cause notice of the election to be published in the Weekly Valley Herald, a newspaper qualified as medium of official and legal publication of general circulation in the area so approved for annexation, for two successive weeks before the 5th day of March, 1968, said election date.

Dated this 9th day of February, 1968.

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


Irving R. Keldsen
Secretary

MEMORANDUM OPINION

On this date, the Municipal Commission has ordered that an election be held to determine whether an unincorporated area should be annexed to the City of Chaska and has thereby afforded the residents of the area to consider the opportunity of expressing their opinion and making a determination as to whether they should continue to remain unincorporated or whether they should be part of the City of Chaska.

The evidence in the case was perfectly clear that this island of unincorporated land is totally isolated from the balance of the township by the City of Chaska and the Village of Chanhassen. The record is clear that the Township of Chaska provides no urban services to the residents in the area; that the residents in the area must rely totally upon the county, the school district, or the City of Chaska for services. We are well aware of the fact that some of the residents in the area expressed the opinion that they would not need any services and therefore they should not have to be a part of the city and they would therefore oppose annexation.

The testimony of the expert witness for the City of Chaska supported the proposition that the residents in this area were in fact a part of the community of Chaska; that they carried on all the normal functions of any family living in a community within the community of Chaska, and it was his testimony therefore that they should be responsible for assuming the cost of maintaining the community and its services to the same degree that people who were within the city limits were required to support it. It is the Commission's position that there is logic to this argument and we support the proposition that all those people who are a part of a community and directly or indirectly have available to them the services of the community should be afforded the right and responsibility of controlling the development of these services

through our democratic process by election of the councilmen, mayor, and participating in the community activities that result in services being provided; and in addition to being afforded the opportunity to participate in the development of these services, they must assume the necessary cost of maintaining them. As the years have gone on and our society has become a more sophisticated society where the community or local government is being called upon to provide more and more services for its people, it becomes an absolute necessity that we cause logical areas to be merged into a governmental unit so that all the people affected may have this right and responsibility as above referred to. It is impossible in today's society for any of us within a community to logically take the position that what we do or don't do has no effect on our neighbors, and neighbors being in the context here of our community.

As communities we have become so interdependent in the governmental sense that it is imperative that we cause people in a situation such as the case at hand where the area concerned is an integral part of the city, to seriously consider their right and responsibility to be a part of the community of the City of Chaska. We recognize the difference in the mill rate. We recognize that if the people do become a part of the City of Chaska, that their taxes for local government will increase substantially. But it is our firm conviction that this is a responsibility that they have and that they will directly or indirectly gain the benefits that will be necessary to offset this additional cost.

A-1178

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
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Bernard F. Schneider	Ex-Officio Member

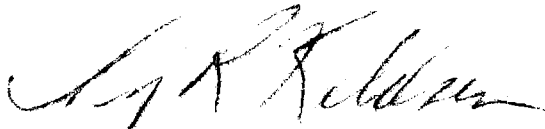
IN THE MATTER OF THE PETITION OF THE CITY OF CHASKA FOR
ANNEXATION OF CERTAIN ADJOINING UNINCORPORATED PROPERTY
IN THE TOWN OF CHASKA TO THE CITY OF CHASKA, MINNESOTA

Pursuant to Minnesota Statutes 414.03 and upon the evidence and
record, the Findings of Fact, Conclusions of Law and Order for Election
entered and filed on February 9, 1968, the election held on March 5, 1968,
and the results of the election certified and filed on March 8, 1968,
showing the vote to be 85 For Annexation and 39 Against Annexation,
which is a majority For Annexation:

IT IS HEREBY ORDERED: That the area described in Minnesota
Municipal Commission Order dated February 9, 1968, shall become a
part of the City of Chaska, Carver County, Minnesota, effective the
date of this Order.

Dated this 19th day of March, 1968

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



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