

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
William Konarski	Ex-Officio Member
Harold Huss	Ex-Officio Member

IN THE MATTER OF THE PETITION )	
OF THE VILLAGE OF PRIOR LAKE, )	
SCOTT COUNTY, MINNESOTA TO )	FINDINGS OF FACT,
ANNEX CERTAIN ADJOINING, )	CONCLUSIONS OF LAW
UNINCORPORATED TERRITORY. )	AND ORDER

The resolution and petition of the Village of Prior Lake for the annexation of certain adjoining unincorporated land was received by the Commission on the 9th day of November, 1967. The matter came on for hearing on the 12th day of December, 1967 upon proper notice by publication and posting pursuant to Section 414 of Minnesota Statutes.

APPEARANCES WERE MADE BY:

Mr. Vance B. Grannis, Jr., F. J. Schult Bldg., South St. Paul, Minnesota, for the Township of Eagle Creek.

Mr. Louis J. Moriarty, 1214 First National Bank Bldg., Minneapolis, Minnesota, for the Township of Spring Lake.

Mr. Daniel J. O'Connell, 1034 Minnesota Bldg., St. Paul, and Prior Lake, for the Village of Savage, the Township of Glendale and the Township of Eagle Creek.

Mr. Patrick A. Farrell, F. J. Schult Building, South St. Paul, Minnesota, for the Township of Credit River and Eagle Creek.

Mr. Richard J. Menke, Prior Lake, Minnesota, for the Village of Prior Lake.

Evidence was taken, exhibits received, and testimony of all those present who desired to speak was heard. The Commission having duly considered all of the evidence, exhibits, and testimony, the arguments of counsel, and all of the files and records herein, hereby makes and enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That the resolution and petition of the Village of Prior Lake

for the annexation of certain adjoining unincorporated territory was filed pursuant to and in compliance with Minnesota Statutes, Section 414 and said resolution and petition were in all respects proper in form, contents and execution.

2. Notice of hearing on the petition 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 and participated in said hearing.

3. That the description of the land desired to be annexed is:

Township of Eagle Creek, T115NR22W, sections 25, 26, 27, 33, 34, 35, and 36; and

Township of Glendale, T115NR21W, sections 30, 31 and 32; and

Township of Credit River, T114NR21W, sections 5, 6, 7, and 8; and

Township of Spring Lake, T114NR22W, sections 1 through 12.

4. That at the date of the filing of the above described petition, there was pending before the commission a petition for consolidation of the Township of Glendale with the Village of Savage.

5. That at the date hereof the commission has granted the petition for consolidation of the Township of Glendale with the Village of Savage with respect to Section 32 of the Township of Glendale.

6. That the Township of Credit River, sections 5, 6, 7, and 8 is not now or is not about to become suburban in character.

7. That the remainder of the land described in the petition is unincorporated and adjoins the Village of Prior Lake and is now or is about to become urban or suburban in character, and municipal government of the area is required to protect the public health,

safety and welfare in reference to plat control and land development and construction which may be reasonably expected to occur within a reasonable time, and that the annexation is in the best interest of the Village and the area affected.

8. That the population of the Village of Prior Lake is 1,311, and the population of the area proposed for annexation is 3,181.

9. That the area of the Village of Prior Lake is approximately one square mile, and the area of the land proposed for annexation is approximately 16,000 acres.

10. That the assessed valuation of the Village of Prior Lake is \$425,096.00 (1967 for 1968) and that the assessed valuation of the area to be annexed is greater.

11. That the Village of Prior Lake has been expanding in population and construction and will continue to expand, but the future expansion will be limited by the existing village boundaries because the area within the boundaries is nearly fully developed.

12. That the taxes in the annexed territory can be reasonably expected to increase, and that the increase will be proportional to the benefit of the annexed territory.

13. That there is an existing or reasonably anticipated need for governmental services such as water, sewer, zoning, planning, and police and fire protection in the area proposed for annexation, and that it is feasible for the Village of Prior Lake to provide these services as they become necessary.

14. That the Township of Spring Lake will be able to continue its existence as a township after the annexation.

15. That the township form of government is not adequate to cope with the problems of urban growth in the areas of the Townships of Glendale, Eagle Creek, and Spring Lake proposed for annexation.

#### CONCLUSIONS OF LAW

1. That the Municipal Commission duly acquired and now has

jurisdiction of the within proceedings.

2. That section 32, Township of Glendale, T115R21, having been included in a prior commission proceeding wherein the commission ordered the consolidation of the Village of Savage and the Township of Glendale excepting sections 30 and 31 thereof, is not properly before the commission, and that this annexation proceeding is moot with respect to said section 32.

3. That sections 5, 6, 7, and 8 of the Township of Credit River are not now or about to become suburban in character.

4. That the remainder of the property requested for annexation is now or is about to become urban or suburban in character.

5. That municipal government of that area is required to protect the public health, safety and welfare in reference to plat control and land development and construction which may reasonably be expected to occur within a reasonable time.

6. That annexation is in the best interest of the Village and that area.

7. That the township form of government is inadequate to cope with the problems of urban or suburban growth in the areas of the Townships of Glendale, Eagle Creek and Spring Lake proposed for annexation.

#### ORDER APPROVING ANNEXATION

Upon the foregoing Findings of Fact and Conclusions of Law and upon all evidence, exhibits, testimony, and records, the commission being fully advised in the premises, pursuant to Minnesota Statutes, Section 414.03, Subd.4;

IT IS HEREBY ORDERED: That the area proposed for annexation is decreased by eliminating therefrom sections 5, 6, 7, and 8 of the Township of Credit River.

IT IS FURTHER ORDERED: That the petition of the Village of Prior

Lake as modified by the Commission's Order above and by paragraph 2 of the Conclusions of Law is approved, and that the description of the area approved for annexation is:

Township of Glendale, T115R21, sections 30 and 31; and

Township of Spring Lake, T114R22, sections 1 through 12; and

Township of Eagle Creek, T115R22, sections 25, 26, 27, 33, 34, 35 and 36.

IT IS FURTHER ORDERED: That an election be held in the area approved for annexation in paragraph 2, pursuant to Minnesota Statutes, Section 414.03, subdivision 5, on the 25th day of February, 1969 at polling places to be designated by the commission and that said polling places shall be open from 7:00 A.M. to 8:00 P.M. on said date.

IT IS FURTHER ORDERED: That the election be held in so far as practicable in accordance with the laws regulating the election of township officers, and that the commission shall appoint election judges to supervise the election. Only voters resident in the area 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 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 annexation and a notice of election to be posted not less than twenty (20) days prior to the date of the election in three public places in that area of each township approved for annexation, and further that petitioner cause a notice of election

to be published for two successive weeks in a newspaper  
qualified as medium of official and legal publication of general  
circulation in the area to be annexed.

The effective date of this Order is

December 24, 1968

MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
St. Paul, Minnesota 55101

Bruce Rasmussen  
Secretary

6-1259  
BEFORE THE MUNICIPAL COMMISSION OF THE STATE OF MINNESOTA

IN THE MATTER OF THE PETITION AND  
RESOLUTION FOR THE CONSOLIDATION OF  
THE TOWNSHIP OF GLENDALE WITH THE  
VILLAGE OF SAVAGE, SCOTT COUNTY,  
MINNESOTA. J-✓

IN THE MATTER OF THE PETITION OF THE  
CITY OF SHAKOPEE, SCOTT COUNTY,  
MINNESOTA TO ANNEX CERTAIN ADJOINING,  
UNINCORPORATED TERRITORY. W50

IN THE MATTER OF THE PETITION OF THE  
VILLAGE OF PRIOR LAKE, SCOTT COUNTY,  
MINNESOTA TO ANNEX CERTAIN ADJOINING,  
UNINCORPORATED TERRITORY. 1259

IN THE MATTER OF THE PETITION AND  
RESOLUTION FOR THE CONSOLIDATION OF  
THE TOWNSHIP OF EAGLE CREEK WITH THE  
VILLAGE OF PRIOR LAKE, SCOTT COUNTY,  
MINNESOTA. J-✓

MEMORANDUM

This memorandum accompanies Municipal Commission rulings on four municipality boundary change petitions involving eight units of local government in the northern Scott County region. The Commission requested the Metropolitan Council staff to prepare professional expert testimony to provide a regional point of view. The Council staff offered two alternate proposals. In addition, one of the parties presented by testimony of its expert witness a proposal for creation of a new municipality different from the others under consideration. Thus the Commission was presented with seven different plans involving eight units of government in one general geographic area.

The Commission has deliberated on all of these alternatives in arriving at what we believe to be the optimum local governmental structure possible at this time. We are implementing this structure by approving the Savage-Glendale consolidation, the Shakopee annexation, and the Prior Lake Village annexation and with the exercise of our discretion in changing the boundaries.

All of this activity on the part of the local governments is

the result of an awareness on the part of local officials and residents that northern Scott County is becoming urbanized and that developments in the near future will increase the rate of urbanization. Highlighting these developments are improved highways to the central cities area and sewerage of the region which may be provided by various alternatives.

In applying the law to the specific fact situation the Commission is bound to give effect to the legislative intent. One facet of this intent, especially significant in the instant proceedings, is that the effect of Commission approval of a certain boundary change on other adjacent units of government should be considered. This intent runs throughout the act.

The Commission has decided that three municipalities based on the existing municipalities of Savage, Shakopee and Prior Lake would best serve the area. A description of these municipalities and their salient features follows.

#### Savage-Glendale I-24M

The Commission had properly before it a proceeding to consolidate the Village of Savage and the Township of Glendale. The record shows that Glendale is in the process of becoming urbanized. Residential development is spotted throughout the township with industrial and commercial development in the northern part. The proposed connection of Hennepin County Highway 18 with Trunk Highway 13 via a new Minnesota River bridge will give impetus to this development. Savage is nearly fully developed and needs room to accommodate expansion. The township and village are tied together by thoroughfares in both the north-south and east-west directions. Savage serves as the



commercial and cultural center of much of the Glendale area. The new municipality will have a diversified land use mix which will provide an adequate tax base from which to expand the urban services of Savage as required.

The great preponderance of the evidence shows, however, that two sections of Glendale, which adjoin Prior Lake, namely Sections 30 and 31, are developing as suburban to Prior Lake Village and should be part of an expanded lake municipality. The interconnected lakes, Prior Lake and Spring Lake, should serve as the focus of the expanded lake community. Placing these lakes and the surrounding land within one municipality will allow unified control over land development and lake use, development of a rational road system around the lakes, and will increase the likelihood of effective pollution abatement and control. This expanded lake community is created by our approval of the Prior Lake annexation described in this memorandum.

Shakopee A-1250

The City of Shakopee properly presented the Commission with a petition for the annexation of Jackson, Eagle Creek and Louisville Townships. Subsequent motions to amend the petition to reduce the area proposed for annexation were received. The annexation is approved subject to a reduction in area, at the commission's instance, which closely approximates that petitioned for.

Louisville Township is basically rural in character and urbanization is not presently anticipated for most of it. It

is not included in this annexation with the following exceptions. The area in section 25 east of County Highway 79 has been included so that O'Dowd Lake will be within one jurisdiction instead of two as is the case now. This will provide for orderly development of the land around the lake, which development has already begun, and uniform control over the use of the lake. Thole Lake and Schneider Lake are completely within Louisville Township, and, should development begin, the township should be able to exercise sufficient regulation to control this development, until possible future annexation is effected. In addition, sections 9, 16 and 17 in the northwest corner of Louisville Township are included within the annexed area. They are in close proximity to Shakopee, and urbanization has already commenced. Inclusion of this area will allow for uniform development control along Highway 41.

The proposed annexation also includes all of Jackson Township and all of Eagle Creek Township with the exception of Sections 25 through 27 located in the southern part of the township.

The area proposed for annexation is now becoming urbanized as the result of expansion southward and eastward from Shakopee. Proposed Trunk Highway 169 and its new Minnesota River bridge will give impetus to this urbanization and create a corridor of development.

The southern boundary of the proposed annexation approximates the school district boundary and watershed.

Shakopee is nearly fully developed and needs room for expansion. It is the cultural and commercial center of much

of the area proposed for annexation. It is providing extensive municipal services to its residents and is willing and able to provide these services to the area proposed for annexation including the Valley Industrial Park. Availability of these services should attract industry to the northern part of the area. Expanded Shakopee will have diversified land use with major commercial and industrial development to the north, and residential development throughout the remainder of the area.

#### Prior Lake A-1259

The Village of Prior Lake properly presented the Commission with a petition to annex certain parts of Eagle Creek, Glendale, Credit River and Spring Lake Townships. Subsequently motions to eliminate all of the area in Credit River Township and Section 32 in Glendale Township were received. The Commission approves of this annexation subject to a reduction in area by elimination of all land in Credit River and Section 32 of Glendale.

The record indicates the importance of placing the interconnected lakes of Prior Lake and Spring Lake within one local governmental jurisdiction rather than four as is now the case. This would allow unified control over land development around the lakes, allow development of a rational road system around the lakes, increase the likelihood of effective pollution control and abatement, and provide for uniform use of the lake. The lake level is partly regulated by water from a well in the Glendale Township area, and this should be under the control of the new municipality.

The new municipality would contain some commercial development in old Prior Lake Village but would consist primarily of

lake oriented residential development. The nature of a significant part of the urban development is high cost single family dwellings and would appear to provide the tax base necessary to expand Prior Lake's urban services as needed in the surrounding area.

Future consideration should be given to the possibility of consolidation of the expanded Prior Lake Village with one of the river municipalities. This would provide the river municipality with an attractive lake recreational area and Prior Lake Village with an industrial-commercial tax base.

Prior Lake-Eagle Creek I-29M

The decisions made have rendered the proposed consolidation of the Village of Prior Lake and the Township of Eagle Creek moot. Accordingly, the consolidation has been denied.

By these rulings the Commission has given the residents three viable units of government capable of solving the existing problems of the area.