

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
Albert A. Kordiak	Ex-Officio Member
L. H. Roy Johnson	Ex-Officio Member

IN THE MATTER OF THE PETITION)	FINDINGS OF FACT,
FOR ANNEXATION OF CERTAIN LAND)	CONCLUSIONS OF LAW
TO THE CITY OF ANOKA, MINNESOTA)	AND ORDER

The petition for the annexation to the city of Anoka of certain real estate situated in the County of Anoka, State of Minnesota, described as per attached order by the owners thereof, came duly on for hearing before the Minnesota Municipal Commission on the 5th day of February, 1969, at which time all members and ex-officio members of the Minnesota Municipal Commission were present with the exception of Commissioner Arthur R. Swan. The City of Anoka appeared by and through its City Manager, Sam Gesko and its City Attorney, Edward E. Coleman. The Township of Grow appeared by and through members of the Town Board and Edmund P. Babcock, attorney. The County of Anoka made no appearance. Some of the owners of the property herein described appeared in person and by attorney Jerry E. Jacob, Anoka, Minnesota.

It was made to appear that a petition was filed with the City of Anoka for the annexation of the real estate herein described.

It was made to appear that copies of said petition were duly filed with the County Board in and for Anoka County, Minnesota, the Town Board in and for the Township of Grow, Minnesota and the Municipal Commission of the State of Minnesota.

It was made to appear that the County of Anoka, Minnesota filed no objections to said annexation, within the time provided by statute, with

the Municipal Commission of the State of Minnesota; and that the Township of Grow did file objections and that pursuant to the filing of said objections a hearing was set for February 5th, 1969.

It was made to appear that Notice of said hearing was duly made and posted.

Evidence was offered and received for and against said annexation at said hearings, and the commission viewed the premises.

After due and careful consideration of the evidence so offered and received, together with all of the records, files, and proceedings had and taken herein, and being duly advised in the premises, the Municipal Commission of the State of Minnesota now makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

I.

That due, timely and adequate notice of the petition and the hearing hereon, was posted, published, served and filed.

II.

That the property described herein abuts the legal boundaries of the City of Anoka, Minnesota and is not included in any other municipality.

III.

That the petition for the annexation of said property was signed by a majority of the owners of said property, the majority being 57.5%.

IV.

That the City of Anoka has indicated approval of such annexation.

V.

That the population of the area to be annexed is 394 and that the

population of the City of Anoka, Minnesota is 11,529, as per 1965 census.

VI.

That the area to be annexed is approximately 89 acres as compared to approximately 3,000 acres in the City of Anoka, Minnesota.

VII.

That the area to be annexed is urban or suburban in character and suited for residential use.

VIII.

That the taxes in the area to be annexed will increase, but that the increase will be commensurate with the municipal services provided by the City of Anoka, Minnesota.

IX.

That there is a present need in the area to be annexed for all municipal services, and particularly water and sewer services.

X.

That the area to be annexed constitutes an extremely small geographical portion of the Township of Grow and that the annexation of this portion to the City of Anoka will not impair the ability of the township to function.

XI.

That the Township of Grow has no plans for the installation of either water or sewage systems.

XII.

That the assessed valuation of the City of Anoka is much greater than that of the area to be annexed.

XIII.

That the City of Anoka has expanded and will continue to expand with respect to population and construction, and requires space to

accommodate that expansion.

CONCLUSIONS OF LAW

1.

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

II.

That area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the City of Anoka, Minnesota, and is urban or suburban in character.

III.

That the interests of the City of Anoka and the area to be annexed would be best served by the annexation of said area to the City of Anoka, Minnesota.

IV.

That the municipal form of government and the corresponding municipal services are required in the area to be annexed for the preservation and protection of public health, welfare and safety in the area to be annexed and in the City of Anoka, Minnesota.

V.

The Township form of government is not adequate to meet the problems found to exist in the area to be annexed.

VI.

The City of Anoka can meet the problems existing in the area to be annexed, can remedy them and provide any and all governmental service presently required and which may become necessary in the future in the area to be annexed.

VII.

An Order should be issued by the Municipal Commission ordering

the annexation of the land described herein to the City of Anoka.

Let an Order for such an annexation be entered and filed accordingly.

O R D E R

IT IS HEREBY ORDERED: That certain real estate lying in and being a part of the County of Anoka, State of Minnesota, and described as follows, to-wit:

That part of Sections 30 and 31, Township 32, Range 24, Anoka County, Minnesota described as follows to wit:

Beginning at the N.W. corner of the Noon Addition, thence Easterly along the North line of said addition and the Easterly extension thereof to a point of intersection with the East line of said Section 30; thence Southerly along the said East line to the South East corner of said Section 30; thence Westerly along the North line of said Section 31 to point of intersection with the North East corner of the plat of Faddler's 3rd Addition; Thence Southerly, Easterly, and Westerly along the Easterly line of the Plat of Faddler's 3rd Addition to the South East corner thereof; thence Westerly along the Southerly line of Faddler's 3rd Addition and Faddler's 2nd Addition and its extension Westerly to a point distant, 733 ft. East of the West line of the North East $\frac{1}{4}$ of said Section 31; thence Southerly along and parallel with the West line of said North East $\frac{1}{4}$ of said Section 31, a distance of 366 ft.; thence West and parallel with the Southerly line of Faddler's 3rd Addition and Faddler's 2nd Addition and its extension Westerly to a point of intersection with the West line of said North East $\frac{1}{4}$; thence Northerly along the West line of the North East $\frac{1}{4}$ of said Section 31, and the West line of the South East $\frac{1}{4}$ of said section 30 to the point of beginning,

also intending to include the:

- Noon Addition
- Noon 2nd Addition
- Engel's Addition
- Faddler's 1st Addition
- Faddler's 2nd Addition
- Faddler's 3rd Addition

and the following described unplatted land:

That part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 31, lying Northerly and Westerly of the Plats of Engel's Addition, Faddler's 2nd Addition and Noon Addition:

The West 733 ft. of the Northerly 366 ft. of the Southerly 53 $\frac{1}{3}$ acres of the Northeast $\frac{1}{4}$ of said Section 31, and the

South 200 ft. of the West 233 ft. of the Northeast $\frac{1}{4}$ of said Section 31, lying North of the Southerly $53 \frac{1}{3}$ acres thereof;

The North 150 ft. of the South 810 ft. of the East 200 ft. of the West 533 ft. of all that part of the Northeast $\frac{1}{4}$ of said Section 31, lying North of the South $53 \frac{1}{3}$ acres of said Northeast $\frac{1}{4}$;

The South 5 acres of the Southeast $\frac{1}{4}$ of said Section 30 except that part platted as Noon Addition.

Be, and the same hereby is, annexed to the City of Anoka, Minnesota the same as if it had originally been made a part thereof.

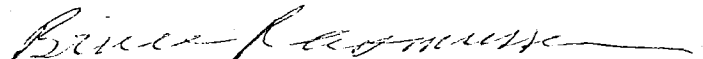
IT IS FURTHER ORDERED: That the ad valorem real property taxes levied in 1968 by the Township of Grow and spread against the property herein ordered annexed to the City of Anoka, which taxes are due and payable on the effective date of this order, shall be the property of the City of Anoka, except that such taxes to be applied to the bonded indebtedness of said township shall be the property of said township, and except that such taxes that are delinquent as of the effective date of this order shall be the property of said township;

That the property herein ordered annexed to the City of Anoka shall remain liable for the bonded indebtedness of said township existing on the effective date of this order as if it were a part of said township, until said indebtedness is retired;

That all other property and obligations of said township shall remain the property and obligations of said township.

Dated this 22nd date of July, 1969

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



Bruce Rasmussen
Secretary

M E M O R A N D U M

The subject matter of the instant proceeding before the Municipal Commission is the proposed annexation of the area known generally as Faddler's Addition. Our findings of fact and conclusions of law establish that the annexation in substance was supported by the evidence, and we therefore are ordering the annexation.

Under Minnesota Statutes, Section 414.03, Subdivision 4, "the commission shall approve if it finds that the property to be annexed is now, or is about to become, urban or suburban in character." The evidence is ample to support our finding that the area meets this requirement. There were, however, two major factors that the Commission was concerned about.

First, it appeared from the record and from our viewing of the property that there should be a consideration of the future governmental structure of a greater area. The instant annexation is in all likelihood only one additional step in a piecemeal annexation approach. Subsequent to the receipt of the petition initiating the instant proceeding, a second petition was received for the annexation of adjacent unoccupied land. It was the Commission's determination that a study by the staff of the Metropolitan Council of the entire unincorporated area of the townships immediately north and west of the Municipalities of Anoka, Coon Rapids, and Blaine should be made. In order for the Commission to make some meaningful determinations as a result of such a study, it is necessary to have jurisdiction over a proposed annexation. We gained this jurisdiction in both of the proceedings we have mentioned in this memorandum; hence, we retained jurisdiction on the second annexation and have issued our order on Faddler's Addition. Our judgment is that the residents of the area of the first petition are in need of

immediate services. However, we look to this annexation as only an interim solution to a greater problem and it is through the jurisdiction that we have on the second annexation petition that we can have benefit of the Metropolitan Council's staff report which will provide the residents in the area as well as the Commission with a base from which to make some analysis and judgment as to future governmental structure.

The second major area of concern is that any annexations to the City of Anoka reduce the tax base for the county library system. In the instant case, this factor is not too significant because the assessed valuation of the property annexed is not a substantial portion of the assessed valuation of the library district. Further, the commission order states that the bonded debt for library purposes presently in existence in the county district will still remain as an obligation against those properties which are annexed to the City of Anoka. But the Commission recognizes that any substantial eroding of the tax base for the county library system would be unfortunate indeed and we express some concern about this as it relates to the future annexation considerations. The Commission does not propose to interject itself into a discussion of the reasons for the two separate library systems or the merits of a consolidation of the two systems, but rather, it urges a conscientious and comprehensive study into the possibility of merging their services or negotiation of some kind of contract agreement between the systems as it would relate to those people residing in an area proposed for annexation. The main thrust of this part of the memorandum is simply that the Commission is urging the solution to the library question so that it would be eliminated as a factor in subsequent judgments as to a government structure that has the capability to provide the services that people want and require.

We urge the people in the local units of government to work with the

staff of the Metropolitan Council in developing a comprehensive study and report for the future of the balance of the unincorporated area. We are concerned that there be an orderly development as opposed to a piecemeal annexation type approach, and we believe that this orderly development can best be initiated through the cooperation of the people residing in the area with the staff of the Metropolitan Council in preparing their report to the Commission.