

MEMBERS THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Patrick J. Scully	Ex-Officio Member
Charles E. Bertensotto	Ex-Officio Member

IN THE MATTER OF THE PETITION AND )  
 RESOLUTION FOR THE ANNEXTION OF )  
 CERTAIN ADJOINING UNINCORPORATED )  
 TERRITORY TO THE VILLAGE OF )  
 FARMINGTON, MINNESOTA )

FINDINGS OF FACT,  
 CONCLUSIONS OF LAW,  
 AND ORDER

The Minnesota Municipal Commission is herein designated as "the Commission." The instant proceeding is one of five proceedings consolidated by the Commission for hearing. The Commission's docket number for these proceedings, together with a short description of the proceedings, is as follows:

- A-798 Farmington Annexation of 195 acres
- I-13 Lakeville Consolidation
- I-34m Rosemount Consolidation
- A-1672 Farmington Annexation of 8,144 acres
- A-1673 Apple Valley Annexation

The units of government involved in the proceedings are as follows:

Town of Lakeville

Village of Lakeville refers to the Village as it existed prior to the Commission's order of October 20, 1966. References to the Village of Lakeville as created by the Commission's order of October 20, 1966, will contain such qualifying language.

Village of Apple Valley (Apple Valley)

Town of Empire (Empire)

Town of Castle Rock (Castle Rock)

Village of Inver Grove Heights (Inver Grove Heights)

Village of Rosemount

Town of Rosemount

Village of Farmington (Farmington)

All of the territory within these governments is located in Dakota County, Minnesota.

#### PROCEDURAL HISTORY

A petition of a majority of the property owners of a certain 195 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Farmington Village Council on April 13, 1965. Objections to the petition were filed with the Commission by the Town Board of the Town of Lakeville, and by the Village Council of the Village of Lakeville, thereby automatically transferring jurisdiction over the petition to the Commission. The proceeding (MEC A-798) came on for hearing before the Commission on June 28, September 16 and November 4, 1965, in the Farmington Village Hall.

A petition of certain freeholders of the Town of Lakeville, requesting consolidation of the Town of Lakeville, and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. A resolution of the Village Council of Lakeville requesting consolidation of the Town of Lakeville and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. The proceeding (MEC I-13M), which included the 195 acre tract in MEC A-798, came on for hearing before the Commission on October 21, and November 4, 1965, and September 22, 1966 in the Lakeville Village Hall.

On July 23, 1966, before the Commission issued its order on MMC A-798, Farmington appealed to the District Court, Dakota County alleging that the Commission failed to issue an order relative to the annexation proceeding within the statutory time limit of one year from June 28, 1965, the date set for the first hearing thereon.

The Commission, on October 20, 1966, issued its Findings of Fact Conclusions of Law, and Order in the Lakeville consolidation proceeding. The Commission's order consolidated the Town of Lakeville and the Village of Lakeville into a single new municipality. Separate appeals from this order were filed in the District Court of Dakota County by Farmington, by a majority of property owners of the 195 acres of land included in the Farmington annexation MMC A-798 and by other property owners in the Town of Lakeville.

The District Court considered Farmington's appeal from the statutory denial of MMC A-798 together with the three appeals from the Commission's order in MMC I-13m and on February 14, 1968, issued orders affirming the statutory denial and affirming the Commission's order. All of the appellants in District Court appealed separately to the Minnesota Supreme Court.

The Minnesota Supreme Court consolidated the various appeals from the District Courts' orders and on July 11, 1969, reversed and remanded the entire matter to the District Court. The District Court was directed to vacate the Commission's order, and to remand the Lakeville consolidation proceeding to the Commission for further findings in accordance with the Supreme Court's opinion. The District Court was further directed to vacate its order affirming the statutory

denial of Farmington annexation MMC A-798, and to remand it to the Commission for reconsideration and findings.

On August 7, 1969, the Minnesota Supreme Court denied respondent's Village of Lakeville and Town of Lakeville motion for rehearing of the appeal. The Supreme Court further expressed the opinion that the existing municipal government of the Village of Lakeville as created by the Commission's order of October 20, 1966 should continue pending redetermination by the Commission.

The District Court remanded both proceedings (MMC I-13m, and MMC A-798) to the Commission on September 5, 1969. The District Court further ordered, on September 11, 1969, that the existing municipal government of the Village of Lakeville, as created by the Commission's order of October 20, 1966, should continue pending redetermination and further order of the Commission.

The remanded proceedings then came on for hearing before the Commission on October 28, 1969, and December 3, 1969 at the Farmington Village Hall.

Resolutions of the Village Council of the Village of Rosemount and the Board of Supervisors of the Town of Rosemount and a petition of certain freeholder residents of the Town of Rosemount requesting consolidation of the Village and Town of Rosemount into a single new Village of Rosemount were filed with the Commission on June 3, 1969. This proceeding (MMC I-37m) came on for hearing on August 28, 1969, September 16, 1969, October 28, 1969 and December 3, 1969.

A petition of a majority of the property owners of a certain

A-1672

8.344 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Commission September 10, 1969, together with a resolution of the Village Council of the Village of Farmington approving the proposed annexation. This proceeding (MEC A-1672) came on for hearing on October 28, 1969 and December 3, 1969.

A resolution of the Council of the Village of Apple Valley for annexation of a certain unincorporated area in the Town of Lakeville was filed with the Commission on September 16, 1969. This proceeding (MEC A-1673) came on for hearing on October 28, 1969 and December 3, 1969.

On December 3, 1969, at continued hearings on all five of the proceedings herein (MEC A-798, MEC I-13m, MEC I-34m, MEC A-1672, MEC A-1673), the Chairman of the Commission ordered said five hearings consolidated in the interest of economy and expediency, and ruled that the consolidated hearing would be conducted under Minnesota Statutes 1969, Chapter 414. The records of all previous hearings on the matters herein were incorporated by reference. Hearing dates on the consolidated hearing were January 7, 1970; January 8, 1970, January 22, 1970, January 23, 1970, February 18, 1970, April 14, 1970 and April 15, 1970.

#### APPEARANCES

John J. McBrien, Attorney for Farmington, the petitioners in proceeding MEC A-798 and the petitioners in proceeding MEC A-1672.

Edward McMenomy, Attorney for Apple Valley.

Gerald W. Kalina, Attorney for the Village of Lakeville and

Castle Rock.

David L. Grannis, Jr., Attorney for the Town of Rosemount, and the petitioners in proceeding MEC I-34m.

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Peter Schmitz, Attorney for Empire.

The Board of Commissioners of the County of Dakota appointed Commissioner Patrick Scully as an Ex-Officio Member of the Commission for all five of the proceedings herein, Commissioner Thomas Freiling as an Ex-Officio Member for proceedings MEC A-798 and MEC I-13m, and Commissioner Charles Mertensotto as an Ex-Officio Member for proceedings MEC I-34m, MEC A-1672, and MEC A-1673. By resolution of the Board of Commissioners of the County of Dakota dated October 28, 1969, Commissioner Mertensotto replaced Commissioner Freiling for proceedings MEC A-798 and MEC I-13m. The Commission convened by lawful quorum at all of the hearings herein.

Evidence was taken and testimony heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. The Commission having carefully considered all of the evidence included in all of the testimony and exhibits, being fully advised in the premises, upon all of the files, records, and proceedings herein, hereby makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition of certain property owners for the annexation of the following described property in the Town of Lakeville to the Village of Farmington was filed with the Commission on September 10, 1969, together with the resolution of the council of the Village of Farmington approving the proposed annexation. Said petition and resolution were in all respects proper in form, content and execution. Said property is unincorporated and abuts upon the Village of Farmington.

That part of the North Half ( $N\frac{1}{2}$ ) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11); Section Twelve (12); Section Thirteen (13); Section Fourteen (14); the East Half ( $E\frac{1}{2}$ ) of Section Fifteen (15); the East Half of the Southwest Quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-seven (27); the East Half ( $E\frac{1}{2}$ ) of Section Thirty-four (34); Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), containing 8,144 acres more or less, according to the Government Survey thereof.

2. Due, timely, and adequate legal notices of the hearing ordered by the Commission was posted, published, served and filed.

3. The area proposed for annexation to the Village of Farmington contained approximately 8,144 acres in the Town of Lakeville and said premises abuts upon the Farmington Village limits.

4. The said premises was at the time of the filing of said

petition occupied by approximately 427 residents and was at the time of the filing of the petition owned by a total of 206 property owners, of which 117 property owners signed the petition for annexation.

5. The petition for annexation was, therefore, signed by more than a majority of the property owners within the area to be annexed.

6. From the time of its original incorporation as a village until February 10, 1958, the Village of Farmington was one square mile in area consisting of 640 acres of land; that between February 10, 1958, and November 30, 1966, six separate parcels were annexed to the Village of Farmington so that at the time of the filing of the petition in this matter the Village of Farmington consisted of its original 640 acres plus annexations covering 257.15 acres or a total area of 897.15 acres, only a small portion thereof being vacant or unplatted land available for development. The past population growth for the property proposed for annexation and for the annexing municipality has been substantial and the projected population of both is expected to be rapid and at an increasing rate.

7. The area proposed to be annexed in the petition contained approximately 8,144 acres, containing mostly residences and one non-residential area, the gas distribution plant of Northern Natural Gas Company. This plant is located on a site of approximately 74 acres immediately abutting Farmington. The area proposed to be annexed in the petition contained one subdivision which was subdivided into 14 lots.



8. The area proposed to be annexed in the petition contained a total of 427 residents, compared to approximately 3300 residents in the Village of Farmington.

9. The pattern of physical development of the property proposed for annexation is one of gradual change from a rural community to a urban or suburban community. The only existing public facilities and services within the property proposed for annexation are sewage disposal facilities operated in the northeastern portion of the area - in section Twelve (12) - by the Village of Apple Valley. The Village of Farmington includes residential, industrial, commercial and industrial land uses as is customary for a community of this size and location.

10. Comprehensive plans for development of the property proposed for annexation and the Village of Farmington were prepared at the direction of the Village of Farmington.

11. Farmington presently has zoning ordinances, subdivision regulations and housing and business codes, and personnel to properly control the development of both the property presently within the village and the property proposed for annexation.

12. The area proposed to be annexed is within the watershed draining in a southeasterly direction to the Vermillion River at or near the point where it passes through the Village of Farmington.

13. At the present time the Village of Farmington maintains a well

equipped Police Department which serves Farmington and on occasions serves or assists in the service of adjoining areas including a substantial portion of the area proposed for annexation. The Village of Farmington has a well equipped and staffed Fire Department which serves the Village of Farmington, and much of the surrounding country. By contract with the Village of Lakeville, as created by the Commission's order of October 20, 1966, the Farmington Fire Department serves all of the area in Lakeville Township east of Cedar Avenue. It thus presently serves, and for many years in the past has served, by contract, all of the area proposed for annexation. The present Village of Farmington has a well equipped and staffed Street and Sanitation Department. Farmington has a sanitary sewer system as well as a sewage treatment plant (until the same was recently taken over by the Metropolitan Sewer Board which has jurisdiction over the entire area) and a municipal water system with elevated tank and three deep water wells. Farmington has plows, street patrols, sanders and motor patrols. Farmington maintains the county roads within the village by agreement with Dakota County. Farmington furnishes garbage and rubbish collection to all village residents. With some additional equipment and employees, it would be able to service the area proposed for annexation in the same or similar manner as the present area of the village. The present village has churches, shopping centers, medical and other professional services, a community hospital - all of which serve people from the surrounding communities including the area proposed for annexation. The Village of Farmington has a community library and a youth center serving non-residents as well as residents. The Farmington Telephone System serves all of the area proposed for annexation lying within the eastern

two and one half miles proposed for annexation. The Farmington Post Office serves all of the area proposed for annexation and the Farmington School System also includes and serves all of the area proposed for annexation.

14. The assessed valuations in dollars for the annexing municipality for the past four years have been as follows:

<u>Year</u>	<u>Real Estate</u>	<u>Personal Property</u>	<u>Total</u>
1966	1,345,957	203,015	1,548,972
1967	1,194,059	117,411	1,611,470
1968	1,584,501	155,782	1,740,283
1969	1,620,664	218,615	1,839,279

15. The assessed valuation in dollars for the property proposed for annexation for the past four years have been as follows:

<u>Year</u>	<u>Real Estate</u>	<u>Personal Property</u>	<u>Total</u>
1966	516,715	77,414	594,129
1967	632,082	97,369	729,451
1968	727,455	102,388	829,843
1969	726,921	108,645	835,566

16. The mill rates for the past four years have been as follows:

<u>Year</u>	<u>Farmington</u>	<u>Lakeville Township</u>	<u>School Agr.</u>	<u>Non-Agr.</u>	<u>County</u>	<u>State-Non Homestead</u>
1966	69.13	24.97	146.70	171.70	45.54	18.42
1967	63.89	23.45	118.06	143.06	50.71	17.24
1968	69.99	33.81	125.07	150.07	57.25	None
1969	73.49	54.99	125.33	150.33	55.68	None

17. The bonded indebtedness for Farmington, was, on December 31, 1968, \$687,000; the bonded indebtedness for the Village of Lakeville

as created by the Minnesota Municipal Commission's Order of October 20, 1966, was, on that date, \$450,000.

18. The area proposed for annexation is in the same school district as the Village of Farmington. All of the school facilities in the Farmington School District are presently located within the limits of the present Village of Farmington.

19. The following described property within the area proposed for annexation can best be provided needed governmental services by annexation to the Village of Apple Valley.

That part of the North Half ( $N\frac{1}{2}$ ) of Section ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11). Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

20. The following described property within the area proposed for annexation can best be provided needed governmental services by a consolidated Village of Lakeville.

The East Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $SE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

21. The Village of Farmington is capable of furnishing the needed governmental services to the area proposed to be annexed.

22. Annexation of the area proposed to be annexed to Farmington

will be consistent with the long range plans of the Village of Farmington.

23. The Town form of government is not adequate to cope with the problems arising and to arise in the area proposed to be annexed.

24. The availability of space within the present Village of Farmington is not adequate to provide for its projected future growth.

25. The boundary between Farmington and the property proposed for annexation is contiguous and the entire western boundary of Farmington directly abuts upon the area proposed to be annexed to it.

26. The Town of Lakeville has not functioned since the Village of Lakeville created by the Minnesota Municipal Commission's Order of October 20, 1966, came into existence.

27. At the present time the Village of Lakeville as created by the Minnesota Municipal Commission's Order of October 20, 1966 has an area of approximately 48 square miles. The area proposed to be annexed to Farmington contains approximately 12½ square miles thereof.

28. The area proposed for annexation less that area described in Findings of Fact 19 and 20 consists of 10 square miles, has an assessed value of real property of \$661,385 and an assessed value of personal property of approximately \$108,645.

29. The petition for annexation was signed by more than a majority of the property owners within the foregoing tract of 10 square miles.

30. The expected increase in property taxes if the foregoing tract of 10 square miles is annexed to the Village of Farmington will be proportionate to the benefit which will inure to the area annexed by reason of such annexation.

31. Except as otherwise modified herein, all the Findings relating to the proposed annexation apply with equal validity to the foregoing tract of 10 square miles.

#### CONCLUSIONS OF LAW

1. The Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The following described property within the area proposed for annexation would be better served by the Village of Apple Valley, and the area proposed for annexation should be decreased accordingly.

That part of the North Half (N $\frac{1}{2}$ ) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11). Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

3. The following described property within the area proposed

for annexation would be better served by a newly consolidated Village of Lakeville, and the area proposed for annexation should be decreased accordingly.

The East Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

4. The following described property is now or is about to become urban or suburban in nature and is so conditioned and so located as to be properly subjected to the municipal government of the Village of Farmington.

Section Thirteen (13); Section Fourteen (14); the East Half ( $E\frac{1}{2}$ ) of Section Fifteen (15); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-seven (27); the East Half ( $E\frac{1}{2}$ ) of Section Thirty-four; Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

5. Annexation to the Village of Farmington of the property described in Conclusion of Law #4 is required to protect the public health, safety and welfare in reference to plat control and land development and construction which is reasonably expected to occur.

6. Annexation of the property described in Conclusion of Law #4 is in the best interest of said property and the Village of Farmington. The remaining area of the Village of Lakeville as created by the Minnesota Municipal Commission's Order of October 20, 1966,

can continue to carry on the functions of municipal government without undue hardship.

7. The Town form of government is not adequate to cope with the problems of the area described in Conclusion of Law #4.

8. The Village of Farmington is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area described in Conclusion of Law #4.

9. The annexation to the Village of Farmington of the area described in Conclusion of Law #4 will not materially affect the capability of the Village of Farmington to continue its normal operation.

10. The property described in Conclusion of Law #4 should be annexed to the Village of Farmington.

11. An annexation election is not required for the annexation herein ordered to become effective.

12. No part of the assets of the Village of Lakeville, as created by the Minnesota Municipal Commission's Order of October 20, 1966, except those assets physically situated within the ten square miles herein ordered annexed to Farmington, shall be assigned to Farmington.

13. A supplemental hearing should be held by the Commission to establish the population of Farmington as herein expanded.



O R D E R

IT IS HEREBY ORDERED: That the area proposed for annexation is decreased by removal of the following described territory:

That part of the North Half ( $N\frac{1}{2}$ ) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11). Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

The East Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

IT IS FURTHER ORDERED: That the following described property be annexed to the Village of Farmington.

Section Thirteen (13); Section Fourteen (14); the East Half ( $E\frac{1}{2}$ ) of Section Fifteen (15); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-seven (27); the East Half ( $E\frac{1}{2}$ ) of Section Thirty-four; Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the government survey thereof.

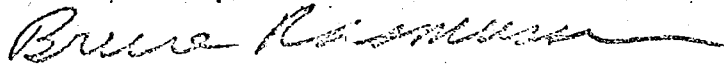
IT IS FURTHER ORDERED: That the assets of the Village of Lakeville as created by the Minnesota Municipal Commission's Ord of October 20, 1966 physically situated within the area herein ordered annexed to the Village of Farmington shall become the assets of the Village of Farmington.

IT IS FURTHER ORDERED: That the Commission hold a supplemental hearing for the purpose of establishing the population of Farmington is herein expanded for all purposes until the next Federal census when it appears that the 1970 census figures are certified.

IT IS FURTHER ORDERED: That this order shall be filed by the Secretary of the Commission as required by law, and shall be effective upon such filing.

Dated this 16th day of November, 1970

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



Bruce Rasmussen  
Executive Secretary

*also  
see  
file*

Town of Castle Rock (Castle Rock)

Village of Inver Grove Heights (Inver Grove Heights)

Village of Rosemount

Town of Rosemount

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All of the territory within these governments is located in Dakota County, Minnesota.

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The District Court considered Farmington's appeal from the statutory denial of MMC A-798 together with the three appeals from the Commission's order in MMC I-13m and on February 14, 1968, issued orders affirming the statutory denial and affirming the Commission's order. All of the appellants in District Court appealed separately to the Minnesota Supreme Court.

The Minnesota Supreme Court consolidated the various appeals from the District Courts' orders and on July 11, 1969, reversed and remanded the entire matter to the District Court. The District Court was directed to vacate the Commission's order, and to remand the Lakeville consolidation proceeding to the Commission for further findings in accordance with the Supreme Court's opinion. The District Court was further directed to vacate its order affirming the statutory

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On December 3, 1969, at continued hearings on all five of the proceedings herein (MHC A-798, MHC I-13m, MHC I-34m, MHC A-1672, MHC A-1673), the Chairman of the Commission ordered said five hearings consolidated in the interest of economy and expediency, and ruled that the consolidated hearing would be conducted under Minnesota Statutes 1969, Chapter 414. The records of all previous hearings on the matters herein were incorporated by reference. Hearing dates on the consolidated hearing were January 7, 1970, January 8, 1970, January 22, 1970, January 23, 1970, February 18, 1970, April 14, 1970 and April 15, 1970.

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FINDINGS OF FACT

1. A petition of certain property owners for the annexation of the following described property in the Town of Lakeville to the Village of Farmington was filed with the Commission on September 10, 1969, together with the resolution of the council of the Village of Farmington approving the proposed annexation. Said petition and resolution were in all respects proper in form, content and execution. Said property is unincorporated and abuts upon the Village of Farmington.

That part of the North Half ( $N\frac{1}{2}$ ) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11); Section Twelve (12); Section Thirteen (13); Section Fourteen (14); the East Half ( $E\frac{1}{2}$ ) of Section Fifteen (15); the East Half of the Southwest Quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-seven (27); the East Half ( $E\frac{1}{2}$ ) of Section Thirty-four (34); Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), containing 8,144 acres, more or less, according to the Government Survey thereof.

2. Due, timely, and adequate legal notices of the hearing ordered by the Commission was posted, published, served and filed.

3. The area proposed for annexation to the Village of Farmington contained approximately 8,144 acres in the Town of Lakeville and said premises abuts upon the Farmington Village limits.

4. The said premises was at the time of the filing of said



petition occupied by approximately 427 residents and was at the time of the filing of the petition owned by a total of 206 property owners, of which 117 property owners signed the petition for annexation.

5. The petition for annexation was, therefore, signed by more than a majority of the property owners within the area to be annexed.

6. From the time of its original incorporation as a village until February 10, 1958, the Village of Farmington was one square mile in area consisting of 640 acres of land; that between February 10, 1958, and November 30, 1966, six separate parcels were annexed to the Village of Farmington so that at the time of the filing of the petition in this matter the Village of Farmington consisted of its original 640 acres plus annexations covering 257.15 acres or a total area of 897.15 acres, only a small portion thereof being vacant or unplatted land available for development. The past population growth for the property proposed for annexation and for the annexing municipality has been substantial and the projected population of both is expected to be rapid and at an increasing rate.

7. The area proposed to be annexed in the petition contained approximately 8,144 acres, containing mostly residences and one non-residential area, the gas distribution plant of Northern Natural Gas Company. This plant is located on a site of approximately 74 acres immediately abutting Farmington. The area proposed to be annexed in the petition contained one subdivision which was subdivided into 14 lots.

8. The area proposed to be annexed in the petition contained a total of 427 residents, compared to approximately 3300 residents in the Village of Farmington.

9. The pattern of physical development of the property proposed for annexation is one of gradual change from a rural community to a urban or suburban community. The only existing public facilities and services within the property proposed for annexation are sewage disposal facilities operated in the northeastern portion of the area - in section Twelve (12) - by the Village of Apple Valley. The Village of Farmington includes residential, industrial, commercial and industrial land uses as is customary for a community of this size and location.

10. Comprehensive plans for development of the property proposed for annexation and the Village of Farmington were prepared at the direction of the Village of Farmington.

11. Farmington presently has zoning ordinances, subdivision regulations and housing and business codes, and personnel to properly control the development of both the property presently within the village and the property proposed for annexation.

12. The area proposed to be annexed is within the watershed draining in a southeasterly direction to the Vermillion River at or near the point where it passes through the Village of Farmington.

13. At the present time the Village of Farmington maintains a well

equipped Police Department which serves Farmington and on occasions serves or assists in the service of adjoining areas including a substantial portion of the area proposed for annexation. The Village of Farmington has a well equipped and staffed Fire Department which serves the Village of Farmington, and much of the surrounding country. By contract with the Village of Lakeville, as created by the Commission's order of October 20, 1966, the Farmington Fire Department serves all of the area in Lakeville Township east of Cedar Avenue. It thus presently serves, and for many years in the past has served, by contract, all of the area proposed for annexation. The present Village of Farmington has a well equipped and staffed Street and Sanitation Department. Farmington has a sanitary sewer system as well as a sewage treatment plant (until the same was recently taken over by the Metropolitan Sewer Board which has jurisdiction over the entire area) and a municipal water system with elevated tank and three deep water wells. Farmington has plows, street patrols, sanders and motor patrols. Farmington maintains the county roads within the village by agreement with Dakota County. Farmington furnishes garbage and rubbish collection to all village residents. With some additional equipment and employees, it would be able to service the area proposed for annexation in the same or similar manner as the present area of the village. The present village has churches, shopping centers, medical and other professional services, a community hospital - all of which serve people from the surrounding communities including the area proposed for annexation. The Village of Farmington has a community library and a youth center serving non-residents as well as residents. The Farmington Telephone System serves all of the area proposed for annexation lying within the eastern

two and one half miles proposed for annexation. The Farmington Post Office serves all of the area proposed for annexation and the Farmington School System also includes and serves all of the area proposed for annexation.

14. The assessed valuations in dollars for the annexing municipality for the past four years have been as follows:

<u>Year</u>	<u>Real Estate</u>	<u>Personal Property</u>	<u>Total</u>
1966	1,345,957	203,015	1,548,972
1967	1,494,059	117,411	1,611,470
1968	1,584,501	155,782	1,740,283
1969	1,620,664	218,615	1,839,279

15. The assessed valuation in dollars for the property proposed for annexation for the past four years have been as follows:

<u>Year</u>	<u>Real Estate</u>	<u>Personal Property</u>	<u>Total</u>
1966	516,715	77,414	594,129
1967	632,082	97,369	729,451
1968	727,455	102,388	829,843
1969	726,921	108,645	835,566

16. The mill rates for the past four years have been as follows:

<u>Year</u>	<u>Farmington</u>	<u>Lakeville Township</u>	<u>School Agr.</u>	<u>Non-Agr.</u>	<u>County</u>	<u>State-Non Homestead</u>
1966	69.13	24.97	146.70	171.70	45.54	18.42
1967	63.89	23.45	118.06	143.06	50.71	17.24
1968	69.99	33.81	125.07	150.07	57.25	None
1969	73.49	54.99	125.33	150.33	55.68	None

17. The bonded indebtedness for Farmington, was, on December 31, 1968, \$687,000; the bonded indebtedness for the Village of Lakeville

as created by the Minnesota Municipal Commission's Order of October 20, 1966, was, on that date, \$450,000.

18. The area proposed for annexation is in the same school district as the Village of Farmington. All of the school facilities in the Farmington School District are presently located within the limits of the present Village of Farmington.

19. The following described property within the area proposed for annexation can best be provided needed governmental services by annexation to the Village of Apple Valley.

That part of the North Half ( $N\frac{1}{2}$ ) of Section ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11). Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

20. The following described property within the area proposed for annexation can best be provided needed governmental services by a consolidated Village of Lakeville.

The East Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

21. The Village of Farmington is capable of furnishing the needed governmental services to the area proposed to be annexed.

22. Annexation of the area proposed to be annexed to Farmington

will be consistent with the long range plans of the Village of Farmington.

23. The Town form of government is not adequate to cope with the problems arising and to arise in the area proposed to be annexed.

24. The availability of space within the present Village of Farmington is not adequate to provide for its projected future growth.

25. The boundary between Farmington and the property proposed for annexation is contiguous and the entire western boundary of Farmington directly abuts upon the area proposed to be annexed to it.

26. The Town of Lakeville has not functioned since the Village of Lakeville created by the Minnesota Municipal Commission's Order of October 20, 1966, came into existence.

27. At the present time the Village of Lakeville as created by the Minnesota Municipal Commission's Order of October 20, 1966 has an area of approximately 48 square miles. The area proposed to be annexed to Farmington contains approximately 12½ square miles thereof.

28. The area proposed for annexation less that area described in Findings of Fact 19 and 20 consists of 10 square miles, has an assessed value of real property of \$661,385 and an assessed value of personal property of approximately \$108,645.

29. The petition for annexation was signed by more than a majority of the property owners within the foregoing tract of 10 square miles.

30. The expected increase in property taxes if the foregoing tract of 10 square miles is annexed to the Village of Farmington will be proportionate to the benefit which will inure to the area annexed by reason of such annexation.

31. Except as otherwise modified herein, all the Findings relating to the proposed annexation apply with equal validity to the foregoing tract of 10 square miles.

32. There are approximately 373 persons residing in the area herein annexed to the Village of Farmington.

#### CONCLUSIONS OF LAW

1. The Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The following described property within the area proposed for annexation would be better served by the Village of Apple Valley, and the area proposed for annexation should be decreased accordingly.

That part of the North Half (N $\frac{1}{2}$ ) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11); Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

3. The following described property, within the area proposed

for annexation would be better served by a newly consolidated Village of Lakeville, and the area proposed for annexation should be decreased accordingly.

The East Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

4. The following described property is now or is about to become urban or suburban in nature and is so conditioned and so located as to be properly subjected to the municipal government of the Village of Farmington.

Section Thirteen (13); Section Fourteen (14); the East Half ( $E\frac{1}{2}$ ) of Section Fifteen (15); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-seven (27); the East Half ( $E\frac{1}{2}$ ) of Section Thirty-four; Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

5. Annexation to the Village of Farmington of the property described in Conclusion of Law #4 is required to protect the public health, safety and welfare in reference to plat control and land development and construction which is reasonably expected to occur.

6. Annexation of the property described in Conclusion of Law #4 is in the best interest of said property and the Village of Farmington. The remaining area of the Village of Lakeville as created by the Minnesota Municipal Commission's Order of October 20, 1966,



can continue to carry on the functions of municipal government without undue hardship.

7. The Town form of government is not adequate to cope with the problems of the area described in Conclusion of Law #4.

8. The Village of Farmington is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area described in Conclusion of Law #4.

9. The annexation to the Village of Farmington of the area described in Conclusion of Law #4 will not materially affect the capability of the Village of Farmington to continue its normal operation.

10. The property described in Conclusion of Law #4 should be annexed to the Village of Farmington.

11. An annexation election is not required for the annexation herein ordered to become effective.

12. No part of the assets of the Village of Lakeville, as created by the Minnesota Municipal Commission's Order of October 20, 1966, except those assets physically situated within the ten square miles herein ordered annexed to Farmington, shall be assigned to Farmington.

13. A supplemental hearing should be held by the Commission to establish the population of Farmington as herein expanded.

O R D E R

IT IS HEREBY ORDERED: That the area proposed for annexation is decreased by removal of the following described territory:

That part of the North Half ( $N\frac{1}{2}$ ) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Ten (10); Section Eleven (11). Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

The East Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

IT IS FURTHER ORDERED: That the following described property be annexed to the Village of Farmington.

Section Thirteen (13); Section Fourteen (14); the East Half ( $E\frac{1}{2}$ ) of Section Fifteen (15); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ( $E\frac{1}{2}$ ) of Section Twenty-seven (27); the East Half ( $E\frac{1}{2}$ ) of Section Thirty-four; Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the government survey thereof.

IT IS FURTHER ORDERED: That the assets of the Village of Lakeville as created by the Minnesota Municipal Commission's Order of October 20, 1966 physically situated within the area herein ordered annexed to the Village of Farmington shall become the assets of the Village of Farmington.

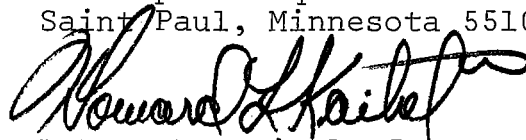
~~IT IS FURTHER ORDERED:--That the Commission held a supplemental hearing for the purpose of establishing the population of Farmington is herein expanded for all purposes until the next Federal census when it appears that the 1970 census figures are certified.~~

IT IS FURTHER ORDERED: That the population of the Village of Farmington be increased by 373 persons to 3,477 for all purposes until the next State or Federal census.

IT IS FURTHER ORDERED: That this order shall be filed by the Secretary of the Commission as required by law, and shall be effective upon such filing.

Amended Order dated this 30<sup>th</sup> day of JANUARY, 1973

MINNESOTA MUNICIPAL COMMISSION  
304 Capitol Square Building  
Saint Paul, Minnesota 55101



Howard L. Kaibel, Jr.  
Executive Secretary

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Patrick J. Scully	Ex-Officio Member
Charles E. Mertensotto	Ex-Officio Member

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IN THE MATTER OF THE PETITION AND )  
RESOLUTION FOR THE ANNEXATION OF )  
CERTAIN ADJOINING UNINCORPORATED )  
TERRITORY TO THE VILLAGE OF )  
FARMINGTON, MINNESOTA A-1672 )  
)

IN THE MATTER OF THE PETITION AND )  
RESOLUTION FOR THE MERGER OF THE )  
VILLAGE OF LAKEVILLE, DAKOTA COUNTY )  
WITH THE TOWN OF LAKEVILLE, DAKOTA )  
COUNTY, MINNESOTA I-13m )  
)

IN THE MATTER OF THE PETITION FOR THE )  
ANNEXATION OF CERTAIN LAND TO THE )  
VILLAGE OF FARMINGTON, MINNESOTA, )  
PURSUANT TO MINNESOTA STATUTES )  
414.03, A-798 )  
)

O R D E R

IN THE MATTER OF THE PETITION AND )  
RESOLUTION TO CONSOLIDATE ROSEMOUNT )  
TOWNSHIP WITH THE VILLAGE OF ROSEMOUNT )  
AND FORM A SINGLE MUNICIPALITY I-34m )  
)

IN THE MATTER OF THE RESOLUTION OF THE )  
VILLAGE OF APPLE VALLEY FOR ANNEXATION )  
OF UNINCORPORATED PROPERTY IN THE )  
TOWNSHIPS OF ROSEMOUNT, EMPIRE AND )  
LAKEVILLE TO THE VILLAGE OF APPLE )  
VALLEY, A-1673 )  
)

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A petition of the Village of Lakeville for amended findings, rehearing, reconsideration and reargument was filed with the Commission on November 25, 1970. The petition came on for hearing on December 8, 1970, at the Commission's offices in St. Paul, Minnesota. Appearances were entered by: John J. Todd and Jack A. Mitchell, attorneys for the Village of Lakeville; John J. McBrien and John E. Abdo, attorneys for the Village

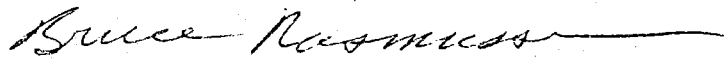
of Farmington; Edward B. McMenemy, attorney for the Village of Apple Valley; and Peter Schmitz, attorney for the Town of Empire. The Commission, upon due deliberation on the petition and exhibits, all other records and files herein, and the arguments of counsel, hereby makes and issues its

O R D E R

IT IS HEREBY ORDERED: That the Petition of the Village of Lakeville be in all respects DENIED.

Dated this // day of December, 1970

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



Bruce Rasmussen  
Executive Secretary

*File*

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Patrick J. Scully	Ex-Officio Member
Charles E. Mertensotto	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR THE ANNEXATION OF CERTAIN UNINCORPORATED PROPERTY IN THE TOWN OF LAKEVILLE TO THE VILLAGE OF FARMINGTON, DAKOTA COUNTY, MINNESOTA	) ) ) ) )	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
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The Minnesota Municipal Commission is herein designated as "the Commission." The instant proceeding is one of five proceedings consolidated by the Commission for hearing. The Commission's docket number for these proceedings, together with a short description of the proceedings, is as follows:

- A-798 Farmington Annexation of 195 acres
- I-13 Lakeville Consolidation
- I-34m Rosemount Consolidation
- A-1672 Farmington Annexation of 8,144 acres
- A-1673 Apple Valley Annexation

The units of government involved in the proceedings are as follows:

Town of Lakeville

Village of Lakeville refers to the Village as it existed prior to the Commission's order of October 20, 1966. References to the Village of Lakeville as created by the Commission's order of October 20, 1966, will contain such qualifying language.

Village of Apple Valley (Apple Valley)

Town of Empire (Empire)

Town of Castle Rock (Castle Rock)

Village of Inver Grove Heights (Inver Grove Heights)

Village of Rosemount

Town of Rosemount

Village of Farmington (Farmington)

All of the territory within these governments is located in Dakota County, Minnesota.

#### PROCEDURAL HISTORY

A petition of a majority of the property owners of a certain 195 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Farmington Village Council on April 13, 1965. Objections to the petition were filed with the Commission by the Town Board of the Town of Lakeville, and by the Village Council of the Village of Lakeville, thereby automatically transferring jurisdiction over the petition to the Commission. The proceeding (MEC A-798) came on for hearing before the Commission on June 28, September 16 and November 4, 1965, in the Farmington Village Hall.

A petition of certain freeholders of the Town of Lakeville, requesting consolidation of the Town of Lakeville, and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. A resolution of the Village Council of Lakeville requesting consolidation of the Town of Lakeville and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. The proceeding (MEC I-13m), which included the 195 acre tract in MEC A-798, came on for hearing before the Commission on October 21, and November 4, 1965, and September 22, 1966 in the Lakeville Village Hall.

On July 23, 1966, before the Commission issued its order on MMC A-798, Farmington appealed to the District Court, Dakota County alleging that the Commission failed to issue an order relative to the annexation proceeding within the statutory time limit of one year from June 28, 1965, the date set for the first hearing thereon.

The Commission, on October 20, 1966, issued its Findings of Fact Conclusions of Law, and Order in the Lakeville consolidation proceeding. The Commission's order consolidated the Town of Lakeville and the Village of Lakeville into a single new municipality. Separate appeals from this order were filed in the District Court of Dakota County by Farmington, by a majority of property owners of the 195 acres of land included in the Farmington annexation MMC A-798 and by other property owners in the Town of Lakeville.

The District Court considered Farmington's appeal from the statutory denial of MMC A-798 together with the three appeals from the Commission's order in MMC I-13m and on February 14, 1968, issued orders affirming the statutory denial and affirming the Commission's order. All of the appellants in District Court appealed separately to the Minnesota Supreme Court.

The Minnesota Supreme Court consolidated the various appeals from the District Courts' orders and on July 11, 1969, reversed and remanded the entire matter to the District Court. The District Court was directed to vacate the Commission's order, and to remand the Lakeville consolidation proceeding to the Commission for further findings in accordance with the Supreme Court's opinion. The District Court was further directed to vacate its order affirming the statutory



denial of Farmington annexation MMC A-798, and to remand it to the Commission for reconsideration and findings.

On August 7, 1969, the Minnesota Supreme Court denied respondent's Village of Lakeville and Town of Lakeville motion for rehearing of the appeal. The Supreme Court further expressed the opinion that the existing municipal government of the Village of Lakeville as created by the Commission's order of October 20, 1966 should continue pending redetermination by the Commission.

The District Court remanded both proceedings (MMC I-13m, and MMC A-798) to the Commission on September 5, 1969. The District Court further ordered, on September 11, 1969, that the existing municipal government of the Village of Lakeville, as created by the Commission's order of October 20, 1966, should continue pending redetermination and further order of the Commission.

The remanded proceedings then came on for hearing before the Commission on October 28, 1969, and December 3, 1969 at the Farmington Village Hall.

Resolutions of the Village Council of the Village of Rosemount and the Board of Supervisors of the Town of Rosemount and a petition of certain freeholder residents of the Town of Rosemount requesting consolidation of the Village and Town of Rosemount into a single new Village of Rosemount were filed with the Commission on June 3, 1969. This proceeding (MMC I-34m) came on for hearing on August 28, 1969, September 16, 1969, October 28, 1969 and December 3, 1969.

A petition of a majority of the property owners of a certain

8,144 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Commission September 10, 1969, together with a resolution of the Village Council of the Village of Farmington approving the proposed annexation. This proceeding (MMC A-1672) came on for hearing on October 28, 1969 and December 3, 1969.

A resolution of the Council of the Village of Apple Valley for annexation of a certain unincorporated area in the Town of Lakeville was filed with the Commission on September 16, 1969. This proceeding (MMC A-1673) came on for hearing on October 28, 1969 and December 3, 1969.

On December 3, 1969, at continued hearings on all five of the proceedings herein (MMC A-798, MMC I-13m, MMC I-34m, MMC A-1672, MMC A-1673), the Chairman of the Commission ordered said five hearings consolidated in the interest of economy and expediency, and ruled that the consolidated hearing would be conducted under Minnesota Statutes 1969, Chapter 414. The records of all previous hearings on the matters herein were incorporated by reference. Hearing dates on the consolidated hearing were January 7, 1970, January 8, 1970, January 22, 1970, January 23, 1970, February 18, 1970, April 14, 1970 and April 15, 1970.

#### APPEARANCES

John J. McBrien, Attorney for Farmington, the petitioners in proceeding MMC A-798 and the petitioners in proceeding MMC A-1672.

Edward McMenemy, Attorney for Apple Valley.

Gerald W. Kalina. Attorney for the Village of Lakeville and

Castle Rock.

David L. Grannis, Jr., Attorney for the Town of Rosemount, and the petitioners in proceeding MMC I-34m.

Vance B. Grannis, Jr., and Patrick A. Farrell, Attorneys for the Village of Lakeville as created by the Commission's order of October 20, 1966.

Harold LeVander, Jr., Attorney for Inver Grove Heights.

Vance B. Grannis, Jr., and David L. Grannis, Jr., Attorneys for the Town of Lakeville and petitioners in proceeding MMC I-13m.

Peter Schmitz, Attorney for Empire.

The Board of Commissioners of the County of Dakota appointed Commissioner Patrick Scully as an Ex-Officio Member of the Commission for all five of the proceedings herein, Commissioner Thomas Freiling as an Ex-Officio Member for proceedings MMC A-798 and MMC I-13m, and Commissioner Charles Mertensotto as an Ex-Officio Member for proceedings MMC I-34m, MMC A-1672, and MMC A-1673. By resolution of the Board of Commissioners of the County of Dakota dated October 28, 1969, Commissioner Mertensotto replaced Commissioner Freiling for proceedings MMC A-798 and MMC I-13m. The Commission convened by lawful quorum at all of the hearings herein.

Evidence was taken and testimony heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. The Commission having carefully considered all of the evidence included in all of the testimony and exhibits, being fully advised in the premises, upon all of the files, records, and proceedings herein, hereby makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition of certain property owners of an area of 195 acres in the Town of Lakeville requesting annexation to Farmington was filed with Farmington on April 13, 1965. Objections to the petition were filed with the Commission by the Board of Supervisors of the Town of Lakeville and the Village Council of the Village of Lakeville. The Petition and Objection were proper in form, content, execution and filing.

2. Due, timely, and adequate legal notice of the hearing ordered by the Commission was posted, published, served, and filed.

3. On December 3, 1969, the annexation hearing herein was consolidated for hearing by the Commission with four other proceedings, including MMC A-1672, a proceeding for the annexation of 8,144 acres to Farmington. The 8,144 acres of MMC A-1672 includes the 195 acres herein proposed for annexation.

4. The Commission is concurrently issuing its order on MMC A-1672. That order annexes certain property, including the 195 acres herein, to Farmington.

CONCLUSIONS OF LAW

1. The Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. An order granting or denying the annexation proposed herein is unnecessary.

3. The Commission should order that, barring change in circumstance, the within proceeding is terminated.

ORDER

IT IS HEREBY ORDERED That, barring a change of circumstance, the proceeding herein is terminated.

Dated this 16<sup>th</sup> day of November, 1970

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



Bruce Rasmussen  
Executive Secretary

A-798 Farmington  
A-1672 Farmington  
A-1673 Apple Valley  
I-34m Rosemount  
I-13m Lakeville

November 16, 1970

M E M O R A N D U M

On October 20, 1966, the Commission ordered the consolidation of the Town and Village of Lakeville. The Commission had already denied an annexation to Farmington of 195 acres in the Town of Lakeville by not issuing our order within the statutory period. Both of these matters came back to the Commission on remand from the District Court via the Supreme Court.

The remanded proceedings were consolidated with three additional proceedings seeking annexation to Farmington of 8,144 acres in the Town of Laketown, annexation by Apple Valley of the Town of Rosemount and parts of the Towns of Lakeville and Empire, and consolidation of the Village and Town of Rosemount. Each of these proceedings conflicted with at least one other proceeding. Today's orders resolve these conflicting claims.

The Commission found it absolutely essential for Farmington to have growth area. The 10 square miles annexed to Farmington by granting, in the main, the petition of a majority of property owners, are in the same school district as Farmington, are served by the Fire Department of Farmington, and share numerous service areas with Farmington. They are in the same major watershed. Farmington has shown that it can best serve this area and plan and control development within the area. There was no need for the Commission to order or deny the annexation of the 195 acre tract of MMC A-798 as this area is included within the area ordered annexed to Farmington.

A-798, A-1672, A-1673  
I-34m and I-13m

The annexation of the 9 square miles designated in our order as Valley Park will afford the Village of Apple Valley the opportunity of improving its tax base by the addition of commercial property at major highway intersections, and for providing unified land use control around such commercial centers. Apple Valley and Valley Park are in the same major watershed and the same sewer district. The evidence showed a strong community of interest between these areas, and that Valley Park could best be served by Apple Valley, and not by a consolidated Village of Lakeville.

By the granting of the Farmington and Apple Valley annexations, Lakeville has been reduced in area from 48 to 29 square miles. The 29 square miles has an excellent diversified tax base and contains the commercial and industrial growth areas of the former 48 square mile village. The consolidated Village and Town of Lakeville as ordered today will be a sound unit of government.

The Village of Rosemount was obviously too small and needed room for expansion. Population projections showed a need for municipal government in the Town of Rosemount. The consolidated Village is in the same major watershed and is bound together by a strong community of interest. The new village already contains sound diversified tax base.

Each of the four municipalities has the capacity to function effectively in the Metropolitan area. By this we mean more than the efficient provision of services, which is an extremely important factor. We mean also the ability to effectively represent their citizens before higher units of government, which units make decisions vital to the well being of all of

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the people of the Metropolitan area.

Effectuating these orders will cause some transitional problems. We now address ourselves to the question of how this transition should occur.

The Village of Lakeville as created by the Commission's order has been continuing to function by leave of the Supreme Court pending redetermination and further order of the Commission. This government should continue to function until January 12, 1971, the date of the election of officers in the Village of Lakeville created by today's order (and the effective date of the consolidation.) Thus, there is no need for the presently scheduled December 8, 1970, election in the Village of Lakeville.

The Apple Valley annexation of Valley Park is subject to a vote which will also be held on January 12, 1971. The Village of Lakeville as created by our order of October 20, 1966, should continue to govern this area until the referendum.

If the vote in Valley Park favors annexation, Valley Park would immediately become a part of Apple Valley. If the vote in Valley Park disapproves annexation, Valley Park will become the Town of Lakeville. While this town presently exists, it has not had a functioning government for four or five years because it has been governed by the Village of Lakeville as created by the Commission's order of October 20, 1966. In the event the vote disapproves annexation the County Auditor should



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set a town meeting for February 2, 1971, and such meeting should be held in accordance with Minnesota Statutes Section 365.50 insofar as applicable. During the period between January 12, 1971, to February 2, 1971, the County of Dakota should assume the responsibility for the government of Valley Park.

The Farmington annexation becomes effective today. The Rosemount consolidation becomes effective on January 12, 1971, the date of the election of new Village officers.

The population of all of the villages as ordered should be in accordance with the 1970 Federal census. The Commission is retaining jurisdiction for the purpose of holding a supplemental hearing for establishing population where it appears that census tracts may be bisected by the new municipal boundaries. It is important that these figures be as accurate as possible, for they serve as the basis for many state revenue distributions.

In resolving the conflicting claims of villages and towns the Commission must provide governments for the future. The Commission believes that local government in Dakota County will be greatly strengthened by these rulings.