

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Marvin Oldenburg	Ex-Officio Member
George J. Mingo	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	FINDINGS OF FACT,
ANNEXATION OF CERTAIN LANDS TO THE)	CONCLUSIONS OF LAW
VILLAGE OF PRIOR LAKE, MINNESOTA)	AND ORDER

A petition of Brooksville Center, Inc. requesting the annexation to the Village of Prior Lake of certain real estate situated in the County of Scott, State of Minnesota, said real estate being described in the attached order, came duly on for hearing before the Minnesota Municipal Commission on the 5th day of March, 1970, at which time all members and ex-officio members of the Minnesota Municipal Commission were present. The Village of Prior Lake appeared by and through its mayor, Walter Stock, and its city attorney, Mark Sullivan. The Township of Spring Lake appeared by and through its attorney, Louis Moriarity. Brooksville Center, Inc., the owner of the property herein described, appeared by and through its attorney, R. O. Knutson.

It appeared that a petition was filed with the Village of Prior Lake for the annexation of the real estate herein described, said petition having been executed by the owner of the area to be annexed.

It appeared that copies of the petition were duly filed with the County Board of Scott County, Minnesota, the Town Board of Spring Lake Township, Minnesota, and the Minnesota Municipal Commission.

It appeared that the notice of hearing had been duly

published and further that notice of the hearing had been sent to all parties in interest.

Evidence was offered and received for and against the annexation at said hearing, and the Commission viewed the premises.

After due and careful consideration of the evidence offered and received, together with all 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 herein, was published, served and filed.

II.

That the property described in said petition abuts the legal boundaries of the Village of Prior Lake, Minnesota, and is not included in any other municipality.

III.

That the petition for annexation of said property was signed by the owner of all the property included in said petition.

IV.

That the Village of Prior Lake has indicated approval of such annexation and said Village of Prior Lake, by and through its common council, has passed and filed with the Minnesota Municipal Commission a resolution approving such annexation.

V.

That the area to be annexed consists of a shopping center

and does not have any permanent residents.

VI.

That the area to be annexed is approximately 10 acres.

VII.

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

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 Village of Prior Lake, Minnesota.

IX.

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

X.

That the area to be annexed constitutes a small geographical portion of Spring Lake Township, and annexation of said area will not impair the ability of this township to function.

XI.

That the township in which the area to be annexed lies has no plans for the installation of water or sewage systems.

XII.

That the Village of Prior Lake has expanded and will continue to expand with respect to population and construction, and requires space to accommodate this expansion.

XIII.

That the boundaries of the area to be annexed are logical geographic boundaries for the Village of Prior Lake and these

boundaries coincide with the orderly expansion of the Village limits.

XIV.

Because of the existing growth in the area surrounding the Village of Prior Lake and because of the proximity of the area to be annexed to Highway #13, the area is a logical area for continued development and, therefore, said area requires municipal planning, zoning, and utility services for the proper use and development of said area.

CONCLUSIONS OF LAW

I.

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

II.

The area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the Village of Prior Lake, Minnesota, and is urban or suburban in character.

III.

That the interests of the Village of Prior Lake and the area to be annexed would be served best by the annexation of said area to the Village of Prior Lake, 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 Village of Prior Lake, 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 Village of Prior Lake can meet the problems existing in the area to be annexed, can remedy them and provide any and all governmental services presently required and which may become necessary in the future in the area to be annexed.

VII.

That the Village of Prior Lake can properly provide for the orderly planning and regulation of growth and development in the area to be annexed.

VIII.

An Order should be issued by the Minnesota Municipal Commission ordering the annexation of the land described herein to the Village of Prior Lake, Minnesota. Let an Order for such an annexation be entered and filed accordingly.

O R D E R

IT IS ORDERED: That the following described real estate lying in the Township of Spring Lake in Scott County, Minnesota, be and the same hereby is annexed to the Village of Prior Lake, Minnesota, the same as if it had originally been made a part thereof:

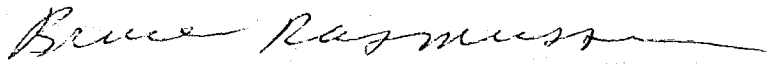
That part of the West 1/2 of the Southeast 1/4 of Section 2, Township 114, Range 23, Scott County, Minnesota, described as follows: Commencing at a point on the East line of said West 1/2 of the Southeast 1/4 distant 977.13 feet North of the Southeast corner thereof; thence West at right angles from said East line for 850.0 feet to the actual point of beginning of the tract to be described; thence continuing West on the last described course for 474.10 feet to the West line of said West 1/2 of the Southeast 1/4; thence North along said West line for 319.24 feet to the Southeast right-of-way of Highway No. 13; thence Northeasterly along said right-of-way to an intersection with a line drawn North from the actual point of beginning and parallel with the said East

line of the West 1/2 of the Southeast 1/4; thence South along the said line 587.20 feet to the actual point of beginning.

ALSO, that part of the East 1/2 of the Southwest 1/4 of said Section 2 described as follows: Commencing at the most Northeasterly corner of JOANNA STEPKA'S 4th ADDITION: thence South 16° 58' 50" East along the Northeasterly line thereof, a distance of 266.87 feet; thence North 65° 21' 10" East a distance of 180 feet to the actual point of beginning; thence North 16° 58' 50" West a distance of 292 feet, more or less, to the Southeasterly right-of-way line of Trunk Highway No. 13; thence Northeasterly along said right-of-way line to the East line of the Southwest 1/4 of said Section 2; thence South along said East line a distance of 319.24 feet; thence South 65° 21' 10" West, a distance of 380.15 feet to the point of beginning.

Dated this 18th day of June, 1970

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


Bruce Rasmussen
Secretary

MEMORANDUM

The annexations granted herein are a continuation of the pattern of piecemeal annexations which has been occurring throughout the state for many years. The 1969 session of the Legislature passed a new law which provides a procedure for orderly annexation. This procedure is set forth in Minnesota Statutes 1969, Section 414.032.

In general, the new law allows a village and a town to agree on the long-range boundaries of the city. The town area included is designated as in need of orderly annexation, and specific annexations within this designated area are ordered by the Municipal Commission after an appropriate hearing. The village must prove that it has the capability of providing needed services to their area. Taxes are increased on any area so annexed over a three to five year period, such period to be set depending on the time required by the village to provide services.

We believe the orderly annexation procedure may have application to the Prior Lake-Spring Lake area. We recommend it to local officers for their consideration.