

A-1725 Oak Park Heights
A-1734 Oak Park Heights

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Thomas J. Simmons	Member
Idor A. Pederson	Ex-Officio Member
Robert Wright	Ex-Officio Member

IN THE MATTER OF THE RESOLUTION)	FINDINGS OF FACT
FOR THE ANNEXATION OF CERTAIN)	CONCLUSIONS OF LAW
LAND TO THE VILLAGE OF OAK PARK)	AND ORDER
HEIGHTS)	

The above-entitled matter came duly on for hearing before the Minnesota Municipal Commission on various dates subsequent to the filing of the original resolution herein. That said resolution was subsequently expanded by the Minnesota Municipal Commission and consolidated with Minnesota Municipal Commission No. A-2196 (Lake Elmo) and Minnesota Municipal Commission No. A-2197 (Bayport), and that the files involving the Oak Park Heights proceeding were Minnesota Municipal Commission Nos. A-1725 and A-1734; that there was a considerable number of hearings on said respective commission files and that subsequent to their consolidation, the last hearing was held on the 13th day of July, 1972, at the Washington County Office Building in the City of Stillwater.

That on said last hearing date Commissioner Robert W. Johnson presided at said meeting and Commissioners Robert J. Ford and Harold J. Dahl were present together with Ex-Officio Members A. B. Schaefer and Idor Pederson, both Washington County Commissioners.

Appearing for the Village of Oak Park Heights was attorney Lyle J. Eckberg; for the Village of Bayport was attorney John H. Rheinberger; for the Village of Lake Elmo was attorney Donald T. Raleigh;

and for the Town of Baytown was attorney Esther M. Tomljanovich.

Upon the evidence adduced at the hearing, upon the briefs of counsel and upon all files and records herein, the Commission makes the following:

FINDINGS OF FACT

1. That the notices of hearing in the said above proceedings were all given pursuant to law.

2. That the approximate number of residents residing in the area proposed to be annexed to the Village of Oak Park Heights in the expanded petition is 300 persons.

3. That the area proposed for annexation contains 3,000 acres more or less.

4. That said area is now or about to become urban or suburban in character.

5. That said area is without governmental services except for fire protection furnished by Bayport and police protection furnished by the Sheriff's Department of Washington County.

6. That said area is within the present limits of the same school district as the Village of Oak Park Heights.

7. That the needed governmental services for said area except as herein stated can best be provided by the Village of Oak Park Heights.

8. That the proposed annexation will have no adverse effect upon any community adjacent to the area sought to be annexed.

9. That the Town of Baytown's form of government is inadequate to provide the governmental services now necessary or which will be necessary in the near future.

10. That Section Seven (7) of the area proposed to be annexed is located North of the Lake Elmo Airport and lies adjacent to the Village of Lake Elmo and can be best provided with needed governmental services by the Village of Lake Elmo.

11. That the following described abutting area is now or is about to become urban or suburban in character and would be better served by the Village of Oak Park Heights:

12. The Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Nine (9), Township Twenty-Nine (29) North, Range Twenty (20) West.

13. That the population of the area herein ordered annexed to the Village of Oak Park Heights is approximately 300.

14. That McDonalds Lake which is divided by the annexation herein ordered, is a non-meandered lake with a very limited watershed and will not be adversely affected by inclusion within more than one municipality. Counsel for the Village of Lake Elmo and the Village of Oak Park Heights stipulated that the boundary herein ordered dividing the lake was the most acceptable alternative. Expert opinion of the Washington County Planner was that such a division would not cause drainage or other problems of lake and land use. No party or person testified in opposition to the division as herein ordered.

CONCLUSIONS OF LAW

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

2. Municipal government of the area herein annexed is required to protect the public health, safety, and welfare.

3. The area herein annexed is so conditioned and so located as to be properly the subject of municipal government by the Village of Oak Park Heights.

4. The interests of the Village of Oak Park Heights and of the area herein annexed would be best served by annexation of said area to the Village.

5. The area herein annexed is or is about to become urban or suburban in character.

6. The township form of government is not adequate to meet the problems found to exist in the area herein annexed. *findings*

7. The annexation ~~will not materially affect the ability of the Township~~ of Baytown to provide governmental services for the balance of said township.

8. That the following described area would be better served by the Village of Lake Elmo:

Section Seven (7), Township Twenty-Nine (29)

North, Range Twenty (20) West.

9. That the area proposed for annexation should be increased by including the following described area:

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

Quarter (NE $\frac{1}{4}$) of Section Nine (9), Township

Twenty-Nine (29) North, Range Twenty (20) West.

10. An order should be issued by the Minnesota Municipal Commission annexing the area proposed for annexation as modified above to the Village of Oak Park Heights and providing for an election on the question of annexation pursuant to the requirements of Subdivision 5 of Section 414.031 of Minnesota Statutes.

ORDER

IT IS HEREBY ORDERED: That the following described tract of land situated in the Town of Baytown, County of Washington, State of Minnesota, to-wit:

Commencing at the Northwest corner of Section Six (6) (being the Northwest corner of the Town of Baytown), thence South along the West line of Section Six (6) to the Southwest corner of Section Six (6); thence East along the South line of Section Six (6) to the Northwest corner of Section Eight (8); thence South along the West line of Section Eight (8) to the Southwest corner of said Section Eight (8) being the point of intersection with County Road No. 14, thence East and Northeast along the centerline of County Road No. 14 until its intersection with the centerline of County Road No. 67; thence northerly along the centerline of said County Road No. 67 to the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section Nine (9); thence East along the South line of said quarter quarter section to its Southeast corner; thence North along the East line of said quarter quarter section to its intersection with the west line of the Village of Oak Park Heights; thence Northerly along the Westerly line of the Village of Oak Park Heights to its point of intersection with the North line of the Town of Baytown being also the North line of Section Four (4); thence West along the North line of the Town of Baytown along the Sections Four (4), Five (5), and Six (6) to the point of beginning, all of the above being in Township Twenty-Nine (29) North of Range Twenty (20) West.

be and the same is hereby annexed to the Village of Oak Park Heights.

IT IS FURTHER ORDERED: That a public election be held on the 7th day of August, 1973, at the Washington County Fairgrounds (Hooley Building) in the Town of Baytown at which voters residing within the area annexed shall be entitled to vote for or against said annexation to be conducted as provided by law.

IT IS FURTHER ORDERED: That the population of the Village of

Oak Park Heights be increased by 300 persons to 1,538 for all purposes until the next state or federal census.

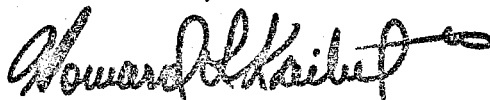
IT IS FURTHER ORDERED: That all monies in the general fund and other assets of the township shall be divided on the basis of the ratio of the assessed valuation of the area annexed to the assessed valuation of the property remaining in the township. This accounting shall take place within thirty (30) days of certification of the results of the above ordered election.

IT IS FURTHER ORDERED: That any 1973 state or federal aids or rebates received by the township after the date of this Order shall be divided on the basis of the ratio of the population annexed to the population remaining in the township. This accounting shall take place within thirty (30) days of receipt of such aids.

IT IS FURTHER ORDERED: That the effective date of this Order shall be May 29, 1973.

Dated this 31st day of May, 1973

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

A handwritten signature in dark ink, appearing to read "Howard L. Kaibel, Jr.", with a stylized flourish at the end.

Howard L. Kaibel, Jr.
Executive Secretary

MEMORANDUM

The purpose of the legislature in establishing the Minnesota Municipal Commission is outlined in the opening Section of Chapter 414:

"The legislature finds that: (1) sound urban development is essential to the continued economic growth of this state; (2) municipal government is necessary to provide the governmental services essential to sound urban development and for the protection of health, safety, and welfare in areas being used intensively for residential, commercial, industrial, institutional and governmental purposes or in areas undergoing such development; (3) the public interest requires that municipalities be formed when there exists or will likely exist the necessary resources to provide for their economical and efficient operation; (4) annexation to or consolidation with existing municipalities or unincorporated areas unable to supply municipal services should be facilitated; and, (5) the consolidation of municipalities should be encouraged. It is the purpose of this chapter to empower the Minnesota Municipal Commission to promote and regulate development of municipalities so that the public interest in efficient local government will be properly recognized and served."

In attempting to fulfill this mandate in this area in Washington County, the Minnesota Municipal Commission has considered and deliberated at great length for several years. The three orders issued today represent our best judgment as to how "the public interest in efficient local government will be properly recognized and served". The resident voters in the township will now have an opportunity to vote on these determinations.

The Township attorney and officials have argued strongly that ultimate solution in this area should be one government rather than two or three. They have indicated that they would have no objections to merger if Bayport and Oak Park Heights would also agree to consolidate. This was also the conclusion of planning experts from the Metropolitan Council in a study done at the request of the commission as early as 1968. While we do not wish to pre-judge

our conclusions if such a proceeding were initiated, we strongly urge the municipal councils and the resident voters of these two municipalities to file petitions giving the Commission the jurisdiction to consider such a consolidation. The commission is not empowered to act on its own initiative.

Today's decision is a major step in the direction sought by township officials. It reduces the number of governments involved from three to two. ~~It is a comprehensive boundary solution eliminating the need for expensive unending battles over "piecemeal" annexations.~~ The 1968 Metropolitan Council study approved a similar division as an "interim solution". If approved, the former township residents will be able to petition the commission for consolidation of the two remaining villages.

We urge the Villages involved to establish a rural-urban service district under Minnesota Statutes, Section 272.67, to assure the most equitable tax benefit ratio to all of their citizens. We also urge them to consider contracting with the capable and efficient offices of the Washington County Planning Commission for advice and assistance in establishing a comprehensive unified approach to community planning and development.