

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
William Koniarski	Ex-Officio Member
Anthony Worm	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
OF THE CITY OF PRIOR LAKE AND THE TOWN)
OF SPRING LAKE FOR THE ORDERLY ANNEXA-)
TION OF CERTAIN LAND TO THE CITY OF)
PRIOR LAKE PURSUANT TO MINNESOTA)
STATUTES 414)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on March 18, 1981 and October 6, 1982 at Prior Lake, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman of the Board, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were County Commissioners William Koniarski and Anthony Worm, Ex-Officio Members of the Board. The City of Prior Lake appeared by and through Rick Lind and Glenn Kessel, the Town of Spring Lake appeared by and through Willard Brandt, Township Clerk and Stassen Construction Company was represented by Bryce Huemoeller. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The joint resolution for orderly annexation was adopted by the City of Prior Lake and the Town of Spring Lake and duly accepted by the Minnesota Municipal Board.
2. The resolution was filed by one of the signatories to the joint resolution, the City of Prior Lake, on November 26, 1980 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

The North Three-Fourths of the Southeast one-quarter of the Northeast one-quarter of Section Eleven (11), Township One Hundred Fourteen (114), Range Twenty-two (22), Scott County Minnesota, owned by the Village of Prior Lake.

The Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 11, Township 114 North, Range

3. Due, timely and adequate legal notice of the hearing was published, served and filed.

4. On June 4, 1981 the Minnesota Municipal Board on its own motion expanded the area under consideration before it to include the following described property:

That part of Section 11, Township 114 North, Range 22 West described as follows: Beginning at the NE corner of Section 11, Township 114 North, Range 22 West thence Southerly on the East line of said Section 11 to the South line of the North 3/4 of the SE 1/4 NE 1/4; thence West on said South line to a point 60' East of the West line of the SE 1/4 NE 1/4; thence South parallel to said West line, to the South right of way line of the Township Road (a.k.a. Mushtown Road); thence Northwesterly on said right of way line to a point 80' Southeasterly of the Southwesterly extension of the South line of O'Rourke Addition; thence North 72° 49' East parallel to the South line of O'Rourke Addition 250.79' to the Southeasterly extension of the NE line of O'Rourke Addition; thence North 17° 11' West along said Northeasterly line and its extension 510' to a point; thence North 16° 32' 58" West 99.67'; thence North 17° 20' 48" West 99.48'; thence north 19° 27' 00" 100' to a point in the North line of the NW 1/4, Section 11, Township 114 North, Range 22 West; thence East on the North line of said Section 11 to the NE corner and the point of beginning.

5. On June 4, 1982 the Minnesota Municipal Board issued an interim order approving the annexation of a portion of the area described in Findings of Fact 4. The order further required that a hearing on the expanded area would be held only if requested by any of the expanded area's property owners within 90 days of the Board's Order.

6. The Findings of Fact of Minnesota Municipal Board Order A-2148 (OA)-3 Prior Lake issued June 4, 1982, referenced in the previous paragraph, are hereby incorporated by reference.

7. The Minnesota Municipal Board received a request from Bryce Huemoeller, Attorney for Stassen Construction Company, a property owner in the expanded area, for a hearing on the following described property which hearing was held on October 6, 1982:

That part of the Northwest Quarter (NW 1/4) of Section 11, Township 114, Range 22, Scott County, Minnesota, described as follows:

Beginning at a point on the East line of said Northwest Quarter distant 842.84 feet Southerly of the Northeast corner of said Northwest Quarter; thence North 00° 19' 09" East along said East line a distance of 842.84 feet to the Northeast corner of said Northwest Quarter; thence West along the North line of said Northwest Quarter a distance of 715.31 feet to a point distant 1924.78 feet East of the Northwest corner of said Northwest Quarter; thence South 19° 27' 00" East a distance of 100.00 feet; thence South 17° 20' 48" East a distance of 99.48 feet; thence South 16° 32' 58" East a distance of 99.67 feet; thence South 17° 11' 00" East a distance of 210.0 feet more or less to the Northeast corner of the plat of O'Rourke Addition; thence South 17° 11' 00" East along the Easterly line of said Addition and its Southerly extension a distance of 380.00 feet to a point 80 feet Southerly as measured along the Southerly extension of the Easterly line of said Addition; thence South 72° 49' 00" West parallel with the Southerly line of said Addition a distance of 218.4 feet more or less to the center line of a Township Road; thence Southeasterly along said center line to its intersection with a line which bears South 53° 28' 40" West from the point of

beginning; thence North 53° 28' 40" East a distance of 600.66 feet to the point of beginning.

Containing 13.95 acres more or less.

AND:

That part of the Northwest Quarter (NW¼) of Section 11, Township 114, Range 22, Scott County, Minnesota, described as follows:

Commencing at the Southeast corner of the plat of O'Rourke Addition; thence Southerly along the Southerly extension of the Easterly line of said Addition a distance of 40.00 feet to the point of beginning of the tract of land to be described; thence continuing Southerly along said extension a distance of 40.00 feet; thence Southwesterly parallel with the Southerly line of said Addition a distance of 218.4 feet more or less to the center line of a Township Road; thence Northerly along said center line a distance of 40.00 feet to its intersection with a line parallel with and distant 40.00 feet Southerly of the Southerly line of said Addition; thence Northeasterly along said line to the point of beginning.

8. The Stassen Construction Company property is approximately 15 acres in size.
9. The Stassen property borders the City of Prior Lake by approximately 17.647%.
10. The Stassen property is proposed for multiple unit residential development.
11. The majority of the multiple dwelling units in Prior Lake are located immediately north and east of the area proposed for annexation.
12. The Stassen property is vacant with approximately 4 acres of waste land or pond. It is generally level.

The development and proper grading and shaping would improve the land and the pond.
13. The area is developable because of its location adjacent to the shopping center, markets and near recreational opportunities.

The residents of the Stassen Construction property would exit northward from that area to get to the various commercial enterprises.
14. The City of Prior Lake has capacity and is willing to provide municipal services to the area proposed for annexation.
15. The assessed valuation of the Stassen property is \$4,332 with an estimated market value of \$22,800.
16. The present development plans of the Stassen property would call for a buffer zone between the existing single-family residential homes and the multiple family dwellings plan.
17. Mr. Stassen is attempting to develop a road right-of-way easement northward from his property.
18. The Town of Spring Lake wants traffic from the Stassen property to exit northward so as not to use Mushtown Road which is being maintained by the Township and is primarily a gravel road.

19. Annexation of the Stassen property is consistent with the joint resolution for orderly annexation between the Town of Spring Lake and the City of Prior Lake.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing services required by the area within a reasonable time.

3. The existing township form of government is not adequate to protect public health, safety and welfare of the area proposed for annexation.

4. The annexation would be in the best interests of the area proposed for annexation.

5. The annexation is consistent with the terms of the joint resolution for orderly annexation.

6. The development of a road right-of-way, northward from the Stassen property will alleviate the majority of the use of Mushtown Road resulting from the development of the Stassen property, and this easement or road right-of-way should be developed within 90 days of this order.

7. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact 6, herein, and denying without prejudice the remaining property.

ORDER

1. IT IS HEREBY ORDERED: That if there is developed a road right-of-way or specific easement providing a northern access to the property described in Findings of Fact 6, herein, within 90 days of the date of this order, the property described in Findings of Fact 6, herein, be and the same is hereby annexed to the City of Prior Lake on June 13, 1983 the same as if it had been originally made a part thereof.

2. IT IS FURTHER ORDERED: That the development of either the easement or the access shall be certified to the Municipal Board by an Affidavit of the attorney of Stassen Construction Company.

3. IT IS FURTHER ORDERED: That if an easement or right-of-way for a northern access to the area proposed for annexation is not obtained within 90 days of the date of this order, the annexation is denied without prejudice.

4. IT IS FURTHER ORDERED: That the annexation of the remaining area within the

area expanded by the Municipal Board for its consideration is denied without prejudice.

5. IT IS FURTHER ORDERED: That the effective date of this order is March 10, 1983.

Dated this 10th day of March, 1983.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

A handwritten signature in black ink, reading "Terrence A. Merritt". The signature is written in a cursive style with a large, stylized 'T' and 'M'.

Terrence A. Merritt
Executive Director

BEFORE THE MUNICIPAL BOARD
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Robert J. Ferderer	Chairman
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OF THE CITY OF PRIOR LAKE AND THE TOWN)	
OF SPRING LAKE FOR THE ORDERLY)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE CITY)	<u>CONCLUSIONS OF LAW</u>
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After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I. The joint resolution for orderly annexation was adopted by the City of Prior Lake and the Town of Spring Lake and duly accepted by the Minnesota Municipal Board.

II. The resolution was filed by one of the signatories to the joint resolution, the City of Prior Lake, on November 26th, 1980 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the property subject to annexation which is as follows:

The North Three-Fourths of the Southeast one-quarter of the Northeast one-quarter of Section Eleven (11), Township One Hundred Fourteen (114), Range Twenty-two (22), Scott County Minnesota, owned by the Village of Prior Lake.

The Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 11, Township 114 North, Range 22 West, Scott County, Minnesota, together with a roadway easement for ingress and egress over the West 60 feet of that portion of the East half of the Northeast Quarter (E 1/2 of NE 1/4) and the West 60 feet of that portion of the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4), lying Northerly of Fulton Road, all in said Section 11, owned by the Village of Prior Lake.

That part of the Northwest Quarter (NW 1/4) of Section 11, Township 114, Range 22, Scott County, Minnesota described as follows:

Beginning at a point on the East line of said Northwest Quarter distant 842.84 feet Southerly of the Northeast corner of said Northwest Quarter; thence North 00 degrees 19'09" East along said East line a distance of 842.84 feet to the Northeast corner of said Northwest Quarter; thence west along the North line of said Northwest Quarter a distance of 715.31 feet to a point distant 1924.78 feet East of the Northwest corner of said Northwest Quarter; thence South 19 degrees 27'00" East a distance of 100.00 feet; thence South 17 degrees 20'48" East a distance of 99.48 feet; thence South 16 degrees 32'58" East a distance of 99.67 feet; thence South 17 degrees 11'00" East a distance of 210.0 feet more or less to the Northeast corner of the plat of O'Rourke Addition; thence South 17 degrees 11'00" East along the Easterly line of said Addition and its Southerly extension a distance of 380.00 feet to a point 80 feet Southerly as measured along the Southerly extension of the Easterly line of said Addition; thence South 72 degrees 49'00" West parallel with the Southerly line of said Addition a distance of 218.4 feet more or less to the center line of Township Road; thence Southeasterly along said center line to its intersection with a line which bears South 53 degrees 28'40" West from the point of beginning; thence North 53 degrees 28'40" East from the point of beginning; thence North 53 degrees 28'40" East a distance of 600.66 feet to the point of beginning.

Containing 13.95 acres more or less, owned by Stassen Construction, Inc.,

That part of the Northwest Quarter (NW 1/4) of Section 11, Township 114, Range 22, Scott County, Minnesota, described as follows:

Commencing at the Southeast corner of the plat of O'Rourke Addition; thence Southerly along the Southerly extension of the Easterly line of said Addition a distance of 40.00 feet to the point of beginning of the tract of land to be described; thence continuing Southerly along said extension a distance of 40.00 feet; thence Southeasterly parallel with the Southerly line of said Addition a distance of 218.4 feet more or less to the center line of a Township Road; thence Northerly along said center line a distance of 40.00 feet to its intersection with a line parallel with and distant 40.00 feet Southerly of the Southerly line of said Addition; thence Northeasterly along said line to

the point of beginning, owned by Stassen Construction, Inc.

West 1/2 of NE quarter (W 1/2 of NE 1/4) of section eleven (11) Township 114, Range 22, Scott County lying northeast of the Township Road.

III. Due, timely and adequate legal notice of the hearing was published, served, and filed.

IV. On June 4th, 1981 the Minnesota Municipal Board on its own motion expanded the area under consideration before it to include the following described property:

That part of Section 11, Township 114 North, Range 22 West described as follows: Beginning at the NE corner of Section 11, Township 114 North, Range 22 West thence Southerly on the East line of said Section 11 to the South line of the North 3/4 of the SE 1/4 NE 1/4; thence West on said South line to a point 60' East of the West line of the SE 1/4 NE 1/4; thence South parallel to said West line, to the South right of way line of the Township Road (A.K.A. Mushtown Road); thence Northwesterly on said right of way line to a point 80' Southeasterly of the Southwesterly extension of the South line of O'Rourke Addition; thence North 72°49' East parallel to the South line of O'Rourke Addition 250.79' to the Southeasterly extension of the NE line of O'Rourke Addition; thence North 17°11' West along said Northeasterly line and its extension 510' to a point; thence North 16°32'58" West 99.67'; thence North 17°20'48" West 99.48'; thence north 19°27'00" 100' to a point in the North line of the NW 1/4, Section 11, Township 114 North, Range 22 West; thence East on the North line of said Section 11 to the NE corner and the point of beginning.

V. On March 29th, 1982 the Minnesota Municipal Board on its own motion approved the annexation of the following described property and determined to allow property owners within the area described in Findings of Fact IV to have 90 days from the date of this order to petition for a hearing on the expanded area, or the remaining area for annexation within the expanded area would be denied without prejudice. The property given approval for annexation is described as follows:

Beginning at the N.E. corner, Section 11, Township 114 North, Range 22 West; thence South on the East line to the South line of the North 3/4 of the S.E. 1/4 NE 1/4; thence West on said South line to the West line of the East 1/2 of N.E. 1/4, Section 11, Township 114 North, Range 22 West; thence North on said West line to the North line of said Section 11, Township 114 North, Range 22 West; thence East on said North line to the point of beginning.

VI. This interim order only addresses itself to the above-referenced property described in Findings of Fact V and hereinafter referred to as area subject to annexation.

VII. The area subject to annexation is unincorporated, within the orderly annexation agreement area, approximately 70 acres in size and abuts the City of Prior Lake by approximately 18% of its border. The City of Prior Lake is approximately 10,100 acres in size.

VIII. The area subject to annexation is covered with rolling light colored soils and low wet soils with two small water retention areas.

IX. On January 4th, 1980 there were 7,109 residents in the City of Prior Lake, the present estimated population is 7,250, and it is projected that by the year 1990 Prior Lake will have a population of 11,250.

X. In the area subject to annexation in 1980 there were no residents. There is no present population and by the year 1990 there is no projected population.

XI. In the Town of Spring Lake in 1970 there were 1,948 residents. The present estimated population is 2,500, and by 1990 it is projected to have a population of 2,600.

XII. The City of Prior Lake has approximately 2,400 acres in residential use, 110 acres in institutional use, approximately 150 acres in commercial use, approximately 160 acres in industrial use, approximately 7,080 acres in agricultural use, and approximately 200 acres in vacant land.

XIII. The City of Prior Lake has approximately 80 acres being developed for residential use, and approximately 15 acres being developed for commercial use.

XIV. The City of Prior Lake has approximately 2,480 acres remaining for residential use, approximately 110 acres remaining for institutional use, approximately 165 acres remaining for commercial use, approximately 160 acres remaining for industrial use, and 6,985 acres remaining for agricultural use.

XV. The Town of Spring Lake has approximately 5,240 acres for residential use, 20 acres for institutional use, 30 acres for commercial use, and 16,840 acres for agricultural use.

The Town of Spring Lake has 20 acres being developed for residential use.

The Town of Spring Lake has 1,000 acres remaining for residential use, 10 acres remaining for institutional use, and 15,830 acres for agricultural use. Presently this land is totally in agricultural use.

XVI. In the area subject to annexation, the 70 acres are presently owned by the city, the northern portion is being used for park and recreational area with the southern portion to be developed as a park. The southern portion is presently used for agricultural purposes.

XVII. The City of Prior Lake presently has a zoning ordinance, subdivision regulations, comprehensive plan, official map, capital improvements program, fire code, building inspector, and planning commission.

XVIII. The Town of Spring Lake has a planning commission.

XIX. The County of Scott has a zoning ordinance, subdivision regulations, comprehensive plan, official map, capital improvements program, fire code, building inspector, and planning commission.

XX. Transportation within the city is state, county, and city streets. The City of Prior Lake presently provides its residents with sewer, water, fire protection, police protection, street improvements and maintenance, recreational opportunities, and administrative services.

XXI. The City of Prior Lake is willing to extend all of its municipal services to the area subject to annexation.

XXII. By annexing the city-owned park land to the city, the city of Prior Lake will be able to use its police to enforce its park ordinances within its property.

XXIII. The City of Prior Lake in 1980 had a mill rate of 25.768 and a bonded indebtedness of \$14,040,000.

XXIV. The Town of Spring Lake in 1980 had a mill levy of 1.228 and no bonded indebtedness.

XXV. The mill rate for Scott County in 1980 was 42, and for the school district it was 54.651.

XXVI. All of the area subject to annexation is city-owned land either presently used for recreational purposes or projected for recreational use.

XXVII. The City of Prior Lake is the only municipality adjacent to the area subject to annexation.

XXVIII. The annexation is consistent with the joint resolution for orderly annexation between the Town of Spring Lake and the City of Prior Lake.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect public health, safety and welfare of the area proposed for annexation.

IV. The annexation would be in the best interests of the area proposed for annexation.

V. The annexation is consistent with the terms of the joint resolution for orderly annexation.

VI. An order should be issued by the Minnesota Municipal Board annexing the area described in Findings of Fact V, herein, and retaining jurisdiction on the remaining property.

O R D E R

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact V be and the same is hereby annexed to the City of Prior Lake, Minnesota the same as if it had been originally a part thereof and the Municipal Board retains its jurisdiction on the remaining area described in Findings of Fact IV.

II. IT IS FURTHER ORDERED: That the property owners located in the area described in Findings of Fact IV herein and not already annexed to the City of Prior Lake have 90 days from the date of this order to request a hearing before the Municipal Board.

III. IT IS FURTHER ORDERED: That the effective date of this order is June 4, 1982.

Dated this 4th day of June, 1982.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

Terrence A. Merritt
Terrence A. Merritt
Executive Director