

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Thomas J. Simmons	Member
Peter E. Tibbetts	Ex-Officio Member
Arthur B. Schaefer	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 LAKE ELMO)	AND ORDER

This proceeding, under Section 414.031 of the Minnesota Statutes, for annexation to the Village of Lake Elmo, Washington County, Minnesota, of certain property located in the Township of Baytown, Washington County, Minnesota, more particularly described as follows:

Sections Six (6), Seven (7), Eighteen (18), and the West One-Half (W $\frac{1}{2}$) of Section Seventeen (17), Township Twenty-nine (29) North, Range Twenty (20) West

came on for hearing before the Minnesota Municipal Commission at the City of Stillwater, Washington County, Minnesota, on the 13th day of July, 1972.

Robert W. Johnson, Chairman of the Minnesota Municipal Commission, presided at said hearing. The following were also in attendance: Commissioner Robert J. Ford, Commissioner Harold J. Dahl, and Ex-Officio Members Idor Pederson and A. B. Schaefer, Washington County Commissioners.

The hearing was thereupon consolidated for hearing with the proceedings in the matter of the resolution for the annexation of certain land to the Village of Bayport (Municipal Commission No. A-2197 Bayport) and in the matter of the Petitions for the annexation of certain lands to the Village of Oak Park Heights (Municipal Commission Nos. A-1725 and A-1734 Oak Park Heights).

The petitioner was represented by Donald T. Raleigh, of Lawson, Kelly, Ranum & Raleigh, Attorneys at Law; the Township of Baytown was represented by Mrs. Esther M. Tomljanovich, Attorney at Law; the Village of Bayport was represented by John H. Rheinberger, Attorney at Law; and the Village of Oak Park Heights was represented by Lyle J. Eckberg, of Eckberg, Lammers & Briggs, Attorneys at Law.

The Commission, having considered the testimony of witnesses, the exhibits received in evidence and all of the other evidence, the briefs submitted by counsel, and having considered those factors set forth in Subdivision 4 of Section 414.031 of the Minnesota Statutes, and upon all the files, records, and proceedings herein and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. That due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was published, served and filed.
2. That the area proposed for annexation contains 1,920 acres of land, more or less, and is legally described in the Order herein.
3. The total area included within the corporate limits of the Village of Lake Elmo is 26,160 acres more or less.
4. That the area proposed for annexation is located Easterly of and is contiguous to the present corporate limits of the Village of Lake Elmo.
5. The number of residents within the area proposed for annexation is approximately 75 persons. The population of the Village of Lake Elmo according to the 1970 census is 3,565.

6. The assessor's market valuation of the Village of Lake Elmo as of January 1, 1972, was in the amount of \$27,978,649.00 and the assessor's market valuation of Baytown Township as of January 1, 1972, was in the amount of \$5,779,247.00. The assessor's market valuation of the area proposed to be annexed to the Village of Lake Elmo is \$895,498.00.

7. The only public facilities within the area proposed to be annexed are the Washington County Fairgrounds and the Lake Elmo Airport, the latter being operated by the Metropolitan Airport's Commission. The only public services being provided within the boundaries of the area proposed to be annexed are road maintenance and fire protection.

8. The area proposed to be annexed is now or is about to become urban or suburban in character.

9. That the area proposed for annexation is expected to develop more rapidly than the portions of Baytown lying further to the East. This development is expected in part because of the fairgrounds and airport; it may also be expected because the area proposed to be annexed lies relatively close to the business centers and the major population centers in the Village of Lake Elmo. The Village of Lake Elmo has developed comprehensive sewer plans and comprehensive water plans which anticipate and provide for supplying municipal sewer and water service to the areas proposed for annexation. It would appear that these municipal services as well as police and fire protection could be more readily supplied to the area herein

annexed because of its proximity to the major business and population centers of the Village of Lake Elmo and as a result of the comprehensive plans of the Village of Lake Elmo providing for such services.

10. Real Estate taxes can reasonably be expected to increase in the area herein annexed, but such increase will be proportional to the expected benefit inuring to said area as a result of such annexation.

11. Due to the relative location of the area herein annexed with respect to the remainder of the Township of Baytown, it is natural, feasible, and practical that the Village of Lake Elmo provide necessary governmental services to said area.

12. Because of the impact and potential impact of development around the Lake Elmo Airport, the Washington County Fairgrounds and along State Highway #212, will have the greatest effect on the existing population centers in the Village of Lake Elmo, the same being the closest population center to the area proposed to be annexed, it is important that the Land Use Regulation within said area be exercised by the same governing body responsible for land use planning and regulation within the Village of Lake Elmo. The zoning and subdivision regulations existing in the Village of Lake Elmo and those adopted by Washington County and now affecting the area proposed to be annexed are similar and the unification of the administration of those regulations in the Village of Lake Elmo would facilitate enforcement thereof.

13. The loss of the area proposed to be annexed from the Township of Baytown will not in any way impair that Town's ability to function as a town. Moreover, the annexation herein ordered would make it

possible for the orderly annexation of the rest of Baytown Township to the other municipalities or parties to this proceeding, to wit:

The Village of Bayport and the Village of Oak Park Heights.

The West One-Half of Section Seventeen (17) included in the petition herein would be better served by annexation to the Village of Bayport and until such time may be adequately provided for as part of the Town of Baytown.

Section Six (6) would be better served by the Village of Oak Park Heights.

14. For the foregoing reasons, and because of the sense of community and common interest apparently existing between the residents of Sections Seven (7) and Eighteen (18) of Township Twenty-Nine (29) North, Range Twenty (20) West, and the Village of Lake Elmo, it would best serve the interest of the area herein annexed to be annexed to the Village of Lake Elmo. This is particularly true since annexation to the Village of Lake Elmo would not appear to result in any immediate or substantial change in the rate of development of the area proposed for annexation but would insure that necessary municipal services can be provided as needed, in a fiscally sound and technically practical manner.

15. 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.

16. That the population of the area herein ordered annexed to the Village of Lake Elmo is approximately 58.

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 proposed for annexation is required to protect the public health, safety, and welfare in reference to zoning, sewage disposal, municipal water, planning, and police and fire protection.

3. The area to be annexed is so conditioned and so located as to be properly the subject of municipal government by the Village of Lake Elmo, Minnesota.

4. The interests of the Village of Lake Elmo and of the area herein annexed would best be served by annexation of said area to the Village of Lake Elmo, Minnesota.

5. The area proposed for annexation 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 proposed to be annexed.

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 Bayport:

The West One-Half of Section Seventeen (17),
Township Twenty-Nine (29) North, Range
Twenty (20) West.

9. That the following described area would be better served by the Village of Oak Park Heights:

Section Six (6), Township Twenty-Nine (29)
North, Range Twenty (20) West.

10. An Order should be issued by the Minnesota Municipal Commission ordering the annexation of the land in Washington County, Minnesota, described as follows:

Sections Seven (7) and Eighteen (18), Township
Twenty-Nine (29) North, Range Twenty (20) West

to the Village of Lake Elmo and providing for an election on the question of annexation pursuant to the requirements of Subdivision 5 of Section 414.031 of Minnesota Statutes.

O R D E R

IT IS HEREBY ORDERED: That the real estate situated in the County of Washington, State of Minnesota, described as follows:

Sections Seven (7), Eighteen (18), Township
Twenty-Nine (29) North, Range Twenty (20)
West

be and the same real estate is hereby annexed to the Village of Lake Elmo, Washington County, Minnesota.

IT IS FURTHER ORDERED: That on the 14th day of August, 1973, at the Washington County Fairgrounds (Hooley Building) in the Town of Baytown, an election shall be conducted and notice thereof given as required by Subdivision 5 of Section 414.031 of the Minnesota Statutes.

IT IS FURTHER ORDERED: That the population of the Village of Lake Elmo be increased by 58 persons to 3,623 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
St. Paul, Minnesota 55101



Howard L. Kaibel, Jr.
Executive Secretary