

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
Don L. Cafferty	Ex-Officio Member

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IN THE MATTER OF THE RESOLUTION)  
FOR THE ANNEXATION OF CERTAIN )  
LAND TO THE VILLAGE OF BAYPORT )

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER  
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The above entitled matter, ordered consolidated with Municipal Commission No. A-2196 (Lake Elmo) and Municipal Commission No.'s A-1725 and A-1734 (Oak Park Heights), came on for hearing before the Minnesota Municipal Commission in the Washington County Office Building, Stillwater, Minnesota, on the 13th day of July, 1972.

Commissioners Robert W. Johnson, Robert J. Ford and Harold J. Dahl and Ex-Officio Members, A. B. Schaefer and Idor Pederson, both Washington County Commissioners, were in attendance, with Chairman Johnson presiding.

Appearing for the Village of Bayport was Attorney John H. Rheinberger; for the Village of Oak Park Heights, Attorney Lyle J. Eckberg; for the Village of Lake Elmo, Attorney Donald T. Raleigh and for the Town of Baytown, Attorney Esther M. Tomljanovich.

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

FINDINGS OF FACT

1. That Notice of Hearing was duly given pursuant to law.
2. That the number of residents residing in the area proposed to be annexed is approximately <sup>a</sup> 425 persons.

3. That the area proposed for annexation contains 3,520 acres, more or less.

4. That said area is now or is 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 contiguous to the present limits of and in the same school district as Bayport.

7. That needed governmental services for said area, except as hereinafter stated, can best be provided by Bayport.

8. That Bayport has no space within its present corporate limits to accommodate its projected future growth.

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

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

11. That Section 18 of the area proposed to be annexed, in which is located the Lake Elmo Airport, lies adjacent to the Village of Lake Elmo and can best be provided with needed governmental services by Lake Elmo.

12. That the following described territory within the area proposed for annexation lies adjacent to the Village of Oak Park Heights and can best be provided with needed governmental services by Oak Park Heights:

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 approximate population of the area herein annexed is 365.

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.

3. That the following described property within the area proposed for annexation is better served by the Village of Lake Elmo:

Section 18, Township 29 North, Range 20 West.

4. That the following described property within the area proposed for annexation is better served by the Village of Oak Park Heights:

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.

5. The remainder of the property proposed for annexation is so conditioned and so located as to be properly the subject of municipal government by the Village of Bayport.

6. The area proposed for annexation is or is about to become urban or suburban in character.

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

8. An Order should be issued by the Minnesota Municipal Commission annexing the area proposed with the exceptions aforementioned to the Village of Bayport.

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:

Beginning at the point of intersection of the centerline of Fifth Ave. N. (County Road 14) and the westerly limits of the Village of Bayport; thence West along the centerline of said Fifth Avenue N. in a straight line, if projected westerly, to the Northeast corner of the Northeast Quarter of the Northeast Quarter of Section Nine (9), Township Twenty-Nine (29) North, Range Twenty (20) West; thence South along the East line of said Quarter-Quarter Section to its Southeast corner; thence West along the South line of said Quarter-Quarter Section to its intersection with the centerline of County Road 67; thence South along the centerline of said County Road 67 to its intersection with the centerline of County Road 14; thence Southwest and West along the centerline of said County Road 14 to the west line of Section 17, Township 29 N., Range 20 W; thence South along the west line of said Section 17 to its intersection with the centerline of 30th St. N. (being the southerly limits of the Town of Baytown); thence East along the centerline of said 30th St. N. and the South line of the Town of Baytown to the shore of the St. Croix River; thence North along the shore of the St. Croix River to the present southerly limits of the Village of Bayport; thence West along the southerly and North along the westerly limits of the Village of Bayport to the point of beginning.

be and the same is hereby annexed to the Village of Bayport.

IT IS FURTHER ORDERED: That a public election be held on the 21st 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 Bayport be increased by 365 persons to 3,352 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

  
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.