

7-24-73

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas J. Simmons	Vice Chairman
Robert J. Ford	Member
Roger Marturano	Ex-Officio Member
Clarence A. Petersen	Ex-Officio Member

IN THE MATTER OF THE PETITION AND RESOLUTION)	
FOR THE ANNEXATION OF CERTAIN LAND TO THE)	FINDINGS OF FACT
VILLAGE OF BIG LAKE PURSUANT TO MINNESOTA)	CONCLUSIONS OF LAW
STATUTES 414)	AND ORDER

The above entitled matter came on for hearing before a quorum of the Minnesota Municipal Commission on the 30th day of May, 1973 in the Village of Big Lake, Sherburne County, State of Minnesota, upon the petition of a majority of land owners for the annexation of certain lands to the Village of Big Lake, and resolutions by the Village of Big Lake and Town of Big Lake approving the annexation. An appearance was entered by Robert B. Danforth on behalf of the Village of Big Lake. No one appeared in opposition.

The Commission, having duly considered the testimony of the witnesses, the exhibits received in evidence, and upon all the files and records herein, and being fully advised in the premises, makes and enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1.

A petition of a majority of land owners for the annexation of certain land described herein to the Village of Big Lake was filed with the Minnesota Municipal Commission on January 31, 1973, and was in all respects proper in form, contents, execution and filing. Resolutions approving the annexation were filed by the Village of Big Lake and the Town of Big Lake on January 31, 1973.

2.

That due, timely and adequate notice of the hearing herein was properly published, served and mailed.

That the area proposed for annexation is described as follows:

Section Seventeen (17), Township Thirty-three (33), Range Twenty-seven (27), the South 296.64 feet of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$);

Section Eighteen (18), Township Thirty-three (33), Range Twenty-seven (27):

Government Lot 1 except the North 900 feet
Government Lots 2 and 3
Southeast Quarter
South 233.0 feet of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
South 233.0 feet of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) lying West of the centerline of CSA H. 5
South 273.56 feet of the South Half of the Northeast Quarter lying East of the centerline of CSAH 5 and West of the centerline of Elk River

Section Nineteen (19), Township Thirty-three (33), Range Twenty-seven (27), North Half except that area already in corporate limits

Section Twenty (20), Township Thirty-three (33), Range Twenty-seven (27), Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section Thirty (30), Township Thirty-three (33), Range Twenty-seven (27), West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$)

Section Thirteen (13), Township Thirty-three (33), Range Twenty-eight (28), Oakland Heights Addition in Government Lot 1; Lakeview Addition in Government Lots 2 and 3

Section Twenty-four (24), Township Thirty-three (33), Range Twenty-eight (28), Government Lot 3 except the West 50 rods, Government Lot 2 except the West 64 rods, Government Lot 1 lying North of Trunk Highway's 10 and 52.

4.

That a majority of the land owners of the area proposed for annexation executed the petition for annexation.

5.

That the area proposed for annexation is partly platted and partly unplatted, and is partly urban and partly agricultural; that said area abuts the Village of Big Lake and is not included in any other municipality.

6.

That the population of the Village of Big Lake as of the year 1970 was 1,015 and that the present population of the Village of Big Lake is not known, and the area proposed for annexation has an approximate population of 700 people.

7.

That the Village of Big Lake proposes and has developed plans for water and sanitary sewer pipe lines in the area proposed for annexation suitable to provide such services as may become necessary.

8.

That the assessed valuation of the Village of Big Lake is \$1,271,888.00, and that the total assessed valuation of the entire Big Lake Township is \$3,873,585.00; that the area proposed for annexation makes up a very small portion, both geographically and in assessed valuation, of the entire area of the Township of Big Lake.

9.

That the real estate taxes in the area may be expected to increase, but the increase will be proportional to the expected benefit inuring to said area as a result of the annexation.

10.

That the Village of Big Lake has a modern, well-equipped police department of adequate size which will be able to serve the area ordered annexed, by adding very little manpower, while the Town of Big Lake in which the area proposed to be annexed is located does not have a police department, said area now receives its police protection from the Sherburne County Sheriff's Office with some coverage by the Village of Big Lake.

11.

That the Village of Big Lake has a modern, well-equipped fire department which will be able to serve the area herein proposed to be annexed. That said area is presently protected by and serviced by the fire department of the Village of Big Lake on the basis of a contract between the Village of Big Lake and the Township of Big Lake.

12.

That the County of Sherburne has adopted a comprehensive zoning ordinance which includes comprehensive plans for development of areas surrounding the Village of Big Lake, including the area ordered annexed.

13.

That the Township of Big Lake provides no sanitary sewer or water service in the area herein proposed to be annexed, and the evidence shows that the Township has no plans for providing such service in the future. Evidence shows, further, that the area to be annexed has immediate need for such service.

14.

That the area of territory described in the petition totals approximately 677 acres, and the Village of Big Lake encompasses an area approximately the same size.

15.

That the Village of Big Lake has expanded with respect to population and construction, and will continue to do so, and the space is needed to accommodate that expansion.

16.

That the township form of government is inadequate to cope with the problems of urban and suburban growth in the area hereafter ordered annexed.

17.

That the area herein ordered annexed is suitable for both commercial enterprises and residential development.

18.

The area proposed for annexation described below is not developed and would be better served by the Township of Big Lake in order to provide the unified lake and land use control:

Beginning at the point where the center line of Nicollet Avenue intersects with the boundaries of the area proposed for annexation; thence easterly along the center of Nicollet Avenue to the point of intersection with the center line of Hiawatha Avenue; thence southerly along the center line of Hiawatha Avenue to its intersection with the center line of Shady Lane; thence westerly along the center line of Shady Lane as if extended to the westerly boundary of the area proposed for annexation; thence northerly along the boundaries of the area proposed for annexation to the point of beginning.

19.

The area proposed for annexation lying north and east of the centerline of Elk River is not developed and would be better served by the Town of Big Lake.

CONCLUSIONS OF LAW

1.

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

2.

The Municipal Commission, by virtue of receipt of a petition by the majority of the property owners within the area to be annexed, has authority to grant the annexation described herein without an election.

3.

The area proposed for annexation should be decreased by the removal of the following described property:

Beginning at the point where the centerline of Nicollet Avenue intersects with the boundaries of the area proposed for annexation; thence easterly along the center of Nicollet Avenue to the point of intersection with the centerline of Hiawatha Avenue; thence southerly along the centerline of Hiawatha Avenue to its intersection with the centerline of Shady Lane; thence westerly along the centerline of Shady Lane as if extended to the westerly boundary of the area proposed for annexation; thence northerly along the boundaries of the area proposed for annexation to the point of beginning.

and;

the area proposed for annexation lying north and east of the centerline of Elk River.

4.

That the remainder of the area proposed for annexation is now or is about to become urban or suburban in character.

5.

That the remainder of the Township of Big Lake can continue to carry on the functions of government without undue hardship.

6.

That said area is so conditioned and so located as to be properly subjected to municipal government by the Village of Big Lake.

7.

Annexation of said area by the Village of Big Lake will be in the best interest of the area to be annexed, and of the Village of Big Lake.

8.

Municipal government of said area is necessary and is required to protect public health, safety and welfare, and to provide necessary governmental services.

9.

That an order should issue from the Minnesota Municipal Commission annexing to the Village of Big Lake the real estate located in the Township of Big Lake, Sherburne County, Minnesota, described herein.

O R D E R

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

Section Seventeen (17), Township Thirty-three (33), Range Twenty-Seven (27): The South 296.64 feet of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$)

Section Eighteen (18), Township Thirty-three (33) Range Twenty-Seven (27):

Government Lot 1 except the North 900 feet
Government Lots 2 and 3
Southeast Quarter
South 233.0 feet of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
South 233.0 feet of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) lying West of the centerline of CSAH 5
South 273.56 feet of the South Half of the Northeast Quarter lying East of the center line of CSAH 5 and West of the centerline of Elk River

Section Nineteen (19), Township Thirty-three (33), Range Twenty-Seven (27); North Half except that area already in corporate limits

Section Twenty (20), Township thirty-three (33), Range Twenty-seven (27), Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

Section Thirty (30), Township Thirty-three (33), Range Twenty-seven (27): West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$)

Section Thirteen (13) Township Thirty-three (33), Range Twenty-eight (28); Oakland Heights Addition in Government Lot 1; Lakeview Addition in Government Lots 2 and 3

Section Twenty-four (24), Township Thirty-three (33), Range Twenty-eight (28): Government Lot 3 except the West 50 rods, Government Lot 2 except the West 64 rods, Government Lot 1 lying North of Trunk Highway's 10 and 52.

except that part thereof described as follows:

Beginning at the point where the centerline of Nicollet Avenue intersects with the boundaries of the area proposed for annexation; thence easterly along the center of Nicollet Avenue to the point of intersection with the centerline of Hiawatha Avenue; thence southerly along the centerline of Hiawatha Avenue to its intersection with the centerline of Shady Lane; thence westerly along the centerline of Shady Lane as if extended to the westerly boundary of the area proposed for annexation; thence northerly along the boundaries of the area proposed for annexation to the point of beginning.

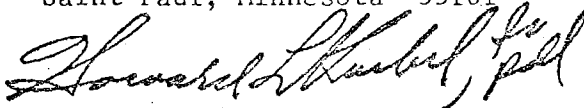
and; further excepting therefrom:

That part north and east of the centerline of Elk River.

IT IS FURTHER ORDERED: That the population of the Village of Big Lake is hereby increased by 700 to 1,715 for all purposes until the next federal census.

Dated this 24th day of July, 1973

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



Howard L. Kaibel, Jr.
Executive Secretary