

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons
Robert W. Johnson
Gerald J. Isaacs
Wayne Holtmeier
Joe Neaton

Chairman
Vice Chairman
Member
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF CHASKA)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above described proceeding under Minnesota Statutes Chapter 414, as amended, for annexation to the City of Chaska of certain property located in the Township of Chaska, Carver County, Minnesota, more particularly described herein, came on for hearing before the Minnesota Municipal Commission in the City of Chaska in the Chaska City Hall on the 16th day of September, 1975, at 10:00 a.m. Thomas Simmons, Chairman of the Minnesota Municipal Commission, presided at the hearing. Also in attendance were Wayne Holtmeier, County Commissioner, and Joe F. Neaton, County Commissioner, as Ex-Officio Members. The Commission duly designated by resolution the Chairman, Thomas J. Simmons, to conduct the hearing and receive and report evidence.

The Petition herein had been received by the Minnesota Municipal Commission on May 2, 1975, and objections to said annexation were received from the Township on May 20, 1975. The Petitioner was represented by Frank J. Brixius of Hvass, Weisman & King, Chartered; The City of Chaska was represented by its City Attorney, Luke Melchert and the Township was represented by its attorney, Robert Nicklaus.

The Commission, having considered the testimony of witnesses, the exhibits received in evidence, and all of the evidence, the files and records 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 served and filed.

2. That due, timely and adequate objection to the proposed annexation of the property herein described was filed by the Town of Chaska, Carver County, Minnesota, by its Town Board.

3. That the area proposed for annexation is hereafter fully described, is located adjacent to and abuts the corporate limits of the City of Chaska, County of Carver, Minnesota, and consists of 59.72 acres of land; and that the present area of the City of Chaska is 16 sq. miles.

4. That all of the property owners in the area proposed for annexation have joined in the proposed annexation.

5. That the City of Chaska, according to the 1970 United States Census, had a population of 4,352; that the estimated population of the City of Chaska in 1974 was 7,108; that the property proposed for annexation in this proceeding, hereafter referred to as the Davies Property, has a population of zero; that the Davies Property, if developed in accordance with the proposed plans for the same submitted in this Proceeding, would have a projected population of 487 people; and that the projected population of the City of Chaska in 1995 is 85,000.

6. That the present zoning of the Davies Property is for single family residential development, the pattern of development of property located within the City of Chaska adjacent to the same is consistent with that zoning, and such development is consistent with comprehensive plans for the development of the property developed by the Metropolitan Council; that the ultimate zoning control of said property is presently under the jurisdiction of Carver County, and that Carver County has zoning, housing, building codes and subdivision regulations; that adequate ordinances covering the same subjects are in existence and would be operable within the limits of the City of Chaska; and that development of the Davies Property in

accordance with the codes, ordinances, and regulations of the City of Chaska will not materially adversely affect the ecology or environment of the area of which the Davies Property is a part.

7. That the natural drainage of the largest portion of the Davies Property is to the North which is served by a sewer system of the City of Chaska and the natural drainage of the balance of the Davies Property, the bluff area, is to the South (abutting County Road No. 10 and an unimproved creek area to the South of said roadway).

8. That municipal services of the City of Chaska or proposed improvements, including water and sewer service, fire and police protection, street improvements and maintenance, and recreational facilities, are and will be adequate to provide such services to the Davies Property; and that such services can best be provided to the Davies Property through annexation to the City of Chaska.

9. That the existing road system in the City of Chaska and the proposed road system for the Davies Property will be sufficient to accommodate the proposed development for the Davies Property whether or not Engler Boulevard is constructed along the North boundary of the Davies Property.

10. That the 1975 assessed valuation of the City of Chaska was \$18,748,000.00 and the municipal mill rate for the City of Chaska for that year was 16.21; that the assessed market valuation of the Davies Property is \$15,600.00; and that the bonded indebtedness of the City of Chaska for the year 1975 of all types was \$4,740,000.00.

11. That the proposed annexation of the Davies Property and the development of the same can be adequately provided for by School District 112, the school district within which all of said property is located.

12. That the Davies Property is about to become urban or suburban in character.

13. That the annexation of the Davies Property will not place an undue hardship upon the Town of Chaska relative to its ability to continue to carry on its functions of government.

14. That it is to the best interests of the City of Chaska and of the Davies Property that said property be annexed to the City of Chaska.

15. That the areas proposed for annexation are described as follows:

That part of the Northwest 1/4 and of the Northeast 1/4 of Section 5, Township 115, Range 23, described as follows: Commencing at the Northwest corner of the Northwest 1/4 of said Section 5; thence South 88 degrees 44 minutes 01 second East (assumed bearing) along the North line of said Northwest 1/4 a distance of 1327.92 feet; thence South 1 degree 15 minutes 59 seconds West a distance of 467.07 feet to the actual point of beginning of the tract of land to be described; thence South 88 degrees 44 minutes 01 second East a distance of 956.72 feet; thence North 0 degrees 15 minutes 31 seconds West a distance of 127.7 feet; thence North 27 degrees 44 minutes 42 seconds East a distance of 217.65 feet to the centerline of County Highway No. 11; thence Southeasterly along said centerline of County Highway No. 11 to a point distant 235.15 feet Easterly, as measured along said centerline, from the West line of said Northeast 1/4 of Section 5; thence South 31 degrees 52 minutes 14 seconds West a distance of 82.5 feet; thence South 58 degrees 14 minutes 45 seconds East a distance of 33 feet; thence South 31 degrees 52 minutes 14 seconds West a distance of 345.02 feet to its intersection with the West line of said Northeast 1/4; thence South 0 degrees 15 minutes 31 seconds East, along the West line of said Northeast 1/4, to the Southwest corner of said Northeast 1/4; thence North 88 degrees 58 minutes 43 seconds West, along the South line of the Northwest 1/4 of said Section 5, to its intersection with the centerline of County Highway No. 10; thence Northwesterly, along said centerline of County Highway No. 10, to its intersection with a line bearing South 1 degree 15 minutes 59 seconds West from the actual point of beginning; thence North 1 degree 15 minutes 59 seconds East, along last described line to the actual point of beginning. Subject to road easement for County Highways No. 10 and 11.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction on this annexation proceeding and authority to grant the annexation described without an election.

2. The area proposed for annexation is or is about to become urban or suburban in character and is so conditioned and so located as to be properly subject to the municipal government of the City of Chaska, Carver County, Minnesota.

3. The City of Chaska, Carver County, Minnesota is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area proposed for annexation.

4. The proposed annexation to the City of Chaska, Carver County, Minnesota, will not materially affect the capability of the Township of Chaska to continue its normal operation.

5. The annexation of the area to the City of Chaska, Carver County, Minnesota would be in the best interests of the area affected.

6. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Chaska the real estate located in Carver County, Minnesota, and described herein.

O R D E R

IT IS HEREBY ORDERED: That the real estate situated in the County of Carver, State of Minnesota, described as follows be and the same is hereby annexed to the City of Chaska, Minnesota, the same as if it had been originally made a part thereof:

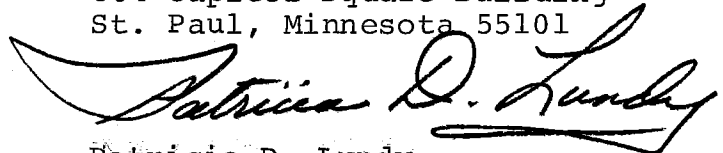
That part of the Northwest 1/4 and of the Northeast 1/4 of Section 5, Township 115, Range 23, described as follows: Commencing at the Northwest corner of the Northwest 1/4 of said Section 5; thence South 88 degrees 44 minutes 01 second East (assumed bearing) along the North line of said Northwest 1/4 a distance of 1327.92 feet; thence South 1 degree 15 minutes 59 seconds West a distance of 467.07 feet to the actual point of beginning of the tract of land to be described; thence South 88 degrees 44 minutes 01 second East a distance of 956.72 feet; thence North 0 degrees 15 minutes 31 seconds West a distance of 127.7 feet; thence North 27 degrees 44 minutes 42 seconds East a distance of 217.65 feet to the centerline of County Highway No. 11; thence Southeasterly along said centerline of County Highway No. 11 to a point distant 235.15 feet Easterly, as measured along said centerline, from the West line of said Northeast 1/4 of Section 5; thence South 31 degrees 52 minutes 14 seconds West a distance of 82.5 feet; thence South 58 degrees 14 minutes 45 seconds East a distance of 33 feet; thence South 31 degrees 52 minutes 14 seconds West a distance of 345.02 feet to its intersection with the West line of said Northeast 1/4; thence South 0 degrees 15 minutes 31 seconds East, along the West line of said Northeast 1/4, to the Southwest corner of said Northeast 1/4; thence North 88 degrees 58 minutes 43 seconds West, along the South line of the Northwest 1/4 of said Section 5,

to its intersection with the centerline of County Highway No. 10; thence Northwesterly, along said centerline of County Highway No. 10, to its intersection with a line bearing South 1 degree 15 minutes 59 seconds West from the actual point of beginning; thence North 1 degree 15 minutes 59 seconds East, along last described line to the actual point of beginning. Subject to road easement for County Highways No. 10 and 11.

IT IS FURTHER ORDERED: That all other assets and obligations of the Town of Chaska shall remain the property and responsibility of the Township.

Dated this 30th day of
October, 1975.

MINNESOTA MUNICIPAL COMMISSION
304 Capitol Square Building
St. Paul, Minnesota 55101



Patricia D. Lundy
Acting Executive Secretary