

BEFORE THE MINNESOTA MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Robert Edman

Vice-Chairman
Secretary

IN THE MATTER OF THE PETITION OF THE CITY OF CHASKA FOR ANNEXATION OF UNINCORPORATED LAND IN CHANHASSEN TOWNSHIP AND CHASKA TOWNSHIP, PURSUANT TO LAWS 1959, CHAPTER 686, SECTION 3, AS AMENDED.

APPEARANCES:

William R. Glaeser, First National Bank Building, Waconia, Minnesota, Attorney for Chaska Township, M.A. Gedney Company, Town Board of Chaska Township, and Chaska Township Board individually.

Robert M. Bowen, of Bowen, Bowen, Preus & Farrell, Rand Tower, Minneapolis 2, Minnesota, pro se, and as Attorney for Chanhassen Township, Alton Geske, Town Board of Chanhassen Township, and Chanhassen Township Board individually.

Julius C. Smith, Chaska, Minnesota, City Attorney for the City of Chaska.

Kent C. van den Berg and Gordon Smith, 760 Grain Exchange Building, Minneapolis, Minnesota, Attorneys for Hazeltine Investment Corporation, Lake Hazeltine Corporation, and Executive Golf Club of Minnesota.

The petition for the annexation of certain adjoining unincorporated territory therein described to the City of Chaska, Carver County, Minnesota, came regularly on for hearing before the Minnesota Municipal Commission in the City Council Chambers in the City Hall in the City of Chaska on December 6, 1961,

at 10:00 O'clock in the forenoon. After receiving various motions, the Commission continued the hearing to December 18, 1961, at the same time and place. The continued hearing next reconvened on December 18, 1961, at the City Hall in the City of Chaska at 10:00 o'clock in the forenoon. After evidence was taken, testimony heard, and certain exhibits received, the hearing was duly continued to December 27, 1961, at 10:00 o'clock in the forenoon at the City Hall in the City of Chaska. By written stipulation of counsel for all parties of record, the reconvened hearing of December 27, 1961, was continued to January 19, 1962 at 9:30 A.M. in the City Hall of the City of Chaska.

The hearing was next reconvened on January 19, 1962, at 9:30 A.M. in the City Hall of the City of Chaska. After evidence was taken, testimony heard and certain exhibits received, the hearing was continued to February 15, 1962, at 10:00 A.M. at the City Hall of the City of Chaska. The hearing was reconvened on February 15, 1962, at 10:00 A.M. in the City Hall of the City of Chaska, at which time additional evidence was taken, testimony heard and certain exhibits received.

All members of the Commission were present at the hearing on December 6, 1961 and December 18, 1961; and a quorum of the Commission was present at all other times of the continued hearing. All parties noting an appearance, and all parties

of record were represented by counsel at the hearing and each continuance thereof. All continuances of said hearing were by the mutual consent of counsel for all parties of record or parties who noted an appearance at said hearing.

By April 26, 1962, briefs were submitted to the Commission by all counsel in behalf of all parties of record and all parties noting an appearance at said hearing.

The Commission having carefully considered all of the evidence, and upon all of the files and records, now makes and files the following FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER AND MEMORANDUM OPINION:

FINDINGS OF FACT

I

The petition of the City of Chaska for annexation of unincorporated land in Chanhassen Township and Chaska Township was filed pursuant to and in compliance with Laws 1959 Chapter 686, Section 3, Subdivision 1; and that said petition was in all respects proper in form, content and execution, and was accompanied by the required resolution duly made by said City of Chaska.

II

Petitions for annexation were submitted to the City of Chaska by Independent School District No. 112 of Carver County, Minnesota; Assumption Seminary and College; Hazeltine Investment Corporation; Lake Hazeltine Corporation; Executive Golf Club of Minnesota; and 12 other residents or owners of land within the territory affected.

III

Notice of the hearing on the petition by the City of Chaska to annex the lands described in said petition was duly given as required by statute. The Commission convened by lawful quorum at the scheduled hearing and all continuances thereof, and then and there announced the date to which such hearing was continued. All parties of record objecting to said petition were present at, and participated in, the hearing and all continuances thereof.

IV

The correct legal description of the unincorporated territory proposed by the petitioners for annexation is as follows:

Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 5, Township 115, Range 23, Carver County, Minnesota (which point is on the North Line of the present corporate limits of the City of Chaska); thence West on the South Line of the North Half of said Southeast Quarter to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 5; thence North along the North and South centersection lines of said Section 5, Section 32, Township 116, Range 23, and Section 29, Township 116, Range 23, to the intersection of said centersection line of said Section 29 and the Northerly right of way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad as the same is now located; thence Northeasterly along the Northerly right of way line of said Railroad to its intersection with the Westerly right of way line of Carver County Road No. 117 in the North Half of the Northwest Quarter of Section 22, Township 116, Range 23; thence Southeasterly along the Westerly right of way line of said Carver County Road No. 117 to its intersection with the

Westerly right of way line of Carver County Road No. 17; thence Southerly along the Westerly right of way line of Carver County Road No. 17 a distance of one mile, more or less, to its intersection with the centersection line running East and West of Section 27, Township 116, Range 23; thence Easterly along said centersection line of said Section 27 to a point on said line 9.35 chains West of the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 27; thence South 2.08 chains; thence South 80° East 9.4 chains, more or less, to the East Line of the Northwest Quarter of the Southeast Quarter of said Section 27; thence South along said East Line of the Northwest Quarter of the Southeast Quarter of said Section 27 to the Northerly right of way line of a township road running Easterly and Westerly through the Southeast Quarter of said Section 27; thence Easterly along the Northerly right of way line of said township road to its intersection with the Northerly right of way line of State Trunk Highway No. 212 in Section 35, Township 116, Range 23; thence Easterly along the Northerly right of way line of State Trunk Highway No. 212 to its intersection with the East Line of said Section 35; thence South along the East Lines of said Section 35 and Section 2, Township 115, Range 23 to the centerline of the Minnesota River; thence Westerly along the centerline of the Minnesota River to its intersection with the East Line of Section 4, Township 115, Range 23 (the present East Line of the corporate limits of the City of Chaska); thence along the Easterly and Northerly corporate limit lines of the City of Chaska to the place of beginning, all in Carver County, Minnesota.

V

The following described land is contiguous to the City of Chaska and is wholly included within, but its boundaries are not coextensive with, the land proposed by petition for annexation as set out in the preceding paragraph IV:

Commencing at the Southeast corner of the North-

east Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 5, Township 115, Range 23, Carver County, Minnesota (which point is on the North Line of the present corporate limits of the City of Chaska): thence West on the South Line of the North Half of said Southeast Quarter to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 5; thence North along the North and South center section lines of said Section 5, Section 32, Township 116, Range 23, and Section 29, Township 116, Range 23, to the intersection of said center section line of said Section 29 and the Northerly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad as the same is now located; thence Northeasterly along the Northerly right-of-way line to said Railroad to its intersection with the Westerly right-of-way line of Carver County Road No. 117 in the North Half of the Northwest Quarter of Section 22, Township 116, Range 23; thence Southeasterly along the Westerly right of way line of said Carver County Road No. 117 to its intersection with the Westerly right-of-way line of Carver County Road No. 17; thence Southerly along the Westerly right of way line of Carver County Road No. 17 a distance of one mile, more or less, to its intersection with the centersection line running East and West of Section 27, Township 116, Range 23; thence Easterly along said centersection line of said Section 27 to a point on said line 9.35 chains West of the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 27; thence South 2.08 chains; thence South 800 East 9.4 chains, more or less, to the East Line of the West Half of the Southeast Quarter of said Section 27; thence South along the East Line of the West Half of the Southeast Quarter of said Section 27 and the East Line of the West Half of the East Half of Section 34, Township 116, Range 23, to the intersection of the last described line and the Southeasterly right of way line of the Chicago, Northwestern Railroad Company (M. & St. Louis Division) as now located in said Section 34; thence Southwesterly along said Southeasterly right of way line to the South Line of said Section 34; thence West along the South Line of said Section 34 and said South Line extended Westerly to a point on the East

boundary of the corporate limits of the City of Chaska as now located: thence Northerly, westerly, southerly and westerly along the easterly northerly and westerly corporate limits lines of the City of Chaska as now located to the place of beginning: ALSO, all that part of Section 3, Township 115, Range 23, lying Northwesterly of the Southeasterly right-of-way line of the Chicago & Northwestern Railroad Company(M. & St. L. Division), as now located in said Section 3: ALSO, all that part of the Northeast Quarter of the Northeast Quarter and of the South Half of the Northeast Quarter of Section 4, Township 115, Range 23, not now within the corporate limits of the City of Chaska, all of the above described land being situated in the County of Carver, State of Minnesota.

VI

The population of the area described in the Petition for Annexation is 525 persons. The population of the City of Chaska is 2,501 persons according to the United States Census of 1960. The population of Chanhassen Township according to the United States Census of 1960 was 3,167 persons, and the population of Chaska Township according to the United States Census of 1960 was 233 persons. The population of the area as described in paragraph V hereof is 396 persons.

VII

The area of the territory described in the Petition for Annexation is 4,857 acres, of which 3,797 acres are situated in Chanhassen Township and 1,060 acres are situated in Chaska Township. The area of the City of Chaska is 1,250 acres. The area of the land described in paragraph V hereof is approximately 3,508 acres, of which

approximately 367 acres are situated in Chaska Township and approximately 3,141 acres are situated in Chanhassen Township.

VIII

The assessed valuation of the area described in the Petition for Annexation is \$325,340.00 of which \$187,583.00 is assessed value of the area in Chanhassen Township and \$137,757.00 is the assessed value of the area in Chaska Township. The assessed value of all of Chanhassen Township is \$1,856,405.00 and the assessed valuation of all of Chaska Township is \$196,181.00. The assessed valuation of the City of Chaska is \$1,407,660.00.

The assessed value of the area described in paragraph V hereof is approximately \$238,373.00 of which \$162,457.00 is the assessed value of said area in Chanhassen Township and \$75,816.00 is the assessed value of said area in Chaska Township.

IX

The population of the City of Chaska between 1960 and 1950 increased over 24%. Most of the remaining undeveloped property within the present corporate limits of the City of Chaska lies within the flood plain area of the Minnesota River or is otherwise unsuitable for development by reason of its topography. The areas described in paragraph V will accommodate growth which can reasonably be anticipated by the City of Chaska.

X

The petition for annexation is not motivated by revenue raising purposes. The taxes can reasonably be expected to

increase in the annexed territory; however, the return in additional improvements of services available in the future from the City of Chaska to all property owners within the territory described in paragraph V hereof are commensurate with any prospective increase in taxes.

XI

The area described in paragraph V hereof contains four platted areas, namely, Broadview First Addition, Broadview 2nd Addition, Ottinger's Addition and Valleyview Heights, all of which are used as sites for residential buildings. Said area also contains numerous non-farm residences scattered in non-platted portions within said area; approximately an 80 acre tract of land held by the School District for proposed school site and various commercial and industrial uses east of the present City of Chaska. The remaining unoccupied property within said area is generally available for expansion except for waste land; and approximately 1,400 acres of said remaining unincorporated property within said area is presently controlled by Hazeltine Investment Corporation, Lake Hazeltine Corporation and Executive Golf Club of Minnesota.

XII

That approximately 1,400 acres of the area described in paragraph V hereof is being developed into golf courses, homesites and recreational areas by Hazeltine Investment Corporation, Lake Hazeltine Corporation, and Executive Golf Club of Minnesota; and that said area will be best be served by the City of Chaska.

XIII

That the farmland in the area described in paragraph V hereof is situated between or adjacent to the City of Chaska and large developments in the area and is within the metropolitan area; and said area can be reasonably expected to participate in suburban growth.

XIV

The residences in the area described in paragraph V hereof are served entirely by private wells and septic tanks, except that the residences in Broadview First and Broadview 2nd Additions are connected to a community overflow pipe for their septic tanks.

XV

That the territory described in paragraph V hereof is now, or is potential, residential, commercial and industrial property adjacent to the present City of Chaska.

XVI

That said area is, or is about to become urban or suburban in character.

XVII

The township form of government in Chanhassen or Chaska townships is inadequate to cope with the problems of urban and suburban growth in the area described in paragraph V.

XVIII

Chanhassen Township presently has a zoning ordinance enacted in 1952 and a planning-zoning commission, but said Township has no public water system, no fire department and no public sewage system. Chaska Township has no public water system, no public sewage system, no zoning ordinance, no planning commission and no fire department.

XIX

Chanhassen Township does not have a major street plan, and has no present plans for public sewer and water systems.

XX

Neither Chanhassen Township or Chaska Township have any long range plans, or ordinances for the area as described in paragraph V regarding proper sanitation or surface drainage measures, elimination or prevention of water contamination, or to provide for sewage disposal except for a sewage disposal code adopted by Chanhassen on March 7, 1962.

XXI

The City of Chaska is prepared to provide the area with public sewer service by extending its present facilities. The City of Chaska has completed plans and signed contracts for the construction of a new sewage disposal plant adequate to service the area described in paragraph V hereof and the present City, and has already acquired the land and completed the site grading for said plant. Preliminary planning has also been done by the City to provide a public water supply to said area as well as a major street plan and plans to control drainage.

XXII

That there is an existing need for public sewer and water systems and other governmental services in those portions of the area described in paragraph V hereof which are already developed or now in the process of being developed. The intervening and adjacent portions of the annexed territory will need such services as its anticipated development proceeds.

XXIII

The area as described in paragraph V will enhance and provide for the orderly growth and development of the City of Chaska.

XXIV

That the area described in paragraph V hereof is located within a single drainage district, and the result of annexation will be to provide the most reasonable and efficient governmental services relating to drainage such as water supply systems and sewage disposal within said area.

XXV

The City of Chaska has public water and sewer systems, a volunteer fire department, a police department, light, power and street departments, a planning commission, an electrical distribution system, a zoning ordinance, a library, parks, summer recreational programs, and other governmental services.

XXVI

The most economical and efficient way to provide for the existing need for governmental services such as, but not limited to, sewer and water systems is by extension of the existing facilities of the City of Chaska into the area described in paragraph V hereof and thereby eliminate a costly duplication of such facilities and service.

XXVII

The City of Chaska is prepared to furnish sewer, water and electrical service to the area described in paragraph V hereof, together with police and fire protection, planning, and other municipal services.

XXVIII

The City of Chaska has the financial and physical capability to furnish services and facilities including police and fire protection, library, parks and recreation, zoning and street planning, water and sewage systems, street maintenance, street lights, and bathing beaches to the area described in paragraph V hereof.

XXVIX

The annexation to the City of Chaska of the lands described in paragraph V hereof is to the best interest of the City of Chaska and said territory.

XXX

The remaining unincorporated part of the organized township of Chanhassen has the ability to continue Township

government and provide services comparable to those prior to this annexation without any undue hardship on the remaining residents.

XXXI

The remaining unincorporated part of the organized township of Chaska has the ability to continue Township government and provide service comparable to those prior to this annexation without any undue hardship on the remaining residents.

XXXII

The City of Chaska is better equipped than the Townships involved to properly protect the purity of the water supply and public health and sanitary conditions within the area described in paragraph V hereof.

XXXIII

The tax rate for the City of Chaska in 1960 was 80 mills. The tax rate for Chaska Township in 1960 was 3 mills. The tax rate for Chanhassen Township for 1960 was 21 mills.

XXXIV

Chanhassen Township has no bonded indebtedness and Chaska Township has no bonded indebtedness. The City of Chaska has bonded indebtedness and such obligations of the City of Chaska are attached hereto and made a part hereof of the record as Exhibit "A."

XXXV

The City of Chaska and the area described in paragraph V hereof have common county, state, and school district taxes.

XXXVI

Municipal government of the entire area described in paragraph V hereof is required for the protection of the public health of said territory.

XXXVII

Chanhassen Township has a population of 3,167 according to the 1960 census and therefore under M.S.A. Section 414.05 et seq. is urban or suburban in character.

XXXVIII

That a portion of the area described in the original petition, not included in paragraph V is urban or suburban in character or is about to become urban or suburban in character.

XXXVIX

The petitioner commenced the census of the territory proposed for annexation on October 26, 1961 and completed the census on October 28, 1961.

CONCLUSIONS OF LAW

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

2. The area described in paragraph V of the findings of fact herein is, or is about to become, urban or suburban in character.

3. The area described in paragraph V of the findings of fact herein is so conditioned and so located as to be properly subjected to municipal government of the City of Chaska.

4. The annexation of the territory described in paragraph V of the findings of fact herein by the City of Chaska would be to the best interest of the City of Chaska and the said territory.

5. Municipal government of the territory described in paragraph V of the findings of fact herein is required to protect the public health, safety and welfare in reference to plat control and land development and construction which can be reasonably expected to occur within a reasonable time hereafter in said territory.

6. There is an existing and reasonably anticipated need of governmental services, such as water system, sewage disposal, zoning, street planning, police and fire protection, in the area described in paragraph V of the findings of fact herein.

7. The township form of government is not adequate to cope with problems of urban or suburban growth in the territory described in paragraph V of the findings of fact herein.

8. The City of Chaska can feasibly and practically provide for, and best serve, the need for governmental services presently, and as they become necessary, in the territory described in paragraph V of the findings of fact herein.

O R D E R

Upon the petition of the City of Chaska for the annexation of unincorporated land in Chanhassen Township and Chaska Township, which came regularly on for hearing before the Minnesota Municipal Commission at 10:00 o'clock in the forenoon on the 6th day of December, 1961, in the City Hall of the City of Chaska, Carver County, Minnesota, and which hearing was thereafter continued to December 18, 1961, December 27, 1961, January 19, 1962, and February 15, 1962, at which hearings of December 6, 1961, December 18, 1961, January 19, 1962, and February 15, 1962, various motions were made, testimony was heard and evidence taken, and upon all the files and records herein, the Commission being fully advised in the premises:

IT IS ORDERED: That such petition for annexation to the extent of the territory hereinafter described, be, and the same hereby is, approved.

IT IS FURTHER ORDERED: That the following described lands, to-wit:

Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 5, Township 115, Range 23, Carver County, Minnesota (which point is on the North Line of the present corporate limits of the City of Chaska); thence West on the South Line of the North Half of said Southeast Quarter to the South-west corner of the Northwest Quarter of the Southeast Quarter of said Section 5; thence North along the North and South center section lines of said Section 5, Section 32, Township 116, Range 23, and Section 29, Township 116, Range 23, to the intersection of said center section line of said Section 29 and the Northerly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad as the same is now located; thence Northeasterly along the Northerly right-of-way line of said Railroad to its intersection with the Westerly right-of-way line of Carver County Road No. 117 in the North Half of the Northwest Quarter of Section 22, Township 116, Range 23; thence Southeasterly along the Westerly right-of-way line of said Carver County Road No. 117 to its intersection with the Westerly right-of-way line of Carver County Road No. 17; thence Southerly along the Westerly right-of-way line of Carver County Road No. 17 a distance of one mile, more or less, to its intersection with

the centersection line running East and West of Section 27, Township 116, Range 23; thence Easterly along said centersection line of said Section 27 to a point on said line 9.35 chains West of the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 27; thence South 2.08 chains; thence South 80° East 9.4 chains, more or less, to the East Line of the West Half of the Southeast Quarter of said Section 27; thence South along the East Line of the West Half of the Southeast Quarter of said Section 27 and the East Line of the West Half of the East Half of Section 34, Township 116, Range 23, to the intersection of the last described line and the Southeasterly right-of-way line of the Chicago, Northwestern Railroad Company (M. & St. Louis Division) as now located in said Section 34; thence Southwesterly along said Southeasterly right-of-way line to the South Line of said Section 34; thence West along the South Line of said Section 34 and said South Line extended Westerly to a point on the East boundary of the corporate limits of the City of Chaska as now located; thence Northerly, Westerly, Southerly, and Westerly along the Easterly, Northerly and Westerly corporate limits lines of the City of Chaska as now located to the place of beginning; ALSO, all that part of Section 3, Township 115, Range 23, lying Northwesterly of the Southeasterly right-of-way line of the Chicago & Northwestern Railroad Company (M. & St. L. Division), as now located in said Section 3; ALSO, all that part of the Northeast Quarter of the Northeast Quarter and of the South Half of the Northeast Quarter of Section 4, Township 115, Range 23, not now within the corporate limits of the City of Chaska, all of the above described land being situated in the County of Carver, State of Minnesota,

be, and the same hereby are, annexed to the City of Chaska, Carver County, Minnesota.

IT IS FURTHER ORDERED, That an additional hearing be held March 5, 1963, at 10:00 o'clock A.M. in the City Hall of the City of Chaska relating to the territory described in the petition herein not included in the lands hereby ordered annexed to the City of Chaska.

IT IS FURTHER ORDERED, That there shall be no apportionment of the assets, including the 1962 real estate and personal property taxes due and payable in 1963, of Chanhassen and Chaska Townships, and the assets of Chanhassen Township shall

be retained by the remaining unincorporated area of Chanhassen Township and the assets of Chaska Township shall be retained by the remaining unincorporated area of Chaska Township.

IT IS FURTHER ORDERED: That the annexation shall be effective upon the 6th day of February, 1963.

Dated this 25th day of January, 1963

BY THE FULL COMMISSION

For the Full Commission

EXHIBIT "A"

Indebtedness of the City of Chaska, Carver County, Minnesota,
(as of January 1, 1962):

GENERAL OBLIGATIONS

DIKE BONDS	- amount outstanding -	\$120,000.00
WATERWORKS BONDS	- amount outstanding -	45,000.00
SEWAGE TREATMENT BONDS	- amount outstanding -	115,000.00

SPECIAL ASSESSMENT OBLIGATIONS

SEWER AND WATER IMPROVEMENT BONDS OF 1959	- amount outstanding -	27,000.00
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