

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
Millard Axelrod	Ex-Officio Member
Art Schaefer, Jr.	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	<u>FINDINGS OF FACT,</u>
ANNEXATION OF CERTAIN LAND TO THE)	<u>CONCLUSIONS OF LAW,</u>
CITY OF OAK PARK HEIGHTS)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on October 24, 1977, at Oak Park Heights, Minnesota. The hearing was conducted by Gerald J. Isaacs pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Millard Axelrod and Art Schaefer, Jr., ex-officio members of the board. The City of Oak Park Heights appeared by and through Lyle Eckberg; the Township of Baytown appeared by and through David T. Magnuson; and Sheila Fishman appeared on behalf of the petitioners, the State of Minnesota. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On August 18, 1977, a copy of a petition for annexation by the sole property owner, the State of Minnesota, was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

E ½ of SE ¼ of Section 4, Twp. 29 N, Range 20 W,
Washington County, Minnesota.

An amended petition was properly filed at the hearing changing the property description to read as follows:

East half (E 1/2) of Southeast quarter (SE 1/4) of Section 4, Twp. 29 N, Range 20 W, Washington County, Minnesota. Except a point on the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) beginning on a point on the South line of said Section 4 - 666.3 feet East of the Southwest Corner of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4; then North and parallel to West line of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4, a distance of 35 feet; then in an Easterly direction to a point on the East line of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4, 43.8 feet North of Southeast Corner of said Section 4; then South along the East line of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4, 43.8 feet, M/L to the Southeast Corner of said Section 4, then West along the South line of said Section 4 to the point of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Baytown Township on September 1, 1977. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

A resolution supporting the annexation was received from the annexing municipality.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Oak Park Heights.
- b. The total area of the territory subject to annexation is 80.15 acres of unplatted land.
- c. The perimeter of the area to be annexed is 50% bordered by the municipality.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Eastern part of site is swampy wetlands, previously used as agricultural for state farm. Site has ravine, some wooded area, steep slope dropping sharply.

4. Population Data

- a. The area subject to annexation
 - 1) Present population: zero
 - 2) Projected population: approximately 400 inmates

5. Development Issues

- a. What, if any, are the plans for the development of the property proposed for annexation? A high-security prison to be operated by the Minnesota Department of Corrections will be constructed.
- b. What land use controls are presently being employed.
 - 1) In the City of Oak Park Heights:
 - a. Zoning - Yes
 - b. Subdivision regulations - Yes
 - c. Housing and building codes - Yes, state building code enforced by city officials.
 - 2) In the area to be annexed:
 - a. Zoning - Yes, by Washington County.
 - b. Subdivision regulations - Yes, by Washington County.
 - c. Housing and building codes - Yes, state building code enforced by township officials.
- c. Does the city require future growth space? Yes. If so, will the area subject to annexation provide the City of Oak Park Heights with necessary growth space? No.
- d. Development of the following types is occurring:
 - 1) In the City of Oak Park Heights:
 - a. Residential - Yes, low-cost housing; home for the elderly.
 - b. Industrial - Unknown
 - c. Commercial - Unknown
 - d. Institutional - Unknown
 - 2) In the area subject to annexation:
 - a. Residential - No
 - b. Industrial - No
 - c. Commercial - No
 - d. Institutional - A high-security state prison will be constructed.
- e. What will be the effect, if any, of the annexation on adjacent communities? None.

6. Governmental Services

- a. Presently, the Township of Baytown provides the area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - Yes, by contract with City of Bayport.
- 4) Police Protection - Washington County sheriff.
- 5) Street Improvements - Unknown
- 6) Street Maintenance - Unknown
- 7) Recreational - Unknown

b. Presently, the City of Oak Park Heights provides its citizens with the following services:

- 1) Water - Yes
- 2) Sewer - Yes
- 3) Fire Protection - Yes, by contract with City of Bayport.
- 4) Police Protection - Yes
- 5) Street Improvements - Yes
- 6) Street Maintenance - Yes
- 7) Recreational - Unknown

c. Presently, the City of Oak Park Heights provides the area subject to annexation with the following services:

- 1) Water - No
- 2) Sewer - No
- 3) Fire Protection - No
- 4) Police Protection - No
- 5) Street Improvements - No
- 6) Street Maintenance - No

d. Plans to extend municipal services to the area subject to annexation include the following: The City of Oak Park Heights can provide sewer and water.

e. There are existing or potential pollution problems which are: Community sewer is needed for a large institution. The following additional services will help resolve this situation: community sewer

7. Fiscal Data

a. The area subject to annexation has not been assessed. It is state-owned property. The area is exempt from taxation pursuant to Const. Art. 9 § 1, M.S. 272.02.

b. Will the annexation have any effect upon area school districts? No.

8. Is annexation to the City of Oak Park Heights the best alternative? Yes.

a. Could governmental services be better provided for by incorporation of the area subject to annexation? No.

- b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Oak Park Heights? No.
 - c. Could Baytown township provide the services required? No.
 - d. Can Baytown township continue to function without the area subject to annexation? Yes.
9. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area subject to annexation is now or is about to become urban or suburban in character.
3. Municipal government is required to protect the public health, safety and welfare in the area subject to annexation.
4. The best interest of the City of Oak Park Heights and the area subject to annexation will be furthered by annexation.
5. The remainder of the Township of Baytown can carry on the functions of government without undue hardship.
6. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.
7. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.
8. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

IT IS HEREBY ORDERED: That the property described herein situated in the County of Washington, State of Minnesota, be and the same is hereby annexed to the City of Oak Park Heights, Minnesota, the same as if it had been originally made a part thereof:

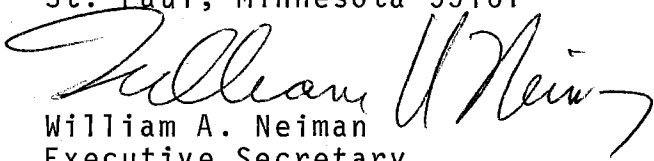
East half (E 1/2) of Southeast quarter (SE 1/4) of Section 4, Twp. 29 N, Range 20 W, Washington County, Minnesota. Except a point on the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) beginning

on a point on the South line of said Section 4 - 666.3 feet East of the Southwest Corner of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4; then North and parallel to West line of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4, a distance of 35 feet; then in an Easterly direction to a point on the East line of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4, 43.8 feet North of Southeast Corner of said Section 4; then South along the East line of the Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of said Section 4, 43.8 feet, M/L to the Southeast Corner of said Section 4, then West along the South line of said Section 4 to the point of beginning.

IT IS FURTHER ORDERED: That the effective date of this order is November 29, 1977.

Dated this 29th day of November, 1977.

MINNESOTA MUNICIPAL BOARD
Suite 165 Metro Square
St. Paul, Minnesota 55101


William A. Neiman
Executive Secretary