

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Gerald J. Isaacs	Chairman
Robert W. Johnson	Vice Chairman
Thomas J. Simmons	Member
A. B. Schaefer, Jr.	Ex-Officio Member
Dean McGowan	Ex-Officio Member

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IN THE MATTER OF THE PETITION AND )  
 RESOLUTION FOR ANNEXATION OF CERTAIN )  
 LAND TO THE CITY OF OAK PARK )  
 HEIGHTS )

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FINDINGS OF FACT,  
CONCLUSION OF LAW,  
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on April 19, 1978 and June 14, 1978 at Stillwater, Minnesota. The hearing was conducted by Chairman Isaacs, pursuant to Minnesota Statutes 414.01 Subd. 12. Also in attendance was Municipal Board Member Gerald Isaacs and County Commissioners Dean McGowan and Art Schaefer, Jr., ex-officio members of the Board. The City of Oak Park Heights appeared by and through Lyle J. Eckberg, the Township of Baytown appeared by and through David Magnuson. 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 January 24, 1978 a copy of a petition for annexation by a majority of the property owners 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:

All of Tracts C, D, E, F, G, H, I, J and K, Registered Land Survey No. 70; All of Tract B, Registered Land Survey No. 70; All that part of the Northwest Quarter of the Southwest Quarter (NW¼ of SW¼) of Section Four (4), Township Twenty-nine (29) North, Range Twenty (20) West, described as follows: Beginning at a point on the West line of the Southwest Quarter (SW¼) of said Section Four (4), One Hundred sixty-six and seven tenths (166.7) feet South of the Northwest corner thereof; thence continuing South along said West line of Southwest Quarter (SW¼) for One Hundred eighty-eight (188.0) feet; thence East parallel with the North line of said Southwest Quarter (SW¼) for Two hundred thirty-one and seven tenths (231.7) feet; thence North and parallel with said West line of Southwest Quarter (SW¼) for One hundred eighty-eight (188.0) feet; thence West parallel a distance of two hundred thirty-one and seven tenths (231.7) feet to the point of beginning; All of Tract A, Registered Land Survey No. 70, except the North Eight hundred ninety-seven and two tenths (897.2) feet thereof. All of the above tracts located in the West one-half (W½) of Section Four (4) Township Twenty-nine (29) North, Range Twenty (20) West, Washington County, Minnesota.

An objection to the proposed annexation was received by the Minnesota Municipal Board by Baytown Township on February 15, 1978. 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.

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 City of Oak Park Heights is 1,800 acres.  
The total area of the territory subject to annexation is 60 acres.
- c. The perimeter of the area to be annexed is 35% 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: generally rolling terrain, draining south and east.

4. Population Data

- a. The City of Oak Park Heights
  1. In 1970, 1,257 persons.
  2. Present population: 2090  
(Metropolitan Council established 1978)
- b. The area subject to annexation
  1. Present population: 16
- c. The township of Baytown - present population - 890 (Metro Council est. 1978).

5. Development Issues

- a. What, if any, are the plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council. Three single-family homes are now in the area, and single family residential development will continue in accordance with the comprehensive plan of Oak Park Heights. A school is also planned in a portion of the area.
- 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
    - d. Other - Comprehensive plan

2. In the area to be annexed:
    - a. Zoning - 5 acre rural residential
    - b. Subdivision regulations - none (follow County)
    - c. Housing and building codes - none (follow County)
  - 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? Yes.
  - d. Development of the following types is occurring:
    1. In the City of Oak Park Heights:
      - a. Residential - yes
      - b. Industrial - yes
      - c. Commercial - yes
      - d. Institutional - yes
    2. In the area subject to annexation:
      - a. Residential - yes
      - b. Industrial - no
      - c. Commercial - no
      - d. Institutional - yes (school planned for construction)
  - e. What will be the effect, if any, of the annexation on adjacent communities? No effect.
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 - no
    4. Police Protection - no
    5. Street Improvements - no
    6. Street Maintenance - no
    7. Recreational - no
  - b. Presently, the City of Oak Park Heights provides its citizens with the following services:
    1. Water - yes
    2. Sewer - yes
    3. Fire Protection -
    4. Police Protection - yes
    5. Street Improvements - yes
    6. Street Maintenance - yes
    7. Recreational - yes

pursuant to contract  
with Bayport

- c. Presently, the City of Oak Park Heights provides the area subject to annexation with the following services: None. At the present time, however, all city services can be extended into area within one year.
- d. Plans to extend municipal services to the area subject to annexation include the following: In accordance with Comprehensive plan, promoting residential development with services.
- e. There are existing or potential pollution problems which are: None.

The following additional services will help resolve this situation: none

7. Fiscal Data

- a. In the City of Oak Park Heights, the assessed valuation as of 1978 is \$32,968,402, the mill rate as of 1978 is 9.20 and the bonded indebtedness as of 1978 is approximately 1.3 million.
- b. In the area subject to annexation, the assessed valuation as of 1978 is \$33,665, the mill rate as of 1978 is 2.95. The assessed valuation of the township is approximately 3.4 million.
- c. The mill rate in the following units of government are:
  - 1. County 24.50
  - 2. School District 58.09
  - 3. Township 2.95
- d. Will the annexation have any effect upon area school districts? beneficial

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. There is a reasonable relationship between the increase in revenue for the City of Oak Park Heights and the value of benefits conferred upon the area subject to annexation.

7. Annexation of all or 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.

8. 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 to be described herein.

9. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

IT IS HEREBY ORDERED: That the property described herein in findings of fact I 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.

IT IS FURTHER ORDERED: That the population of the City of Oak Park Heights has increased by 16 persons to 2,106 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Baytown has decreased by 16 persons to 874 persons for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is December 14, 1978.

Dated this 14th day of December, 1978

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

  
William A. Neiman  
Executive Director