

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chair
Shirley J. Mihelich	Vice Chair
John W. Carey	Commissioner
Mark Stromwall	Ex-Officio Member
Jack Casey, Jr.	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF SHAKOPEE PURSUANT TO)
MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS 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 February 23, 1987 in Shakopee, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chair, Shirley J. Mihelich, Vice Chair, John W. Carey, Commissioner, and County Commissioners Jack Casey, Jr. and Mark Stromwall, Ex-Officio Members of the Board. The petitioner appeared by and through Lee Vickerman, Attorney at Law, and the Town of Jackson appeared by and through Robert Nicklaus, Attorney at Law. The City of Shakopee, represented by Julius Collier, Attorney at Law, did not take an active part in the proceedings. 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 December 3, 1986, a copy of a second amended petition for

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

The South one-half of the Northeast one-quarter of Section 12-115-23, except approximately 10 acres thereof which 10 acres are covered by Certificate of Title No. 2054;

Together with the North one-half of the Southeast one-quarter of Section 12-115-23.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Jackson Township on December 23, 1986. 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, Subdivision 5.

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

3. The area subject to annexation is unincorporated, approximately 150 acres in size, and abuts the City of Shakopee by approximately 50% of its perimeter. The City of Shakopee is approximately 17,920 acres in size.

4. The Town of Jackson is approximately 4,500 acres in size.

5. The area proposed for annexation consists of Hayden Series soils (clay loam), Waukegan Series (silty loam), and Dakota Series (sandy loam) with rolling terrain.

6. The area proposed for annexation is presently agricultural land.

7. The City of Shakopee had a population of 7,716 in 1970, 9,941 in 1980, its current population is 11,450, and it is projected that in five years it will have a population of 12,320.

8. The Town of Jackson had a population of 1,578 in 1970 and 1,483 in 1980.

9. The area proposed for annexation has no present population.

10. The City of Shakopee has approximately 835 acres in residential use, approximately 1,121 acres in institutional use, approximately 247 acres in commercial use, approximately 404 acres in industrial use, approximately 5,750 acres in agricultural use, and approximately 8,550 acres in vacant land.

11. The City of Shakopee has a zoning ordinance, subdivision regulations, capital improvements and budget program, fire code, shoreland ordinance, floodplain ordinance, and sanitation ordinance.

12. The City of Shakopee has identified residential development as a high priority.

13. The Town of Jackson has a Development Guide Plan which contains its Future Land Use Plan, and a Comprehensive Plan.

14. The Town of Jackson's present Comprehensive Plan shows the annexation area remaining in its present use through 1990.

15. It is anticipated that if annexed, the area proposed for annexation will be zoned R-2, single and two-family residential. This zoning is consistent with the proposed use planned for the annexation area.

16. The City of Shakopee provides its residents with water, sanitary sewer, waste water treatment, storm sewer, solid waste collection and disposal, fire protection, police protection, street improvements and maintenance, administrative services, recreational opportunities, electrical service, transit, recycling, cable t.v., civil defense, animal control, and building inspection.

17. The City of Shakopee is willing to provide the area proposed for annexation with all of the services that it presently provides to its residents and is not presently providing the annexation area.

18. The City of Shakopee will seek an extension of the Metropolitan Urban Service Area (hereinafter called MUSA) to include the annexation area once it is part of the city.

19. The City of Shakopee has created an area of approximately 305 acres within the city's industrial park, which had been in a moratorium for sewer service until 1985, that is presently designated as a Tradeable Area by City Resolution No. 2655.

Should the annexation area be annexed and the Metropolitan Council refuse the city's request to extend the MUSA to it, the city is willing to place a moratorium for sewer service on a portion of the Tradeable Area, and request that the sewer service from the moratorium area be available to the annexation area.

20. The annexation area will need sanitary sewer for it to be able to develop. Sanitary sewer avoids pollution from sewage effluent to adjacent areas.

There are no present existing environmental problems in the annexation area.

21. The Town of Jackson provides the area proposed for annexation with administrative services.

22. The City of Shakopee has approximately 92 miles of highways, streets, and roads.

23. The area proposed for annexation is bordered on the west by County

Road #77 and on the east by County Road #79.

The placement of the interior roads planned for the annexation area are in conjunction with the roads planned for the development on the land east of the annexation area.

24. The present assessed valuation of the City of Shakopee is \$118,884,261.

25. The present assessed valuation of the Town of Jackson is \$5,072,544.

26. The present assessed valuation of the area proposed for annexation is \$34,846.

27. The present mill levy for Scott County is 43.848

28. The present mill levy for the school district is 72.038

29. The present Jackson Township mill levy is 14.496. The township had no bonded indebtedness.

30. The present City of Shakopee's mill levy is 17.79 The city has a total bonded indebtedness of \$16,730,000.

31. The fire insurance rating for the City of Shakopee is 5.

32. The fire insurance rating for the Town of Jackson is 10.

33. If the area proposed for annexation is annexed, there will be no affect on the school district.

34. The City of Shakopee is the only municipality adjacent to the area proposed for 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 presently required to protect the public health, safety, and welfare in the area subject to annexation.

4. The best interests of the area proposed for annexation will be furthered by annexation.

5. Jackson Township can carry on the functions of government without undue hardship.

6. An order should be issued by the Minnesota Municipal Board approving the annexation of the property described herein in Findings of Fact 1.

O R D E R

1. IT IS HEREBY ORDERED: That the annexation of property described in Findings of Fact 1 herein, be and the same is hereby annexed to the City of Shakopee, Minnesota, the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is July 30, 1987.

Dated this 30th day of July, 1987.

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

A handwritten signature in cursive script, reading "Terrence A. Merritt".

Terrence A. Merritt
Executive Director

MEMORANDUM

The Minnesota Municipal Board takes this opportunity to remind the City of Shakopee and the developers that, although the land is annexed, the concerns raised by the Town of Jackson should not be dismissed out-of-hand.

The board expects that the city will work with the Towns of Jackson and Louisville, as well as the watershed district to ensure that surface water drainage that travels through the area recently annexed, as well as the adjacent development area, is properly handled. Further, given the city's and town's concern for the prevention of pollution through use of sanitary sewer, together with the need for fiscal responsibility, the board is confident that the city will ensure that any sewer extension into the annexed area will not result in the cutting off of sewer service to other parts of the town or the duplication of effort for extension of sanitary sewer service to other parts of the town. Such a duplication could result in excessive costs.

The board hopes that the City of Shakopee and the Town of Jackson will continue to build on their working relationship to economically accommodate the needs of development in the area for the good of the whole community. 730-87 TAM