

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

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|---------------------|-------------------|
| John W. Carey | Chair |
| Kenneth F. Sette | Vice Chair |
| Shirley J. Mihelich | Commissioner |
| Mary Hauser | Ex-Officio Member |
| Donald Scheel | Ex-Officio Member |

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| IN THE MATTER OF THE PETITION FOR) | <u>FINDINGS OF FACT</u> |
| THE ANNEXATION OF CERTAIN LAND TO) | <u>CONCLUSIONS OF LAW</u> |
| THE CITY OF OAK PARK HEIGHTS) | <u>AND ORDER</u> |
| PURSUANT TO MINNESOTA STATUTES 414) | <u>AND MEMORANDUM OPINION</u> |

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended on January 23, 1991 at Oak Park Heights, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were John W. Carey, Chair, Kenneth F. Sette, Vice Chair, and County Commissioners Donald Scheel and Mary Hauser, Ex-Officio Members of the Board. The petitioners and the City of Oak Park Heights appeared by and through Mark Vierling, Attorney at Law. The Town of Baytown made no formal appearance. 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 October 4, 1990, a petition by a majority of the property owners and an accompanying resolution of the annexing municipality was received by the Municipal Board requesting the Board to order annexation. The petition contained all the information required by statute, including a description of the territory subject to annexation, herein after referred to as "the subject area," which is as follows:

All that part of Section 6, Township 29 North, Range 20 West, lying and being easterly of the center line of Stillwater Boulevard North, also known as Minnesota Trunk Highway 5, formerly known as Minnesota Trunk Highway 212, except the South 1,733.15 feet thereof.

The West 1/2 of the Southwest 1/4 of Section 5, Township 29 North of Range 20 West, except the South 1,733.15 feet thereof.

The Northeast 1/4 of the Southwest 1/4 of Section 5, Township 29 North of Range 20 West.

The Southwest 1/4 of the Northwest 1/4 of Section 5, Township 29 North of Range 20 West.

The North 1/2 of the Northwest 1/4 of Section 5, Township 29 North of Range 20 West, excepting therefrom that part thereof lying and being within the City of Oak Park Heights, Washington County, Minnesota.

All of the above lying and being in the County of Washington, State of Minnesota.

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

3. The subject area is unincorporated, approximately 392 acres in size, and abuts the City of Oak Park Heights, hereinafter referred to as "Oak Park Heights," by approximately 25% of the

subject area's border.

4. Oak Park Heights had a population of approximately 1,257 in 1970, approximately 2,591 in 1980, and has a current 1990 population of approximately 3,392. It is projected that in five years Oak Park Heights will have a population of approximately 3,650.

5. The Town of Baytown, hereinafter referred to as "Baytown," had a population of approximately 723 in 1970, approximately 851 in 1980, and has a current 1990 population of approximately 696. It is projected that in five years Baytown will have a population of approximately 800.

6. The subject area has a current 1990 population of approximately 3.

7. The subject area has wetlands and is near Cloverdale Lake and McDonald Lake. The terrain is flat to rolling with Antigo and Santiago type soils. The general soils maps indicate that the western portion of the subject area is primarily Antigo Series Soils, with lands in the central area primarily Santiago Series Soils. Antigo soils present problems for septic systems' proper use.

There is presently a natural surface water retention pond in the southern portion of the subject area.

8. Oak Park Heights is approximately 1,287 acres in size.

9. Oak Park Heights has approximately 248 acres in residential use, approximately 405 acres in institutional use,

approximately 117 acres in commercial use, approximately 300 acres industrial use, and approximately 217 acres in vacant land.

10. Baytown is approximately 6,300 acres in size.

11. Baytown has approximately 5 acres in residential use, approximately 5 acres in commercial use, approximately 4,048 acres agricultural use, and approximately 2,242 acres in vacant land.

12. The subject area has approximately 5 acres in residential use, approximately 5 acres in commercial use, approximately 209 acres in agricultural use, and approximately 172 acres in vacant lands.

The proposed development in the subject area will include commercial, single-family residential, multi-family residential, and public/institutional type uses.

13. Oak Park Heights provides its residents with the following municipal services: water, sanitary sewer and wastewater treatment, storm sewer, solid waste collection and disposal, fire protection through a contract with the Bayport Fire Department, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

14. The city presently does not provide any direct services to the subject area.

15. The city is willing to provide all of the services it presently provides to its residents to the subject area.

16. The township presently provides the subject area with fire protection through a contract with the Bayport Fire Department

and administrative services. The township contracts with the Washington County Sheriff's Department for police service, the Washington County Public Works Department and private contractors for road maintenance, and private haulers and a contract recycler for waste removal. These are the same services provided to the remainder of the township.

17. Presently, development within the subject area is served by on-site septic systems and private wells.

If the subject area is annexed, the city plans to extend municipal sanitary sewer and water.

18. There are no known environmental problems within the subject area.

19. The soil conditions are not conducive to development with on-site individual septic systems. To avoid potential pollution from such systems, Oak Park Heights has proposed the extension of municipal sanitary sewer and water to the subject area.

20. Oak Park Heights has approximately 14 miles of highways, streets, and roads, Baytown has approximately 21 miles in highways, streets, and roads, and the subject area has approximately 1/2 mile of highway. The subject area abuts State Highway 5 and State Highway 36.

21. Oak Park Heights has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, fire code, floodplain ordinance, wild and scenic rivers ordinance, and a sanitation ordinance. The city has a

comprehensive plan which was adopted in 1978 and revised in 1988.

22. Baytown has a comprehensive plan adopted in 1981.

23. Washington County has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, fire code, shoreland ordinance, floodplain ordinance, wild and scenic rivers ordinance, and a sanitation ordinance. The county adopted a comprehensive plan in 1981.

24. The current zoning of the subject area includes commercial, agricultural and single-family residential zones.

25. If the subject area is annexed to Oak Park Heights, the Oak Park Heights Comprehensive Plan anticipates commercial and residential uses. At the time of the adoption of the comprehensive plan, there was not sufficient available land to accommodate the school.

26. Payable 1990, Oak Park Heights has an assessed value of \$194,515,200.00. Its net tax capacity is \$7,115,089.00, its local unit of government tax rate is 17.408, and it has two special taxing districts with tax rates of .603 and 4.256. Oak Park Heights has a total bonded indebtedness of \$1,190,000.00.

27. Payable 1990, Baytown has an assessed value of \$39,714,600.00. Its net tax capacity is \$817,092.00 and its local unit of government tax rate is 9.989. The town has two special taxing districts with tax rates of 2.433 and 3.746. Baytown has a total bonded indebtedness of \$30,000.00.

28. Payable 1990, the subject area has an assessed value of

\$1,261,900.00. Its net tax capacity is \$43,506.00, which is calculated prior to the removal of the land which the school district owns and will be using for the construction of the new school.

29. Payable 1990, Washington County has a tax rate of 24.934 and the school district has a tax rate of 43.785. These tax rates are the same for both Oak Park Heights and Baytown.

30. Oak Park Heights has a fire insurance rating of 7.

31. Baytown has a fire insurance rating of 9.

32. The annexation of the subject area will have a direct impact on the school district, since a portion of the subject area is the site proposed for the construction of the new Stillwater School District Senior High School. It is anticipated the building will initially be approximately 325,000 square feet with expansion capabilities to 375,000 square feet. The student population is anticipated initially to be 2,000 with expansion capabilities up to 2,400.

A school bond issue for the construction of the new senior high school passed in December, 1990, with approximately 60% of those voting in favor of the bond issue.

33. Surface water drainage from the subject area will be in a southerly direction toward McDonald Lake area.

It is anticipated that natural ponds will be expanded within the subject area to accommodate the necessary water retention capability. It is planned that the surface water will

not flow off of the subject area faster than it presently does at the conclusion of the construction of both the school and the necessary water retention holding areas.

34. The remainder of Baytown can continue to carry on the functions of government without the subject area without undue hardship.

35. The City of Stillwater abuts the subject area across State Highway 36. Oak Park Heights is the only municipality adjacent to the subject area and south of State Highway 36.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The subject area is now or is about to become urban or suburban in nature, in need of or will be in need of municipal services, and the annexing municipality is capable of providing the services required by the subject area within a reasonable time.

3. The existing township form of government is not adequate to protect the public health, safety, and welfare of the subject area.

4. The annexation would be in the best interests of the subject area.

5. This Minnesota Municipal Board proceeding is not subject to an annexation election, since the petition was initiated by a majority of the property owners.

6. An order should be issued by the Minnesota Municipal

Board annexing the subject area described herein.

O R D E R

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


2. IT IS FURTHER ORDERED: That the population of the City of Oak Park Heights is hereby increased by 3 persons.

3. IT IS FURTHER ORDERED: That the population of the Town of Baytown is hereby decreased by 3 persons.

4. IT IS FURTHER ORDERED: That the effective date of this order is March 26, 1991.

Dated this 26th day of March, 1991.

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


Terrence A. Merritt
Executive Director

A-4789 Oak Park Heights

M E M O R A N D U M

The Municipal Board takes this opportunity to highlight the need for the school district to insure that surface water runoff generated by the thousand car parking lot, incumbent driveways, as well as a 325,000 square foot building, is accommodated within its land and not a problem to the surrounding areas. The testimony before the Board continually articulated the willingness of the school district to work with the city and its engineers to insure that the surface water runoff was properly addressed. The Board is confident that these assurances will be met.

Additionally, the State Highway 5 access to the school could create traffic hazards. The Board is confident that the school will work together with the Minnesota Department of Transportation, Oak Park Heights, and Washington County to insure that the intersections necessary for access will not be intersections for danger.

The Board is confident that these issues, while addressed at the hearing will be thoroughly dealt with as construction of the new Stillwater High School is completed.

JAM 3-26-91