

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Joseph Robbie
Robert W. Johnson
Terrance O'Toole
Roy F. Johnson
Robert Wright

Chairman
Vice Chairman
Member
Washington County Auditor
Chairman, Washington County
Board of Commissioners

IN THE MATTER OF THE ANNEXATION OF OAK PARK TOWNSHIP,
WASHINGTON COUNTY, MINNESOTA, TO THE CITY OF STILLWATER,
MINNESOTA

The petition for annexation of the following described
real estate located in Oak Park Township, Washington County,
Minnesota, more particularly described as:

All of Blocks 12, 13, and 14 of Webster's Third Addition
by the owners, Fairview Cemetery Association, and Earnest Money
Contract purchasers, James L. Simpson and Robert Norgren, doing
business as J & B Realti Co. of Stillwater, Minnesota, to the
City of Stillwater, Minnesota came on for hearing before the
Municipal Commission at the Court House in the City of Still-
water on the 17th day of May, 1965, at 10:00 A.M. and after
hearing testimony from those present, the hearing was continued
to May 27, 1965, at 11:00 A.M. at the office of the Commission,
Room 51 State Office Building, St. Paul, Minnesota, and which
hearing was continued to June 3, 1965 at 10:00 A.M. at the
office of the Commission. Robert W. Johnson, Vice-Chairman,
and Terrance O'Toole, Commission Member, attended the hearings
together with Irving R. Keldsen, Secretary; Roy Johnson,
Auditor of Washington County and Donald Cafferty County
Commissioner, at May 17th hearing; and Robert Wright, County
Commissioner at subsequent hearings.

The petitioning property owners were represented by
Winston E. Sandeen. The Board of Trustees of Oak Park Township
were represented by Richard Hiniker and William Fleming.

The Commission ordered a continued hearing to be held on June 14, 1965 at 10:00 A.M. in the Oak Park Elementary School, Stillwater, Minnesota, the purpose of the hearing being to alter the boundaries of the land described in the petition by increasing the area so as to include the entire Township of Oak Park, Washington County, Minnesota, and to consider annexation of the entire said township to the City of Stillwater, Minnesota, which scheduled hearing was continued to June 18, 1965, at 10:00 A.M. in the Oak Park Elementary School, Stillwater, Minnesota.

The Commission having duly considered the testimony of the witnesses, the exhibits received in evidence, and all other evidence, and upon all the files and records, being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

I.

Due, timely and adequate legal notices of the hearings herein, including adjourned sessions thereof, were posted, published, served and mailed.

II.

The population, according to the 1960 census, of Oak Park Township is 582, and of the City of Stillwater, 8,310.

III.

The area of Oak Park Township is approximately 320 acres and the area of the City of Stillwater is approximately 2323 acres.

IV.

The assessed valuation of Oak Park Township is \$221,571.00 and the assessed valuation of the City of Stillwater is \$3,804,562.00.

V.

The City of Stillwater has been a growing community, increasing from 8,310 population in 1960 to approximately 8,560

population in 1965 and increasing in area since 1960 by approximately 100 acres. The expansion of the City of Stillwater has been on to the south, into Oak Park Township, and south and west into the formerly agricultural area of Stillwater Township. The east boundary of the City of Stillwater is the St. Croix River and the State of Wisconsin, which stops expansion to the east.

The improvement of Highway #212 from a two-lane highway into a divided four-lane highway with frontage roads bordering part of and traversing through part of Oak Park Township indicates the expansion of the City of Stillwater into this suburban and formerly agricultural area.

Commercial developments appeared to have grown up along Highway #212 and would indicate further commercial use of the area to the south and west of the City of Stillwater and including the area of Oak Park Township.

VI.

Vacant space for expansion of the City of Stillwater is available through annexation of vacant lands except to the east. Oak Park Township is one of the few vacant land areas abutting to the City of Stillwater on the south.

VII.

One of the petitioners, J & B Realty Co., proposes to spend approximately \$500,000.00 in construction of apartment buildings in the area to be annexed.

In all probability, taxes will increase by annexation, but should be proportional to the benefits received, including city utility services, improved police and fire protection, improved streets and street maintenance, reduction of insurance rates, sewer and water service, and other benefits of city service.

VIII.

The proposed commercial use of part of the area to be annexed and the health and welfare of the community show a need

for such governmental services as city water service, city sewage disposal system, city zoning, city street planning, city police and city fire protection.

IX.

Oak Park Township has not undertaken to supply water or provide sewage disposal facilities on a community governmental basis and no plans to do so in the foreseeable future were disclosed.

X.

Oak Park Township relies upon the Sheriff's Department of Washington County, Minnesota for police protection.

XI.

The City of Stillwater will have available to the area to be annexed adequate city water and adequate city sewer connections. The city will put in streets required with proportionate costs being paid by the owners of the abutting property. City planning services, police departments and fire departments will be available to serve the area.

XII.

The annexation should operate with mutual benefit to the Oak Park Township and to the City of Stillwater.

XIII.

The following described lands should be annexed to the City of Stillwater:

All of the Town of Oak Park, County of Washington, State of Minnesota

CONCLUSIONS OF LAW

I.

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

II.

The area of land to be annexed is so conditioned and so located as to be properly subjected to municipal government by the City of Stillwater.

III.

The annexation of the area described in paragraph XIII of the Findings of Fact herein by the City of Stillwater would be in the best interest of the area affected and the City of Stillwater.

IV.

Municipal government of the area to be annexed herein is necessary and is required to protect public health, safety and welfare and to provide needed governmental services.

V.

The township form of government is not adequate to cope with the problems of the proposed commercial expansion and with the problems of urban and suburban growth in said area.

VI.

The City of Stillwater can feasibly and practicably provide for and best serve the need for governmental services presently existing and as they become necessary in the future in the area to be annexed.

VII.

An Order should be issued by the Minnesota Municipal Commission annexing to the City of Stillwater the real estate located in Washington County, Minnesota, described as follows:

All of the Town of Oak Park, County of
Washington, State of Minnesota

and said Order shall fix a day, after the entry of such Order, when an election shall be held at a place designated by the Commission, within the area to be annexed, wherein the qualified voters of said area may vote "For Annexation" or "Against Annexation."

MEMORANDUM OPINION

The Municipal Commission received on March 5, 1965, a petition for annexation of certain property described as all of Blocks 12, 13, and 14 of Webster's Third Addition to the City of Stillwater. The petition was initiated by the owners of said property. A hearing was held May 17, 1965, and testimony was received. The Municipal Commission ordered a continued hearing on June 18, 1965, the purpose of the hearing being to alter the boundaries of the land described by increasing the area to include the entire Township of Oak Park.

The evidence submitted at the first hearing by the petitioners relating to all of Blocks 12, 13 and 14 of Webster's Third Addition clearly supported the fact that the property was urban in character, that the owners of the property were entitled to receive urban services, and that in order for them to develop the property to its full and maximum value it was necessary that these services be provided. It was also manifestly clear that the township was either unable or unwilling to provide the urban services required. The testimony at this first hearing further established that the township residents at their annual town meeting had requested the township supervisors to explore the possibility of the township merging either with the City of Stillwater or with Oak Park Heights. The Commission wishes to commend the residents of the township for their wisdom and far-sightedness in undertaking this type of approach. The evidence further indicated that formal inquiries in either of these directions had not been made.

The Commission viewed the Township of Oak Park, the Village of Oak Park Heights, and the City of Stillwater and noted the community of interest that was obvious between the township and the City of Stillwater. The residents of the township for all practical purposes as far as community programs are concerned are considered to be a part of Stillwater.

In considering the geographical location and the topography of the Town of Oak Park in regard to the two municipalities that were under consideration it was perfectly obvious to the Commission that the entire township needs urban services and that many of these services are presently obtained from the City of Stillwater such as recreational programs, library services, and similar types of service programs. It was also evident to the Commission that the topography and geographical location was such that the only logical municipality to provide other types of municipal services necessary for the orderly growth of the community (water, sewer, fire, and police protection, etc.) would be from the City of Stillwater.

The Commission had jurisdiction over this matter by virtue of the petition as alluded earlier in the Memorandum Opinion relating to Blocks 12, 13, and 14 of Webster's Third Addition, all located in Oak Park Township. It was the Commission's unanimous and considered judgment that we should then expand the hearing to include the entire township to afford the residents of the township the opportunity to join with the City of Stillwater. This is in keeping with the request as has been indicated earlier in the Memorandum Opinion where the residents of the township at the annual meeting had expressed a need for a merger of their township with one of the two adjacent municipalities.

It is the considered judgment of the Municipal Commission that the interest of the residents of the Town of Oak Park would best be served by a favorable vote on the proposed annexation. The township would then become a part of the City of Stillwater and would receive not only the services that Stillwater can offer but would assume the responsibility of governing the very municipality that is providing the services and become participating citizens in the programs that they and their children are using.

ORDER FOR ELECTION

ANNEXATION OF OAK PARK TOWNSHIP TO
THE CITY OF STILLWATER, MINNESOTA

IT IS ORDERED: An election be held pursuant to Minn. Stat. 414.03 upon the proposition of whether or not the following described property should be annexed to the City of Stillwater and that such election shall be held on the 14th day of September, 1965, at the following described polling place which shall be open from 7:00 A.M. to 8:00 P.M.:

All of the Town of Oak Park, Washington County,
State of Minnesota

Judges: Mrs. Henry Groth
Mrs. John Dill
Mrs. Walter Haynes


Place: Oak Park Town Hall, Cadet Street, Oak Park Township

IT IS FURTHER ORDERED: That such election be conducted insofar as practicable in accordance with the election of town officers. Only qualified voters residing in the territory herein described shall be entitled to vote. The ballot shall bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases, in one of which the voters shall make a cross to express his opinion.

IT IS FURTHER ORDERED: That Oak Park Township shall cause a copy of this Order to be posted not less than 20 days before September 14, 1965, in three public places in the area proposed for annexation and the Order shall be published in a medium of official and legal publication of general circulation in the area proposed for annexation, two weeks before September 14, 1965.

Dated this 7th day of July, 1965

MINNESOTA MUNICIPAL COMMISSION
51 State Office Building
St. Paul 1, Minnesota


Irving R. Keldsen
S e c r e t a r y