

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Thomas J. Simmons  
Robert W. Johnson  
Gerald J. Isaacs

Chairman  
Vice Chairman  
Member

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IN THE MATTER OF THE RESOLUTION FOR)  
THE DETACHMENT OF CERTAIN LAND )  
FROM THE CITY OF FOREST LAKE, )  
WASHINGTON COUNTY, MINNESOTA )  
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FINDINGS OF FACT  
CONCLUSIONS OF LAW  
ORDER

The above matter came on for hearing before the commission in the City Council Chambers of the Forest Lake City Hall on the 21st day of August, 1975 upon the joint resolution of the City and Township of Forest Lake for the detachment of certain land from the statutory City of Forest Lake, pursuant to the provisions of Minnesota Statutes, Section 414.06. David Kulenkamp, Chairman of the Town Board of Supervisors, appeared on their behalf and Alfred A. Albert, developer, presented the views of an objecting property owner.

The commission, after having considered the evidence adduced at the hearing and having viewed the affected land, and upon all of the files, records and proceedings herein, makes the following:

FINDINGS OF FACT

1. That the commission initially assumed jurisdiction over the subject property pursuant to a petition of property owners for annexation to the City of Forest Lake filed on October 19, 1973, which was duly objected to by the Township Board of Supervisors on November 21, 1973, and accordingly scheduled for hearing before the commission on March 15, 1974, upon due notice which was in all respects properly published and mailed (MMC Proceeding No. A-2515); described as follows:

That part of the East Half of Section 7, including Holmquist's Subdivision, according to the plat thereof, in Township 32 North, Range 21 West, Washington County, Minnesota, lying south of the north line of County State Aid Highway No. 2 and not presently inc uded within the boundaries of the City of Forest Lake.

2. That at the request of the petitioning property owners, the city and township entered into a joint resolution for orderly annexation filed with the commission on March 7, 1974 (MMC Docket Number OA-103) settling this dispute providing for the immediate uncontested annexation of the subject property, with attendant tax advantages to petitioning owners and avoiding the considerable potential delay and expense of a contested proceeding, on the condition that if a building permit were not issued for shopping center purposes within one year of the date of annexation the property should revert to township jurisdiction and taxation.

3. That this settlement agreement was duly presented to the commission without objection from any person or party and the dismissal of proceeding number A-2515, requested therein, was granted on March 13, 1974.

4. That jurisdiction over the subject property was retained pursuant to said orderly annexation agreement which is in all respects proper in contents, form and execution.

5. That upon proper notice, duly mailed and published, a proper orderly annexation hearing was conducted on the requested conditional annexation of the subject property which was unopposed by any person or party and ordered on May 8, 1974.

6. That the portion of the joint resolution calling for the detachment and the communication from the township requesting the initiation of this proceeding filed May 12, 1975 are in all respects proper in form, contents, execution and filing.

7. That due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission on this proceeding was properly published, served and filed.

8. That no application for a building permit for shopping center purposes has been filed during the year succeeding the annexation or in the next succeeding three months prior to the hearing on this proceeding.

9. That the township has made a proper and timely request for enforcement of the agreement to return the property to its jurisdiction, expressing willingness for the record to see the property in the city once again at such time as a building permit is applied for.

10. That the City of Forest Lake has no objection to the proposed detachment, desiring that its agreement with the township be enforced.

11. That the joint agreement designating the proposed area as being in need of orderly annexation confers continuing jurisdiction on the commission to order annexation of all or part of the area to the city in the event that more concrete plans for urban and suburban development materialize and it can be demonstrated that the city is capable of providing the municipal services required by the area.

12. That capacity to provide the municipal water and sewer service required by the area is contingent upon the shopping center developer agreeing to assume the cost of utility extension including the cost of stubbing service under the interstate freeway previously assumed by the city when the highway was constructed and discussions on this subject have not been initiated nor have preliminary cost estimates been prepared.

13. That the property is predominantly unplatted and used and occupied primarily for agricultural purposes.

14. That the proposed detachment will not unreasonably affect the symmetry of the city.

15. That the property is not needed for reasonably anticipated future development of the city.

#### CONCLUSIONS OF LAW

1. That the Minnesota Municipal Commission duly acquired and now has jurisdiction over the within proceeding.

2. That the joint agreement for orderly annexation conferring jurisdiction on the commission to order the annexation of the above described property with a further condition that it be detached if a building permit is not issued within one year, should be enforced and the land should be detached forthwith to the township.

O R D E R

IT IS HEREBY ORDERED, that the previous action of the commission annexing the following described property to the City of Forest Lake be, and the same is hereby reversed; and the property is therefore detached, making it once again part of the unincorporated Township of Forest Lake:

That part of the East Half of Section Seven (7), including Holmquist's Subdivision, according to the plat thereof, in Township Thirty-Two (32) North, Range Twenty-One (21) West, Washington County, Minnesota, lying south of the north line of County State Aid Highway No. 2 and not presently included within the boundaries of the City of Forest Lake.

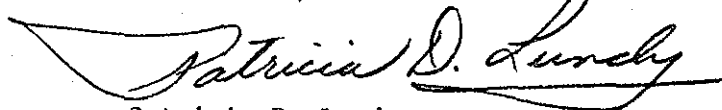
IT IS FURTHER ORDERED, that the commission explicitly retains jurisdiction herein for the purpose of ordering future annexations when and if properly initiated under and pursuant to Minnesota Statutes 414.032.

IT IS FURTHER ORDERED, that the population of the City of Forest Lake be and the same hereby is decreased by six (6) for all purposes until the next federal or state census.

IT IS FURTHER ORDERED, that the population of the Township of Forest Lake be and the same hereby is increased by six (6) for all purposes until the next federal or state census.

Dated this 23 day of October, 1975

MINNESOTA MUNICIPAL COMMISSION  
304 Capitol Square Building  
Saint Paul, Minnesota 55101



Patricia D. Lundy  
Assistant Executive Secretary

M E M O R A N D U M

Nearly three years ago in the last Municipal Commission proceeding involving the City and Township of Forest Lake, we denied the separate incorporation of the township urging that local officials pursue consolidation or orderly annexation instead. That memorandum expands at length on how these tools might be advantageously used and closes with the following plea which bears reaffirmation:

"Whatever approach is utilized, the commission urges local officials to forget past battles and grievances in order to establish a comprehensive unified approach to community planning and development. The Washington County Planning Commission as well as the Municipal Commission are willing and anxious to assist in any way possible in such an endeavor. The key to such a solution is the good faith effort and constructive leadership of conscientious local public servants."

The within proceeding involves an encouraging albeit limited example of such constructive leadership. Conscientious township officials, endeavoring to encourage a major commercial development which would inure to the benefit of taxpayers throughout the county and school district agreed to the immediate annexation of this property despite the fact that the tax benefit for local government purposes would go solely to city residents. As an accommodation to the property owner, they placed the land immediately within the city boundaries, but because of the speculative nature of the venture and the possibility that the city might permit some other unanticipated land use, the boundary adjustment was conditioned on issuance of a shopping center building permit within one year. We have today enforced that condition.

The only objection to today's action raised at the hearing was a concern expressed by the developer that financiers might be more reluctant to loan money feeling there was some uncertainty that the property could be annexed to the city once financing is arranged and building permits applied for. Potential lenders should be assured that this is not a problem. City

and township officials have clearly pledged that the annexation will be facilitated when and if a permit is applied for. The developer's concern that some future officials might go back on this pledge are groundless as this commission has continuing jurisdiction to initiate the annexation itself in such an instance. Indeed, one of the greatest advantages of the orderly annexation procedure is to eliminate precisely this kind of uncertainty. If financing, commitments and servicing for the project can be arranged - the boundary adjustment will occur. Until that time, we are in agreement that the property can and should remain in the township.