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BEFORE THE MINNESOTA MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

A-214-61

Joseph Robbie
Robert W. Johnson
F. Robert Edman

Chairman
Vice-Chairman
Secretary

IN THE MATTER OF THE PETITION OF CERTAIN FREEHOLDERS FOR
THE ANNEXATION TO THE VILLAGE OF FOREST LAKE, MINNESOTA,
OF CERTAIN LANDS, PURSUANT TO CHAPTER 686, LAWS 1959.

The petition of the Village of Forest Lake for the proposed annexation to the Village of Forest Lake of certain lands described in said petition came regularly on for hearing before the Minnesota Municipal Commission in the Village Hall, Village of Forest Lake, Minnesota, on June 16, 1961, at 10:00 o'clock A. M. All members of the Commission were present: Joseph Robbie, Chairman, presiding; Robert W. Johnson, Vice-Chairman; F. Robert Edman, Secretary; together with Idor Peterson, Chairman of the County Board and Roy Johnson, County Auditor, who were present at the request of the Commission as consultants. Appearances were made by Klein Johnson, representing the Village of Forest Lake, and Wendell Johnson, representing the Township of Forest Lake. Evidence was taken and testimony was heard from all parties appearing and indicating a desire to be heard. Certain exhibits were allowed in evidence. Hearing was then continued subject to call if in the judgment of the Commission this would become necessary. The Commission did determine this to be necessary. Hearing again reconvened at the Village Hall, Forest Lake, Minnesota, on October 31, 1961, at 10:00 A. M., pursuant to proper notice. Commission Members present: Robert W. Johnson, Vice-Chairman, presiding; and F. Robert Edman, Secretary, constituting a quorum of the Commission. Also appearing were the above named Idor Peterson, Roy Johnson, Klein Johnson, and Wendell Johnson, representing the respective

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interests above named. Evidence was taken and testimony heard from all parties appearing at the hearing and indicating a desire to be heard.

The Commission having carefully considered all of the evidence, and upon all of the files and records, now makes and files the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT:

I.

A petition for annexation to the Village of Forest Lake was duly filed with the Minnesota Municipal Commission by the Village of Forest Lake.

II.

Due and proper notice pursuant to statute was given of the hearing and proper proofs have been filed with the Commission.

III.

The Commission ordered a continued hearing on the petition for annexation be heard October 31, 1961, to extend the boundaries of the original petition to include additional lands, which hearing was held October 31, 1961.

IV.

Due and proper legal notice pursuant to statute was given to all parties of said continued hearing and such hearing was held October 31, 1961, at 10:00 A. M. in the Village Hall, Village of Forest Lake, Minnesota.

V.

That the combined area proposed for annexation is described as follows:

"Those parts of Section Sixteen (16) and Seventeen (17), Township Thirty-two (32), Range Twenty-one (21), Washington County, lying North of Highway Number 97 as presently located; South of the Forest Lake Village limits; Easterly of Highway Number 61 as presently located and Westerly of the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Sixteen (16); and

"That portion of Section Seventeen (17), Township Thirty-two (32), Range Twenty-one (21), Washington County, Minnesota, located East of the Northern Pacific Railroad right-of-way and West of Trunk Highway Number 61 and North of the Center line of said Section 17 and South of the Village limits of the Village of Forest Lake."

VI.

The area proposed to be annexed consists of 211 acres.

VII.

The area included in the annexing Village of Forest Lake is 1200 acres.

VIII.

The population of the area proposed to be annexed as of the time of the 1960 census is 63 persons.

IX.

The population of the annexing area according to the 1960 census is 2347 persons.

X.

The assessed valuation of the area to be annexed is \$13,750.00.

XI.

The assessed valuation of the real property of the annexing Village of Forest Lake is \$818,596.

XII.

The population of the Village of Forest Lake was 1766 in 1950 and was 2347 according to the 1960 census, indicating approximately a 33% increase in population. In addition thereto, there has been, in recent years, an increase in commercial building and public building.

XIII.

Interstate Freeway 35 W will pass within one-quarter of a mile of the Village. That, together with the development of a community hospital and other foreseeable growth, would indicate a continued increase in the Village population.

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XIV.

At the present time the Village has used approximately 217 acres for residential development which represents approximately 36% of the land available for development.

XV.

The Village of Forest Lake has within the recent years installed a new sewer system and sewer treatment plant and facilities which are adequate to handle possible future expansion within the Village of Forest Lake and the area proposed to be annexed.

XVI.

Within recent years the Village of Forest Lake has installed a new water system which has a capacity adequate to handle all future development within the Village of Forest Lake and the area proposed to be annexed.

XVII.

The area proposed to be annexed is necessary to accommodate the anticipated expansion and growth of the Village of Forest Lake.

XVIII.

The annexed area can reasonably expect to experience a moderate increase in the event of annexation but the increase will be in proportion to the expected benefit inuring to the annexed territory as a result of the annexation.

XIX.

The area to be annexed is in need of, or it can be reasonably anticipated that it will soon need, additional governmental services, such as water, sewage disposal, zoning, street planning, and police and fire protection.

XX.

There is no street planning or community sewage disposal system or water system, and police protection is provided by the Washington County Sheriff and a township Constable who is only on call.

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XXI.

The Village of Forest Lake has adequate governmental services in addition to water and sewer, including zoning, street planning, police and fire protection which will be adequate to provide services for the annexed area.

XXII.

The area to be annexed is a part of Forest Lake Township, which has an existing valuation, including personal property, of \$818,901, and the loss of the area to be annexed will not in any way impair its ability to continue to function as a township. It will continue to enjoy an adequate tax base to provide the services that its residents will need.

XXIII.

It is reasonable and proper that the property and obligations of the area to be annexed remain as the property and obligations of Forest Lake Township.

XXIV.

The township form of government is not adequate to cope with the problems of urban or suburban growth that it is reasonable to anticipate will occur in the area proposed for annexation without having to incur an unreasonable cost for the amount of services that it can make available to the people in the area proposed for annexation.

CONCLUSIONS OF LAW:

I.

The property to be annexed is now, or is about to become, urban or suburban in character.

II.

Municipal government of the area is required to protect the public health, safety, and welfare in reference to plat control, land development, and construction which may reasonably be expected to occur within a reasonable time.

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III.

Annexation is to the best interests of the Village of Forest Lake and the territory to be annexed.

IV.

The annexation will not materially affect the ability of the Township of Forest Lake to continue to provide governmental services for the balance of the township.

V.

The property and obligations of the area to be annexed shall remain as the property and obligations of Forest Lake Township.

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ORDER

On the petition of certain freeholders for annexation of unincorporated property to the Village of Forest Lake, Washington County, Minnesota, which came regularly on for hearing before the Minnesota Municipal Commission at 10:00 A. M. on June 16, 1961, at the Village of Forest Lake, and again at 10:00 A. M. on October 31, 1961, at the Village of Forest Lake, at which times evidence was taken, testimony heard, and exhibits received, and upon all of the files and records herein, the Commission being fully advised in the premises,

IT IS ORDERED: That the following described property, to-wit:

"Those parts of Section Sixteen (16) and Seventeen (17), Township Thirty-two (32), Range Twenty-one (21), Washington County, lying North of Highway Number 97 as presently located; South of the Forest Lake Village limits; Easterly of Highway Number 61 as presently located and Westerly of the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Said Section Sixteen (16); and

"That portion of Section Seventeen (17), Township Thirty-two (32), Range Twenty-one (21), Washington County, Minnesota, located East of the Northern Pacific Railroad right-of-way and West of Trunk Highway Number 61 and North of the center line of said Section 17 and South of the Village limits of the Village of Forest Lake."

shall be and is hereby annexed to the Village of Forest Lake.

IT IS FURTHER ORDERED: That all of the property and obligations of the area to be annexed shall remain the property and obligations of Forest Lake Township.

BY THE FULL COMMISSION:

Joseph Robbie
Joseph Robbie
Chairman

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
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Joseph L. Henneman
Secretary of State

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MEMORANDUM OPINION

In the judgment of the Municipal Commission, the area hereby annexed will materially benefit from the additional services available to it. The Commission is fully aware of the argument of some of the individual property owners to the effect that they do not intend to subdivide their properties, and that additional services (sewer services in particular) would not improve or enhance their property but that they would incur additional expenses as a result of the annexation. They will incur expenses for sewer only when, and if, they petition for an extension of a lateral from the system to their property. Other than this expense, the general obligation expense of the overall system to which they would have to contribute is relatively minor. The other services that become available to these property owners should offset by a substantial margin these minor costs. This is specifically true of the availability of police protection, the control of building around and immediately next to their property through adequate planning and zoning, the availability of water if they should experience any contamination of their individual wells, and the increase in value of their property by virtue of this more organized and systematic governmental control of the area. Inclusion in the village will increase the market value of their property.

The area was viewed by the Commission in the light of the testimony of the principal owner that his scrap operation would be deterred by annexation. The Commission has studied the existing regulations within the Village with which he would have to comply and it is the Commission's opinion that the enhanced value that would be experienced by this property owner would more than offset the minor cost he would incur in constructing the required fence to enclose his operation to allow him to continue to operate in the present manner.

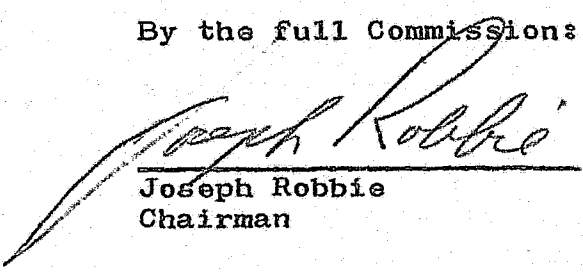
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It is the opinion of the Commission that in the very near future, in order for the township to provide the governmental services that the proposed area will need, it will be necessary for the township to incur additional governmental expense which will be disproportionate to the benefit received in the annexed area. The township will hardly be justified in providing sufficient investment to perform these services in an economical manner. In all likelihood, the taxes received by the township from the area annexed to the Village would not cover the costs that would have to be incurred by the township to provide these additional services.

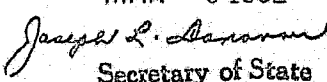
It appears to the Commission that there is as much or more of a community of interest between the area being annexed and the Village of Forest Lake as there is between this area and the township. The annexation was requested by the majority of the property owners residing in the area. It appears to the Commission that the residents of the area desire the annexation, that they need the services, that the Village of Forest Lake can provide the services more economically than the township, that the people in the area will receive a greater benefit than any additional cost that might be incurred, and that the township of Forest Lake will be financially improved. In our judgment, the annexation is to the mutual advantage of all parties concerned.

Dated: December 11, 1961

By the full Commission:


Joseph Robbie
Chairman

Opinion by:
Robert W. Johnson
Vice Chairman

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