

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Joseph Robbie Chairman  
Robert W. Johnson Vice-Chairman  
Terrance S. O'Toole Member  
Irving R. Keldsen Secretary

IN THE MATTER OF THE PETITION FOR ANNEXATION OF PROPERTY  
KNOWN AS THE ALLA-BAR CITY ADDITION TO THE CITY OF WHITE  
BEAR LAKE, MINNESOTA

The petition for annexation of the property of Alfred J. LaBarre and Helen Louise LaBarre described as all of Alla-Bar City Addition, Washington County, State of Minnesota, containing 27 lots and consisting of approximately 11 acres to the City of White Bear Lake came regularly on for hearing before the Municipal Commission at the White Bear City Hall in the City of White Bear Lake, Minnesota, on the 24th day of March, 1964 at one o'clock P.M.

The petitioning property owners, Alfred J. LaBarre and Helen Louise LaBarre, appeared personally. William J. Fleming, Esq., appeared personally for the petitioners. Members of the Board of Trustees of Lincoln Township appeared on behalf of the Township. John V. Norton, Esq., appeared as attorney for Lincoln Township. Wilbur L. Goyer, Esq., appeared as attorney for the Village of Mahtomedi.

The Commission took testimony and received exhibits. Upon all of the files and records, including the evidence taken at the public hearing, the Commission makes and enters the following Findings of Facts, Conclusions of Law and Order.

FINDINGS OF FACTS

I.

Due, adequate, and timely notice was given. The proceedings are in all things regular.

II.

The facts are as alleged in the petition for annexation.

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Alfred J. LaBarre and Helen Louise LaBarre are the sole owners in fee of the property proposed for annexation consisting of approximately 11 acres, platted, and divided into 27 lots.

III.

The City of White Bear Lake approves the annexation and is ready, willing and able to provide needed municipal services to the annexed property.

IV.

Such services are not now available, including water and sewage disposal, from Lincoln Township, and cannot be provided within a reasonable future time.

V.

The annexation by ordinance on review before the Commission is in the best interests of the affected property, the City of White Bear Lake, and is in the public interest.

CONCLUSIONS OF LAW

I.

An order should be issued by the Municipal Commission approving the annexation of the described property to the City of White Bear Lake.

ORDER


Upon the petition for the Alla-Bar City Addition to be annexed to the City of White Bear Lake, Minnesota, which came on hearing before the Minnesota Municipal Commission on March 24, 1964, at which time evidence was taken, testimony heard, and exhibits received, and upon all the findings and records herein, the Commission being fully advised in the premises,

IT IS ORDERED: That such petition for annexation of land

described as follows be, and the same hereby is, annexed to the City of White Bear Lake, the same as if it had originally been made a part thereof:

All of Alla-Bar City Addition,  
Washington County, State of  
Minnesota, containing twenty-  
seven lots and consisting of  
approximately eleven acres

Dated this 5th day of May, 1964  
MINNESOTA MUNICIPAL COMMISSION  
51 State Office Building  
St. Paul 1, Minnesota

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

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#### MEMORANDUM OPINION

The 1963 Legislature amended M.S.A. 414.03, Subdivision 2, to provide for review by the Municipal Commission of any annexation by ordinance under such provision upon written objection within 30 days by a proper party.

Subdivision 2 permits annexation by ordinance with approval of a majority or all of the property owners in number and area.

Alfred J. LaBarre and Helen Louise LaBarre, sole owners of the Alla-Bar City Addition bordering on the City of White Bear Lake, petitioned the City of White Bear Lake to annex their property. Lincoln Township invoked jurisdiction of the Municipal Commission by objecting to the petition. The sole question here is whether or not the annexation should be approved.

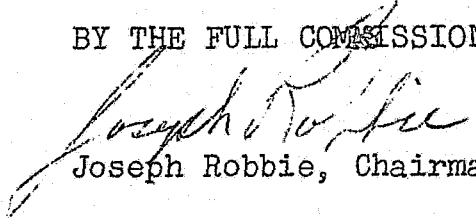
The property owners earnestly insist that they need municipal services, particularly an adequate water supply and sewage disposal. It is clear from the record that these can be readily provided by the City of White Bear Lake, are not presently provided by Lincoln Township and cannot be provided by Lincoln

Township at any reasonable future time. Lincoln Township has no present plans to furnish water or sewage disposal services to this property. The annexation must therefore be approved.

Since this is the first case to come to the Municipal Commission under the new 1963 provision that annexation by mutual agreement between a municipality and property owners may be reviewed by the Commission, ground rules should be established to determine when such annexations will be approved.

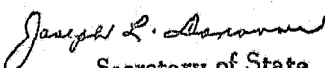
The Commission is of the opinion that, in the absence of compelling reasons, owners of property abutting on a municipality should be permitted to have the property annexed to such municipality. Where services to be rendered by the annexing municipality are commensurate with the tax base required, and such services are not readily available from the township in which the property is located, and no irreparable injury is done to the township, such annexation should in every case be approved.

BY THE FULL COMMISSION

  
Joseph Robbie, Chairman

Opinion by Joseph Robbie

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
JUN 2 1964

  
Secretary of State