

ROBERT F. WILLE, JR.
ATTORNEY AT LAW
817 PIONEER BUILDING
ST. PAUL, MINNESOTA 55101
TELEPHONE 222-0600

December 30, 1966

Secretary of State
State of Minnesota
State Capitol
St. Paul, Minnesota 55101

Dear Sir:

I enclose herewith and serve upon you by mail a copy of Notice of Appeal by Town of White Bear from Order of Minnesota Municipal Commission dated November 30, 1966, Annexing Certain Land to City of White Bear Lake.

Very truly yours,

Robert F. Wille, Jr.
ROBERT F. WILLE, JR.
Attorney for Town of White Bear,
Ramsey County, Minnesota

RFWjr:sh
Enc.

18464

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson
Thomas R. Byrne
Edward L. Henry

Chairman
Member
Vice-Chairman

In the Matter of the Review of
the Status of the Town of White
Bear, Pursuant to Minnesota
Statutes, Section 414.03.

Notice of Appeal by
Town of White Bear
from Order of Minnesota
Municipal Commission
dated November 30,
1966, Annexing Certain
Land to City of White
Bear Lake.

PLEASE TAKE NOTICE THAT the Town of White Bear, being
aggrieved by the Order herein of the Minnesota Municipal Commission
dated November 30, 1966, certified copies of which have been sent
to the Council of the City of White Bear Lake, the Town Board of
this appellant, the Secretary of State of the State of Minnesota
and the Auditor of Ramsey County, Minnesota, all pursuant to
Minnesota Statutes, Section 414.03, does hereby appeal therefrom
to the District Court of The Second Judicial District, County of
Ramsey, State of Minnesota, on the following grounds, to-wit:

1. That the Commission had no jurisdiction to act;
2. That the Commission exceeded its jurisdiction;
3. That the Order of the Commission is arbitrary, fraudulent,
capricious and oppressive and in unreasonable disregard
of the best interests of the territory affected;
4. That this is based upon an erroneous theory of law;
5. That the Commission's Order is based on Minnesota
Statutes, Section 414.03, Subd. 2, which is invalid and
void because it takes property of appellant and its
citizens and freeholders without due process of law and
denies them the equal protection of the laws in that the

said statute provides an improper, unlawful and discriminatory classification relating to the right to vote on annexation matters.

TOWN OF WHITE BEAR

BY

Robert F. Wille, Jr.
Attorney for Appellant Town
of White Bear
217 Pioneer Building
St. Paul, Minnesota 55101

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Thomas R. Byrne	Member
Edward L. Henry	Vice-Chairman

IN THE MATTER OF THE PETITION FOR ANNEXATION OF LAND
TO THE CITY OF WHITE BEAR LAKE, MINNESOTA

That on the 10th day of September, 1965 the City of White Bear Lake served notice on the Town of White Bear of its intention to annex certain land located in the Town of White Bear to the City of White Bear Lake. That the land to be annexed is located in the Town of White Bear, Ramsey County, Minnesota, and is more particularly described herein.

That the Town Board of the Town of White Bear objected to the annexation of said land, that hearings on said annexation came before the Municipal Commission at the City Hall in the City of White Bear Lake, Minnesota, on the 18th day of January, 1966, at six thirty o'clock P.M. and on the 17th day of February, 1966 at ten o'clock A.M. Messrs. Robert W. Johnson, Chairman, Thomas R. Byrne, Member and Edward L. Henry, Vice-Chairman attended both hearings together with Mr. Irving R. Keldsen, Secretary.

The City of White Bear Lake was represented by Thomas W. Newcome, City Attorney, and the Town of White Bear by Robert F. Wille, Jr., Its Attorney.

The Commission having duly considered the testimony of the witnesses, the exhibits received in evidence and upon all the files and records including the inspection of the area to be annexed and being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

I.

That due, timely and adequate legal notice of the hearing herein, including adjourned session thereof, was properly posted, published, served and mailed.

II.

That the land to be annexed is seventy-five per cent or more bordered on three sides by land within the City of White Bear Lake.

III.

That the area to be annexed is platted and contains approximately sixty-five single family dwellings.

IV.

That the population of the City of White Bear Lake in 1965 as determined by the special Federal census was approximately 19461 and the population of the area to be annexed was approximately 200.

V.

That the area to be annexed contains no industry or commercial property and is primarily residential dwellings with some truck gardening type of farming.

That the majority of said area is presently zoned Residential A and the remainder Farm Residential.

VI.

That the City of White Bear Lake has water and sanitary sewer pipe lines presently within a portion of the area to be annexed and has other pipe lines which serve areas in said City abutting the area to be annexed which could feasibly be extended to provide service if necessary.

VII.

That there are two public roads in the area to be annexed half of which are in the City of White Bear Lake and half in the Town of White Bear. Both these roads are traveled by school busses transporting students to and from an elementary school located adjacent to said area in the City of White Bear Lake. That the improvement, maintenance and repair of these roads has suffered because of their divided ownership.

VIII.

That the assessed valuation of the City of White Bear Lake in 1965 was \$10,269,000 and the Town of White Bear was \$3,383,099.

IX.

That the real estate taxes in the area to be annexed can reasonably be expected to increase but the increase will be proportional to the expected benefit inuring to the annexed territory as the result of the annexation.

X.

That the City of White Bear Lake has a modern, well-equipped police department of approximately nineteen police officers that will be able to provide good police services to the area to be annexed. That the Town of White Bear does not have a police department and the area to be annexed now receives its police protection from the Ramsey County Sheriff's office.

XI.

That the City of White Bear Lake has a modern equipped thirty man volunteer fire department which will be able to provide good fire protection to the area to be annexed. That said area is presently protected by said fire department on a monthly contract plus an hourly cost per fire arrangement between the City of White Bear Lake and the Town of White Bear which is paid by a tax levy on Township real estate.

XII.

That the City of White Bear Lake offered into evidence as its Exhibit 2 a certified copy of its Resolution No. 2091 passed by its Council on January 25, 1966 which states that the City Council of the City of White Bear Lake, Minnesota, hereby goes on record that it is not the intention of said Council to assess the ~~heroin~~ described property for sanitary sewer and water main installations already made or contracted to be made within the area to be annexed until such time as required for public health or until such time the property owners request said services. That the property described in said Resolution is the property to be annexed herein.

XIII.

That there is no need for continuance of any Township Government within the area to be annexed after annexation since the close proximity of the area to the City of White Bear Lake provides an ease of city governmental control and management.

XIV.

That the Town of White Bear presently offers no governmental service for sanitary sewer or water in the area to be annexed. That said Township offered no evidence to indicate that it is planning said services in the future for said area.

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 White Bear Lake.

III.

Annexation by the City of White Bear Lake would be in the best interests of the area affected and the City of White Bear Lake.

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 necessary governmental services.

V.

That the area to be annexed is seventy-five per cent or more bordered on three sides by land within the City of White Bear Lake.

An Order should be issued by the Minnesota Municipal Commission annexing to the City of White Bear Lake, Minnesota, the real estate located in the Town of White Bear, Ramsey County, Minnesota described herein.

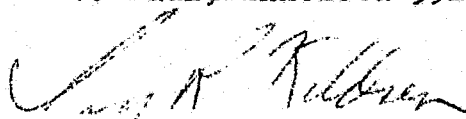
O R D E R

IT IS ORDERED: That the following described real estate in the Town of White Bear, Ramsey County, Minnesota, be and the same hereby is, annexed to the City of White Bear Lake, Minnesota, the same as if it had originally been made a part thereof:

Beginning at the intersection of White Bear Avenue and Orchard Lane which is also the center of Sec. 35, T30, R22; thence westerly along the N line of the SW $\frac{1}{4}$ of said Sec. 35 a distance of 829.88 feet; thence southerly along the W line of the Crest Haven Add. to the NE corner of Lot 6, Blk 4, Crest Haven Add.; thence westerly to the NW corner of Lot 9, Blk 4, Crest Haven Add.; thence southerly along the west line of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Sec. 35 to the south line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Sec. 35; thence westerly along the south line of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Sec. 35 to the west line of said Sec. 35; thence northerly along the west line of said Sec. 35 to the NW cor. of said Sec. 35; thence easterly along the north line of said Sec. 35 to the NE corner of the NW $\frac{1}{4}$ of said Sec. 35; thence easterly along the north line of said Sec. 35 a distance of 475.737 feet; thence southerly to the NE corner of Lot 10, Blk 2, Brookdale Park; thence westerly to the NE corner of Lot 1, Blk 2, Brookdale Park; thence southerly to the SE corner of Lot 12, Blk 1, Brookdale Park; thence south a distance of 33 feet to the south line of the NE $\frac{1}{4}$ of said Sec. 35; thence westerly a distance of 249.5 feet to the point of beginning, excepting any land now within the City of White Bear Lake.

Dated this 30th day of November, 1966

MINNESOTA MUNICIPAL COMMISSION
459 Rice Street
St. Paul, Minnesota 55103



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

#18464

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 2 - 1966



Secretary of State

April 7, 1967

Mr. Edward G. Bayuk
City Manager
City Hall
White Bear Lake, Minn.

Dear Mr. Bayuk:

The Minnesota Municipal Commission in reviewing the pending White Bear Lake annexation files has found that the Walter M. Muhonen property (your Ord. No. 398 and our Docket A-915) was annexed by the Commission's Order for Annexation issued November 30, 1966.

We also filed your Ord. 382 which contains the same property covered by your Ord. 433. (Ord. 433 was filed by the Commission June 9, 1966)

We are therefore, considering these annexations filed as of the dates herein referred to.

Cordially,

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

IRK/pdl

cc: Secretary of State
County Auditor
Township

Municipal Doc. # A-915
filed 12-2-66 O.D. # 18464

ORDINANCE NO 398

AN ORDINANCE ANNEXING PROPERTY TO THE CITY
OF WHITE BEAR LAKE, MINNESOTA

WHEREAS, all of the property owners of the real estate hereinafter described, have petitioned the City Council of the City of White Bear Lake, Minnesota, to have the following described real estate annexed to the City of White Bear Lake, Minnesota; and

WHEREAS, the City Council deems it advisable and in the public interest that said property be so annexed.

NOW, THEREFORE, the City Council of the City of White Bear Lake, Minnesota, does ordain as follows:

Section 1. That the following described real estate situated in Ramsey County, Minnesota:

Lot One(1) Elmwood Garden Farms #3, Ramsey County

be and the same is hereby annexed to the City of White Bear Lake, Minnesota, and the said property is hereby declared to be an addition to said City.

Section 2. Upon the effective date of this Ordinance such property shall become a part of said City as effectively and as if it has been originally a part thereof.

Section 3. This Ordinance shall take effect and be in force from and after its passage and publication, and the City Manager of the City of White Bear Lake, Minnesota, is directed to cause a certified copy of this Ordinance to be recorded and filed in the office of the County Auditor, Ramsey County, Minnesota, the office of the Secretary of State for the State of Minnesota, and the Minnesota Municipal Commission.

Passed by the Council this 12 day of May, 1964.

s/s: Milton L. Knoll, Jr.
Mayor

s/s: E.T. Butler
Chairman

Attest:

s/s: Richard L. Krantz
City Clerk
on May 12, 1964.

I Richard L. Krantz, Clerk of the City of White Bear Lake, hereby certify that the attached is a true and correct copy of a Resolution passed by the City Council


Richard L. Krantz, City Clerk

ncil
18464