

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

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|----------------------|-------------------|
| Robert W. Johnson | Chairman |
| Edward L. Henry | Vice-Chairman |
| Edwin H. Thalman | Ex-Officio Member |
| Bernard F. Schneider | Ex-Officio Member |

IN THE MATTER OF THE PETITION AND RESOLUTION FOR THE MERGER OF THE VILLAGE OF CHANHASSEN, CARVER COUNTY, MINNESOTA WITH THE TOWN OF CHANHASSEN, CARVER COUNTY, MINNESOTA

Pursuant to Minnesota Statutes 414.02 the Municipal Commission did on December 15, 1966, consider the apportionment of the property and obligations of the Town of Chanhassen. The Municipal Commission on all the records being fully advised in the premises finds:

- (1) That neither the Village of Victoria nor the City of Chaska has requested that the Municipal Commission order the distribution of any portion of the assets of the Town of Chanhassen to the Village of Chanhassen.
- (2) That the property of the Town of Chanhassen is only slightly in excess of the obligations of the Town of Chanhassen.
- (3) That it is just and equitable in view of the value of the township property, the assessed value of all of the taxable property in the township both within and without the areas to be annexed to the City of Chaska and Village of Victoria, the indebtedness of the town and the taxes due and delinquent, that all of the town property remain with the Town of Chanhassen, and become a part of the assets of the new Village of Chanhassen upon the effective date of the Merger of the Town and Village of Chanhassen.

Therefore, the Minnesota Municipal Commission does hereby order that all of the property and obligations of the Town of Chanhassen shall remain with the Village of Chanhassen.

Dated this 15th day of February, 1967

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

Irving R. Keldsen
Irving R. Keldsen
Secretary

#18493
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED #2
FEB 20 1967
Walter P. Anderson
Secretary of State

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

| | |
|----------------------|-------------------|
| Robert W. Johnson | Chairman |
| Edward L. Henry | Vice-Chairman |
| Thomas R. Byrne | Member |
| Edwin H. Thalman | Ex-Officio Member |
| Bernard F. Schneider | Ex-Officio Member |

IN THE MATTER OF THE PETITION AND RESOLUTION FOR THE MERGER
OF THE VILLAGE OF CHANHASSEN, CARVER COUNTY, MINNESOTA WITH
THE TOWN OF CHANHASSEN, CARVER COUNTY, MINNESOTA

The petition for the merger of the Village of Chanhassen of the Counties of Carver and Hennepin and the Town of Chanhassen Carver County, Minnesota was filed with the Minnesota Municipal Commission on the 1st day of April, 1966, and the resolution of the Village Council of the Village of Chanhassen for the merger of the Village of Chanhassen and the Town of Chanhassen, Carver and Hennepin Counties, Minnesota was filed on the 1st day of April, 1966. This petition and resolution came on for hearing before the Minnesota Municipal Commission on July 7, 1966, and August 17, 1966, in the Carver County Court House, Chaska, Carver County, Minnesota and after publication and posting of the proper notices pursuant to the authority and responsibility under Minnesota Statutes 414.02, Subd. 5.

The Commission takes note of the fact that at this time there is a petition pending for the incorporation of the Town of Chanhassen. However, the petitioners for the incorporation and the Town Board have stated that they believe the merger of the Town of Chanhassen and Village of Chanhassen is preferable to the incorporation of the Town of Chanhassen alone. The Commission is issuing its present order for the merger of the Town and Village of Chanhassen at this time because it also believes the merger is preferable to incorporation of the Town of Chanhassen. The commission will seek an extension of time for the filing of its decision in connection with the incorporation petition until after the merger has become effective. When the merger becomes effective the incorporation petition will then be denied. If for some reason the merger fails to become

18493

effective, the commission will then review the proceedings in connection with the incorporation petition and make a decision based upon those proceedings.

APPEARANCES WERE MADE BY:

Vance B. Grannis, Jr., Grannis & Grannis, F. J. Schult Building, South St. Paul, Minnesota, Attorney for Chanhassen Township and the Petitioners for the Incorporation of the Village of Minnewashta and the Petitioners for the Merger of the Town and Village of Chanhassen.

John A. Fahey, Klein Bros. Building, Chaska, Minnesota, Attorney for the Village of Victoria.

Julius C. Smith, Klein Bros. Building, Chaska, Minnesota, Attorney for the City of Chaska.

Russell Larson, First National Bank Building, Minneapolis, Attorney for the Village of Chanhassen.

Richard Johnson, First National Bank Building, Minneapolis, Attorney for Assumption Seminary.

Wallace C. Odell, Excelsior, Attorney for John Heitz, Clarence Williams, Leo Williams, Florian Hammers and Frank Klingelhutz.

Evidence was taken and testimony was heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. The Commission having carefully considered all of the evidence included in all of the testimony and exhibits, being fully advised in the premises, upon all the files, records, and proceedings herein, hereby makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

I.

The petition of the freeholders of the Town of Chanhassen and Resolution of the Village of Chanhassen for the consolidation of the Town and Village of Chanhassen was filed pursuant to and in compliance with Minnesota Statutes 414; and said Petition and Resolution were in all respects proper in form, contents and execution.

II.

Notice of the hearing on the Petition and Resolution for the consolidation of the Town of Chanhassen and Village of Chanhassen was duly given as required by statute. The Commission

convened by a lawful quorum at the scheduled hearing. All parties of record for and against said Petition and Resolution were present at, and participated in, the hearings.

III.

The area to be incorporated and consolidated as a new municipality is the entire Town of Chanhassen, Carver County, Minnesota and the entire Village of Chanhassen, Carver and Hennepin Counties, Minnesota.

IV.

The area of the Town of Chanhassen and Village of Chanhassen is approximately 18, 124 acres.

V.

The population of the Town of Chanhassen and the Village of Chanhassen as estimated by the most recent estimate of the Metropolitan Planning Commission is: Town 3,765 and Village - 563, total 4,328.

VI.

Approximately 6 per cent of the combined area of the Town and Village of Chanhassen is platted and 94% is unplatted.

VII.

The Village of Chanhassen is almost entirely developed having residential, commercial and industrial type buildings. The Town of Chanhassen is approximately 90% undeveloped and 10% developed. Of the developed area approximately 32% is residential, 10% is commercial, 7% is industrial, 8% is public and semi-public buildings, 13% is public open space, 26% is railroads and streets.

VIII.

Population and construction in the Village of Chanhassen have grown in the past to the point where the Village is substantially developed with little area available for future development. Population and construction in the Town of Chanhassen have grown in the past and are expected to continue to grow at an increased rate in the future.

IX.

The assessed value of all of the platted property in the Town of Chanhassen exceeds the assessed valuation of the unplatted land and the assessed value of the Village of Chanhassen in 1960 was \$355,015.

X.

The Village of Chanhassen has its own sewage treatment facilities and central water system. The systems can be expanded to service a considerable portion of the area in the Town of Chanhassen. The Village of Chanhassen has a voluntary fire department which services the village and will be able to serve the major portion of the Town of Chanhassen. Portions of the Town of Chanhassen are also serviced by neighboring Voluntary Fire Departments. The Village of Chanhassen has a Police Department. The Town of Chanhassen has police protection furnished by the Carver County Sheriff's Office and two elected constables. The Village Police Department can be expanded to provide additional police protection for the Town of Chanhassen area.

XI.

Both the Town and Village of Chanhassen have zoning ordinances. The Town and Village of Chanhassen have adopted subdivision regulations, appointed Planning Commissions, hired professional engineering firms, and have cooperated and worked together in regard to planning for the future.

XII.

An active citizens group has studied the financial and other aspects of the merger of the Town and Village of Chanhassen and reported on the same.

XIII.

The Town of Chanhassen and Village of Chanhassen can be reasonably expected to participate in suburban growth in the metropolitan area, and are now, or are potential residential, commercial, and industrial property.

XIV.

There is now and will be in the immediate future a need for increased governmental service in the area to be incorporated and the Village form of government will better be able to protect the public health, safety and welfare of the residents within the Town of Chanhassen. It is in the best interest of the public that the Town and Village be merged to form a new municipality so that municipal services to the residents in the Town and Village can be more efficiently and economically provided to the residents.

XV.

The area proposed to be incorporated can best be served by one village in the matter of community planning, installation of thoroughfares, street systems, sewer and water systems, fire and police protection and other vital and necessary community services.

XVI.

The entire area to be incorporated and consolidated is or is about to become urban or suburban in character.

XVII.

The township form of government in Chanhassen Township is inadequate to cope with the problems of urban or suburban growth within the Town.

XVIII.

The Town and Village of Chanhassen when merged can be served by a general drainage system and the result of the consolidation will be to provide the most reasonable and efficient governmental services relating to drainage and sewage disposal within said area.

XIX.

The name of the proposed Village is Chanhassen.

XX.

The Citizen's Committee, Petitioners, Village Council and Town Board have requested that the plan of government be Optional Plan A.

XXI.

During the proceedings in connection with the consolidation petition and resolution requests and petitions were received for the annexation of portions of the Town of Chanhassen to neighboring municipalities. Evidence was received in connection with these proposed annexations and after the consideration of the testimony, all of the parties who made appearances as listed above agreed and the Commission now finds that it is in the best interest of the entire area that the northwestern portion of the Town of Chanhassen as more particularly described in the Order of the Commission dated the 14th of November, 1966, should be annexed to the Village of Victoria and the southwestern portion of the Town of Chanhassen as more particularly described in the Order of the Commission dated the 15th day of December, 1966 should be annexed to the City of Chaska. A request was also made for the annexation of the southeastern portion of the Town of Chanhassen as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference, to the City of Chaska and evidence was received in regard to said request. All parties agreed and the Commission now finds that it is in the best interest of the City of Chaska, the territory described in Exhibit "A", the Town of Chanhassen and the Village of Chanhassen that no part of the land described in Exhibit "A" be annexed to the City of Chaska and that all of the area described in Exhibit "A" be included as a part of the new consolidated Village of Chanhassen.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceedings.
2. The area to be incorporated is the Town of Chanhassen, Carver County, Minnesota and the Village of Chanhassen, Carver and Hennepin Counties, Minnesota.
3. The area to be incorporated and consolidated is now, or is about to become, urban or suburban in character.

NOTICE

THIS INSERT FOR FINDING XXI IS TO REPLACE PAGE 6
CONTAINED IN THE ORDER DATED DECEMBER 15, 1966,
CORRECTING AN ERROR IN LINE 8 CHANGING THE WORD
NORTHEASTERN TO READ NORTHWESTERN.

XXI.

During the proceedings in connection with the consolidation petition and resolution requests and petitions were received for the annexation of portions of the Town of Chanhassen to neighboring municipalities. Evidence was received in connection with these proposed annexations and after the consideration of the testimony, all of the parties who made appearances as listed above agreed and the Commission now finds that it is in the best interest of the entire area that the northeastern portion of the Town of Chanhassen as more particularly described in the Order of the Commission dated the 14th of November, 1966, should be annexed to the Village of Victoria and the southwestern portion of the Town of Chanhassen as more particularly described in the Order of the Commission dated the 15th day of December, 1966 should be annexed to the City of Chaska. A request was also made for the annexation of the southeastern portion of the Town of Chanhassen as more particularly described in Exhibit "A" attached hereto and made a part hereof by reference, to the City of Chaska and evidence was received in regard to said request. All parties agreed and the Commission now finds that it is in the best interest of the City of Chaska, the territory described in Exhibit "A", the Town of Chanhassen and the Village of Chanhassen that no part of the land described in Exhibit "A" be annexed to the City of Chaska and that all of the area described in Exhibit "A" be included as a part of the new consolidated Village of Chanhassen.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceedings.
2. The area to be incorporated is the Town of Chanhassen, Carver County, Minnesota and the Village of Chanhassen, Carver and Hennepin Counties, Minnesota.
3. The area to be incorporated and consolidated is now, or is about to become, urban or suburban in character.

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

5. There is an existing and reasonably anticipated need of governmental services, such as, but not limited to, sewage disposal and fire protection in the area to be consolidated.

6. The Township form of government is not adequate to cope with the problems of urban or suburban growth of the Town of Chanhassen.

7. The area to be consolidated can feasibly and practically provide for, and best serve, the need for governmental service presently, and as they become necessary within said area.

8. The name of the new municipality shall be the Village of Chanhassen.

9. The plan of government shall be Optional Plan "A".

10. The first election of officers in the new village shall be held on the seventh Tuesday after the date on which it shall have come into existence.

11. Affidavits of candidacy for the election of new village officers shall be filed with the Clerks of the Town of Chanhassen and Village of Chanhassen but shall otherwise be as provided by law for village elections. Officers shall be elected at said election in accordance with M.S.A. 412.021.

O R D E R

Upon the foregoing Findings of Fact and Conclusions of Law and upon all the testimony taken and exhibits recorded and upon all the findings and records, the Commission being fully advised in the premises, pursuant to M.S.A. 414.02, Subd. 5:

IT IS ORDERED: That the Town of Chanhassen and the Village of Chanhassen be incorporated and consolidated to form a single new municipality.

IT IS FURTHER ORDERED: That the first election of officers in the new village shall be held on the seventh Tuesday after the date on which it shall have come into existence.

IT IS FURTHER ORDERED: That the plan of government for the new village shall be Optional Plan "A".

IT IS FURTHER ORDERED: That the name of the Village shall be "Chanhassen".

IT IS FURTHER ORDERED: That the polling place for the first election of officers shall be the Village Hall of the Village of Chanhassen.

IT IS FURTHER ORDERED: That the Secretary of the Minnesota Municipal Commission shall cause a copy of this Order to be filed as provided by Law.

The effective date of this Order
is December 15, 1966

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

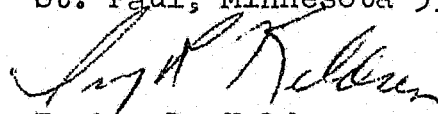

Irving R. Keldsen
S e c r e t a r y

EXHIBIT A

Beginning at the Southeast corner of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty Seven (27), Township One Hundred Sixteen (116), Range Twenty Three (23), which point is on the easterly corporate limit line of the City of Chaska, Minnesota; thence easterly along the North Line of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section Twenty Seven (27) to the intersection of said North Line with the northerly and easterly right-of-way line of a township road in said quarter; thence southeasterly along the northerly and easterly right-of-way line of said township road through Sections Twenty Seven (27), Twenty Six (26), and Thirty Five (35), all in Township One Hundred Sixteen (116), Range Twenty Three (23), to the intersection of said northerly and easterly right-of-way line with the North right-of-way line of State Trunk Highway No. 212 as now located in said Section Thirty Five (35); thence easterly along the northerly right-of-way line of said State Trunk Highway No. 212 to the East Line of said Section Thirty Five (35); thence South along the East Line of said Section Thirty Five (35) to the Southeast corner thereof; thence West along the South Line of said Section Thirty Five (35) and Section Thirty Four (34) to the southerly right-of-way line of the Chicago and NorthWestern Railway Company at its intersection of the South Line of Section Thirty-Four (34); thence northeasterly along said Railroad right-of-way line to its intersection with the North and South centerline of the Southeast Quarter (SE $\frac{1}{4}$) of section Thirty Four (34); thence North along the North and South centerline of the Southeast Quarter (SE $\frac{1}{4}$) and the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty Four (34) and the West line of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty Seven (27) to the point of beginning, all in Township One Hundred Sixteen (116), Range Twenty Three (23), Carver County, Minnesota.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 20 1966

Joseph A. Johnson
Secretary of State