

A-942

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Edward L. Henry
Patrick J. Scully
Thomas Freiling

Chairman
Vice-Chairman
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION TO ANNEX CERTAIN LAND LOCATED IN
LAKEVILLE TOWNSHIP AND IDENTIFIED BY MINNESOTA MUNICIPAL COMMISSION
DOCKET NUMBER A-942 (160 acres) TO THE VILLAGE OF FARMINGTON

The Minnesota Municipal Commission on July 2, 1965, received a petition for the merger of all of the Township with the Village of Lakeville. Subsequent to that date and on January 31, 1966, the Commission did receive a petition to annex certain land located in Lakeville Township identified by the Municipal Commission Docket Number A-942, the same containing 160 acres. The property described in this petition is included in Lakeville Township, which was a part of the merger petition herein abovedescribed.

Pursuant to these petitions hearings were held on both the petition for merger of Lakeville Township to Lakeville Village and also on the petition for annexation as herein described. In the month of June, 1966, at a duly called hearing of both the merger and the annexation petition herein above described, the Minnesota Municipal Commission requested the parties to consent to an extension of time in order to allow the planners for Dakota County together with the Metropolitan Planning Commission to make such additional research and supply information and testimony to the Commission as might be appropriate in making judgment on these matters as well as other matters in the same area. This request was allowed by the various parties, however the extension was limited to October 21, 1966. An additional extension of time was requested by the Commission. The parties would not agree to this additional extension of time.

On October 20, 1966, the Commission met and decided and issued an Order pursuant to judgment made by the Commission to allow

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the merger of the Township of Lakeville to the Village of Lakeville.

There is no authority in the law for the Commission to exclude any portion of the township under the merger provision. Therefore, the Commission was without authority to allow the annexation as herein above referred to in the absence of a release by the township from the merger petition.

It was the judgment of the Commission that the need for the merger was so urgent and necessary that the failure to allow the merger would have been against the best interests of the residents of the township as a whole.

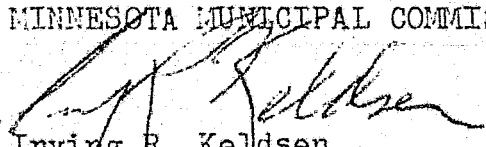
Therefore it was necessary to order the merger and it is now necessary to deny the petition for annexation of Municipal Commission Docket A-942.

This Order is issued at this time in that the law provides that we cannot maintain jurisdiction for more than a one-year period on any petition and it is therefore necessary for the Commission to issue this order to clarify the reason why the petition for annexation as herein described must be denied. The denial of this petition is not necessarily on the merits of the case but rather because of the jurisdictional problems as herein above described.

NOW THEREFORE BE IT that the Municipal Commission does herewith deny annexation petition A-942 (160 acres) of certain land located in the Township of Lakeville because of loss of jurisdiction in this matter due to the precedence of the petition for merger of Lakeville Township with the Village of Lakeville.

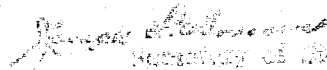
Dated this 30th day of March, 1967

MINNESOTA MUNICIPAL COMMISSION

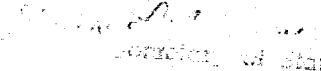

Irving R. Keldsen
Secretary

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DEPARTMENT OF REVENUE
FILED
MARCH 1 1967


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