

*Denied - See  
Munic Ord A-1169  
not filed*

#20199

STATE OF MINNESOTA )  
                                  ) SS.  
COUNTY OF HENNEPIN )

CERTIFICATE  
OF  
FILING

I, the undersigned, being one of the attorneys for Ray W. Skelton Company, Inc., a corporation organized and existing under the laws of the State of Minnesota, hereby certify that I caused the attached petition to be filed on *June 13*, 1967, by delivering to, or depositing in the United States mails on that date, duplicate originals of said petition with a request for filing same to each of the following:

Village of Burnsville  
Village of Lakeville  
Township of Lebanon  
Minnesota Municipal Commission  
County Board, Dakota County  
County Auditor, Dakota County  
Secretary of State

WITNESS my hand this *13th* day of *June*, 1967.

*Larry L. Vickrey*

PETITION FOR ANNEXATION

To the Village Council of the Village of Burnsville, Minnesota:

Ray W. Skelton Company, Inc., a corporation organized and existing under the laws of the State of Minnesota, sole owner of the territory described below, hereby requests the Council to annex this territory to the Village and to extend the Village boundaries to include the same, and for that purpose respectfully states:

1. The territory to be annexed consists entirely of lands which have not been platted and which do not exceed 200 acres in aggregate area. All of these lands lie entirely within the County of Dakota, Minnesota and the description of such lands is as follows:

All of the Southeast one-quarter ( $SE\frac{1}{4}$ ) of Section 32, Township 115, Range 20, Dakota County, Minnesota, except the following described tract of land, to-wit:

The South one-quarter of the East  $\frac{1}{2}$  of the Southwest one-quarter of the Southeast  $\frac{1}{4}$  ( $S\frac{1}{4}$  of  $E\frac{1}{2}$  of  $SW\frac{1}{4}$ ), of said Section 32.

2. The Westerly boundary line of the territory described above abuts the Village limits along the Center line of Section 32, Township 115, Range 20 and none of it is presently included within the corporate limits of any incorporated city, village or borough.
3. All of this territory is or is about to become urban or suburban in character.

Ray W. Skelton Company, Inc.

By Ray W. Skelton  
Ray W. Skelton  
Its President

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
Patrick Scully	Ex-Officio Member
Thomas Frieling	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR ANNEXATION  
OF CERTAIN LAND TO THE VILLAGE OF BURNSVILLE BY  
RAY W. SKELTON COMPANY, INC.

The above entitled matter came on for hearing before the Minnesota Municipal Commission, following the receipt of objections by the Town of Lebanon, Dakota County, Minnesota to the above petition.

Hearings on said petition and the objections thereto, were duly held by the Commission pursuant to law.

And the Commission having duly considered the testimony of the witnesses, the exhibits received in evidence, the arguments of counsel and all of the files and records herein, hereby makes and enters the following:

FINDINGS OF FACT

1. That at the time of filing the above described petition and objections, there was pending before the commission a petition for incorporation of a Village to be known as "The City of Rosemount," which petition included all of the lands described in the petition of Ray W. Skelton Company, Inc. hereinbefore described.

2. That, at the date hereof, the commission has granted the petition for the incorporation of "The City of Rosemount" but with the name of said newly incorporated village to be "Lebanon Valley" or "Apple Valley", (depending on the result of a vote thereon) and that all of the lands described in the Ray W. Skelton Company, Inc. petition for annexation have been included in the new Village.

WHEREUPON the Commission finds as a:

CONCLUSION OF LAW

1. That due to the above incorporation, the questions raised by the petition of Ray W. Skelton Company, Inc. for annexation of certain land to the Village of Burnsville and the objections of The Town of Lebanon to said petition for annexation, are moot.

ORDER

IT IS HEREBY ORDERED:

That the petition of Ray W. Skelton Company, Inc. for annexation of certain lands in Section Thirty-two (32), Township One Hundred Fifteen (115), Range Twenty (20), Dakota County, Minnesota to the Village of Burnsville be, and hereby is denied.

DATED this 30<sup>th</sup> day of September, 1968.

MINNESOTA MUNICIPAL COMMISSION  
610 Capitol Square Building  
Saint Paul, Minnesota 55101

By: *Irving R. Keldsen*  
Irving R. Keldsen - Secretary

#20199  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 9 - 1968

*Joseph A. Johnson*  
Secretary of State

I-23M  
I-17  
A-1169

MEMORANDUM

The Commission, in analyzing the great mass of testimony and exhibits placed into the record by able counsel, was faced with certain issues in regard to the creating of municipalities in Dakota County which is probably the fastest growing county in population in the State of Minnesota. It is admittedly difficult in studying the problems of urbanization to balance all aspects of the planning concept of an adequate tax base and the proper "mix" of industrial, commercial, high density residential and residential areas with the socio-economic problems of government and areas of interest. It is the feeling of the Commission that it is not wise to create a municipality which encircles and thus in effect "strait-jackets" another municipality. The Commission has the responsibility of evaluating testimony to determine the present status of any given area and its immediate need for the municipal services as well as exploring the predicted and projected development, as testified to by planners and other experts, to determine future growth in order to make a judgment as to whether the future growth can be predicted with any degree of accuracy. This involves determining whether the urbanization, present or projected, is sufficient to demand a municipal form of government.

In the creation of new cities, if the circumstances indicate that there are factors which in the near future can vitally affect growth and projection figures and that the very forming of a municipality might well preclude orderly growth, then we believe that it is our responsibility to refuse the incorporation until such time as the development in the area becomes more predictable and more stable, while at the same time structuring a governmental unit that is viable for present needs.

There are several things that have come to the attention of the Commission that would very readily affect the growth and structure of this area which are not yet definable. It has come to our attention, through testimony and through other sources, that the property owned by the University of Minnesota, some 8,000 acres, this under ownership by a public body, has been under consideration for development in many ways. First, it is a part of the record, we believe, that at one time in the not too far distant past it was given major consideration for a huge atomic reactor plant. Various other major uses have been suggested for this property. It is our understanding that in the foreseeable future some definite plans will be made for the use of this property which may affect the development of the area. Second, a major airport is going to be constructed in the metropolitan area and the present plans and recommendation of the staff of the Metropolitan Airport Commission are that the airport be located north of the Twin Cities. The Metropolitan Council has requested that the Metropolitan Airport Commission wait until November 1, 1968, to make a judgment as to where the airport should be located. Substantial public sentiment as well as expert opinion favor the location of a major airport site south of the Twin Cities. If this possibility occurred, the growth factors in Rosemount Township would be significantly affected. Third, Dakota County has under consideration the development of a major park in the northwesterly part of Rosemount Township which, if it became a reality, would likewise affect the type of growth and expansion of housing that would occur in the township.

It is the considered judgment of the Commission that Lebanon is urban in character and in need of municipal services. Therefore, we are by this order allowing the people residing in Lebanon Township to decide whether they wish to be governed by a municipal corporation. Secondly, it is the judgment of the Commission that Lebanon Township as it now exists and as it is predicted to grow, is not large enough nor adequate for a predictable tax base to become the viable force in the metropolitan complex of government that it should be. Therefore, we do not believe that the area that we are allowing to incorporate by this order is the final and best solution to the size of government that should exist in this area. This order is a solution to an immediate problem with an eye towards an ultimate solution at a later date when the above factors have been resolved.

With this conclusion in mind we are hereby asking the Metropolitan Council Staff Planning Department and the Planning Department of Dakota County to continue to study and keep abreast of developments within and around Rosemount, Eagan, Lebanon and Empire Townships in making their advice available to the people in these areas so that the people that are residents in these areas can be responsive to these developments as they may arise and involve the judgment of the Commission at any future time as the need might dictate. By altering the boundary lines of the proposed City of Rosemount to include only Lebanon Township and further by denying the petition to merge Rosemount Township with Rosemount Village, we are thus making available the opportunity to adjust to developments in the area as they progress.

The Commission has concluded further that the Village of Rosemount as it now exists should be prepared to be a part of a new and larger community within the foreseeable future.

For the reasons here delineated, we feel that our determination prevents any premature undertaking, allows study of the future of Lebanon Township in conjunction with the development of adjacent townships so that appropriate measures could occur within the foreseeable future, resulting in a final judgment that could be made at the proper time with no hardship occurring through delay.

# 20189  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
OCT 9 - 1968

*James P. Olmstead*  
Secretary of State