

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson,	Chairman
Robert J. Ford,	Vice-Chairman
Arthur R. Swan,	Member
Idor A. Pederson,	Ex-Officio Member
Robert E. Wright,	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR ANNEXATION
OF CERTAIN LAND TO THE VILLAGE OF OAK PARK
HEIGHTS, STATE OF MINNESOTA.

The Minnesota Municipal Commission on January 29, 1968 received a petition for the annexation of certain land to the Village of Oak Park Heights, Minnesota.

Pursuant to due notice the matter came on for hearing before the Minnesota Municipal Commission on the 8th day of March, 1968, and on the 26th day of June, 1968.

There was a quorum of the Municipal Commission present at both sessions of said hearing.

The Commission having duly considered the testimony of the witnesses, the exhibits received in evidence and all other evidence, upon all the files and records, being fully advised in the premises, makes and enters the following:

FINDINGS OF FACT

The record shows:

1. The population of the Village of Oak Park Heights is 1400 and the population of the area to be annexed is 275.
2. The area of Oak Park Heights is 1,000 acres and the area of the proposed area to be annexed is 3,264 acres.
3. The assessed valuation of Oak Park Heights is \$2,592,133.00 and the assessed valuation of the area to be annexed is \$182,334.00.
4. That the probable expansion of the annexing area with respect to population and construction, indicates that the annexing area has no present problem and that no problem shall exist for a period of years.
5. Taxes can be reasonably expected to increase in the annexed territory and said increase would be proportional to the

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expected benefit.

6. Except for a very small portion thereof, the annexed territory has no present need for governmental services not now available.
7. The annexing territory does not now have facilities to substantially improve the governmental services presently needed by the area to be annexed.
8. If the proposed annexation were permitted, the remaining portion of Baytown Township could not feasibly or practicably exist as an independent unit of government.
9. Baytown Township is presently able to cope with the present problems of growth within the township area.

CONCLUSIONS OF LAW

The record is insufficient to support Findings required by Minnesota Statutes 414.03 permitting the annexation proposed.

O R D E R

The petition for annexation of certain land located in the Town of Baytown, County of Washington, State of Minnesota to the Village of Oak Park Heights and described as:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$); the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$); the Southeast Quarter (SE $\frac{1}{4}$) and the West four hundred eighty-five feet (485.5 ft.) of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Four (4); all of Sections Five (5), Six (6), Seven (7) and Eight (8), and all of Section Nine (9), except that part thereof lying South of Washington County Highway No. 14; Township 29 North, Range 20 West.

is herewith denied.

Dated this 12th day of December, 1968

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota

Bruce Rasmussen

Bruce Rasmussen
Secretary

MEMORANDUM

The instant proceeding is for the annexation of part of Baytown Township into the Village of Oak Park Heights. If the annexation were approved, the remainder of Baytown Township would remain as unincorporated land.

Minnesota Statute 414.03, Subdiv. 2, sets forth factors which are to guide the commission in making its determination. Among those factors are: "the existence of all or a part of an organized township within the area to be annexed and its ability and necessity of continuing after the annexation".

The commission believes that part of Baytown Township excluded from the proposed annexation would not be a viable unit of government. Possible future combinations of this excluded area with West Lakeland Township or with the Village of Bayport are shown by the record to be impractical. The excluded area would be difficult to serve from the Village of Bayport because of awkward boundaries and relatively difficult access. West Lakeland Township, on the other hand, is basically rural in character and would not be able to provide the necessary services as the excluded area becomes more urbanized.

The commission takes this opportunity to commend for consideration of the local residents and governments the single community concept introduced by the Staff of the Metropolitan Council. This plan contemplates a new municipality composed of the Village of Oak Park Heights, the Village of Bayport, and all of Baytown Township. The advantages of such a municipality are cogently set forth in Metropolitan Council Exhibit 6, "Recommendation on the

Proposed Annexation of a portion of Baytown Township to
the Village of Oak Park Heights".

The staff recommends that one community be formed through the consolidation of the present Oak Park Heights, Bayport and Baytown. This community would be approximately thirteen square miles with a population of 5,295 and a 1985 projected population of 8,377. This community would have a present and potential diversified land-use mix to help finance its needed services with industrial and some commercial development in the eastern part, commercial development in the north along T.H. 36 and T.H. 212, and residential development in the remainder of present Baytown Township.

Unified planning and needed urban services to the whole area could be provided if these communities consolidated. With a present population of over 5,000, the proposed community would be eligible for several kinds of state assistance. It is recommended that if this consolidation takes place that urban and rural service taxing districts be established so that those areas which are not yet receiving municipal services would have a lower municipal tax rate.

It is clear that the legislature did not intend to allow annexation which would create the very type of problem area that the law was intended to correct. For this overriding reason, the annexation is denied.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 17 1968

Joseph L. Johnson
Secretary of State