

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

#21027

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
A. B. Schaefer	Ex-Officio Member
Idor A. Pederson	Ex-Officio Member

IN THE MATTER OF THE PETITION AND RESOLUTION FOR THE CONSOLIDATION OF THE TOWNSHIP OF EAST OAKDALE WITH THE VILLAGE OF LAKE ELMO, WASHINGTON COUNTY, MINNESOTA)))	FINDING OF FACT, CONCLUSIONS OF LAW AND ORDER
--	-------------	---

The petition of certain freeholder residents of the Town of East Oakdale for the consolidation into a single new village of the Village of Lake Elmo of the County of Washington and the Town of East Oakdale, County of Washington, Minnesota, was filed with the Minnesota Municipal Commission on the 3rd day of April, 1969, and the resolution of the Council of the Village of Lake Elmo for such consolidation was filed on the 3rd day of April, 1969. The petition and resolution came on for hearing before the Minnesota Municipal Commission on May 14, 1969, and on August 20, 1969, in the Village Hall, Lake Elmo, Washington County, Minnesota, and after publication and posting of the proper notices pursuant to the authority and responsibility under Minnesota Statutes 1967, Chapter 414, as amended.

APPEARANCES WERE MADE BY:

Donald T. Raleigh, 104 North Main Street, Stillwater, Minnesota, appeared as attorney for petitioners for consolidation and the Village of Lake Elmo.

Harold Kimmel, 200 East Chestnut Street, Stillwater, Minnesota, appeared as attorney for the Town of East Oakdale.

Lyle Eckberg, Lumberman's Exchange Building, Stillwater, Minnesota

appeared as attorney for the Village of Oakdale.

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 East Oakdale and Resolution of the Village of Lake Elmo for the consolidation of the Town of East Oakdale and the resolution of the council of the Village of Lake Elmo was filed pursuant to and in compliance with Minnesota Statutes 1967, Chapter 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 East Oakdale and Village of Lake Elmo was duly given as required by statute. The Commission convened by a lawful quorum at the scheduled hearings. 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 includes all of East Oakdale Township and all of the Village of Lake Elmo.

IV.

The area of the Town of East Oakdale and the Village of Lake Elmo is approximately 13,576 acres. The Village of Lake Elmo has an area of approximately 270 acres and is located entirely within the boundaries of the Town of East Oakdale.

V.

The population of the Town of East Oakdale and the Village of Lake Elmo as estimated by the most recent estimate of the Metropolitan Council is: Town 3,058, Village 667; Total 3,725.

VI.

Approximately 11% of the combined area of the Town and Village is platted and 89% is unplatted.

VII.

The Village of Lake Elmo is almost entirely platted having residential, commercial, and industrial type buildings. The town of East Oakdale is approximately 91% unplatted and 9% platted; its platted area is predominately residential, with some commercial and industrial buildings, and the unplatted area, where developed, follows the same pattern.

VIII.

Population and construction in the Village of Lake Elmo 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 East Oakdale have grown rapidly in the past and are expected to continue to grow at an increased rate in the future.

IX.

The assessed value of all the unplatted property in the Town of

East Oakdale exceeds the assessed valuation of the platted land; the assessed value of the Village of Lake Elmo in 1969 was \$405,489.00, and the Town of East Oakdale \$1,467,463.00.

X.

The Village of Lake Elmo has its own central water system. The system can be expanded to service areas in the Town of East Oakdale. The Village of Lake Elmo and the Town of East Oakdale have for some years jointly operated a volunteer fire department which services the Village and the Town.

The Village of Lake Elmo and the Town of East Oakdale have police protection furnished by part-time special police and the Washington County Sheriff's office. The area proposed to be consolidated has a need for additional police protection.

XI.

The Town of East Oakdale and the Village of Lake Elmo 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.

The Town of East Oakdale and Village of Lake Elmo can be reasonably expected to participate in the rapid suburban growth in the metropolitan area, and are now, or are potentially, areas of very desirable residential, commercial, and industrial property.

XIII.

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 be better able to protect the public health, safety, and welfare of the residents within the Town of East Oakdale. It is in the best interest of the public that the Town and Village be consolidated to form a new municipality so that municipal

services in the Town and Village can be more efficiently and economically provided to the residents.

XIV.

There is no part or area of either the Town of East Oakdale or the Village of Lake Elmo which would have its interests better served by annexation to an adjoining municipality.

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.

XV.

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

XVI.

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

XVII.

The Town and Village when consolidated 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.

XVIII.

The name of the proposed Village is Lake Elmo.

XIX.

The Petitioners, Village Council and Town Board have requested that the plan of Government be Optional Plan A.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceedings.

II.

The area to be consolidated into a single new village is all of the Town of East Oakdale, Washington County, Minnesota, and all of the Village of Lake Elmo, Washington County, Minnesota.

III.

The area to be consolidated into a single new village is now, or is about to become, urban or suburban in character.

IV.

Municipal Government of the area to be consolidated into a single new village 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 so consolidated.

V.

There is an existing and reasonably anticipated need of governmental services, such as, but not limited to, sewage disposal and police protection in the area to be consolidated into a single new village.

VI.

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

VII.

All of the area to be consolidated into a single new village can feasibly and practically provide for, and best serve, the need for

governmental service presently, and as they become necessary within said area; there is no part of area of either Town of East Oakdale or Village of Lake Elmo which would have its interest better served by annexation to an adjoining municipality.

VIII.

The name of the new municipality shall be Village of Lake Elmo.

IX.

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

X.

The first election of officers in the new village shall be held on the 7th Tuesday after the effective date of this order.

XI.

Affidavits of candidacy for the election of new village officers shall be filed with the Clerks of the Town of East Oakdale and Village of Lake Elmo 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 record, the Commission being fully advised in the premises, pursuant to Minnesota Statutes, 1967, Chapter 414:

IT IS ORDERED: That all of the Town of East Oakdale and the Village of Lake Elmo, Washington County, Minnesota, be consolidated and incorporated into a single new municipality.

IT IS FURTHER ORDERED: That the first election of officers in the new village shall be held on the 7th Tuesday after the date on which said new village 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 polling place for the first election of officers shall be the Village Hall of the Village of Lake Elmo.

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.

Dated this 16th day of October, 1969

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota 55101

Bruce Rasmussen

Bruce Rasmussen
Secretary

#21027

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

OCT 17 1969

Joseph L. Donovan
Secretary of State

I-3lm

M E M O R A N D U M

The Commission is unanimous in its opinion that the consolidation herein ordered is fully supported by the record. However, this consolidation will not resolve a problem that arose from the creation of the Village of Oakdale. Certain properties are bisected by the boundary line between the Village of Oakdale and the new village. We believe that this problem may best be solved by the consolidation of the two villages, and urge residents to consider the merits of such a consolidation. Failing this, we call to the attention of these residents the provisions of Minnesota Statutes 1967, Chapter 414, Section 414.06, Subdivision 2, as amended, which provides a mechanism for resolution of this problem by allowing the transfer of property from one municipality to another.

#21027