

Lakeville

A-798

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Patrick J. Scully	Ex-Officio Member
Charles E. Mertensotto	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR THE ) ANNEXATION OF CERTAIN UNINCORPORATED ) PROPERTY IN THE TOWN OF LAKEVILLE TO ) THE VILLAGE OF FARMINGTON, DAKOTA COUNTY, ) MINNESOTA )	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER
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The Minnesota Municipal Commission is herein designated as "the Commission." The instant proceeding is one of five proceedings consolidated by the Commission for hearing. The Commission's docket number for these proceedings, together with a short description of the proceedings, is as follows:

A-798	Farmington Annexation of 195 acres
I-13	Lakeville Consolidation
I-34m	Rosemount Consolidation
A-1672	Farmington Annexation of 8,144 acres
A-1673	Apple Valley Annexation

The units of government involved in the proceedings are as follows:

Town of Lakeville

Village of Lakeville refers to the Village as it existed prior to the Commission's order of October 20, 1966. References to the Village of Lakeville as created by the Commission's order of October 20, 1966, will contain such qualifying language.

Village of Apple Valley (Apple Valley)

Town of Empire (Empire)

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Town of Castle Rock (Castle Rock)  
Village of Inver Grove Heights (Inver Grove Heights)  
Village of Rosemount  
Town of Rosemount  
Village of Farmington (Farmington).

All of the territory within these governments is located in Dakota County, Minnesota.

PROCEDURAL HISTORY

A petition of a majority of the property owners of a certain 195 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Farmington Village Council on April 13, 1965. Objections to the petition were filed with the Commission by the Town Board of the Town of Lakeville, and by the Village Council of the Village of Lakeville, thereby automatically transferring jurisdiction over the petition to the Commission. The proceeding (MMC A-798) came on for hearing before the Commission on June 28, September 16 and November 4, 1965, in the Farmington Village Hall.

A petition of certain freeholders of the Town of Lakeville, requesting consolidation of the Town of Lakeville, and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. A resolution of the Village Council of Lakeville requesting consolidation of the Town of Lakeville and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. The proceeding (MMC I-13m), which included the 195 acre tract in MMC A-798, came on for hearing before the Commission on October 21, and November 4, 1965, and September 22, 1966 in the Lakeville Village Hall.

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On July 23, 1966, before the Commission issued its order on MMC A-798, Farmington appealed to the District Court, Dakota County alleging that the Commission failed to issue an order relative to the annexation proceeding within the statutory time limit of one year from June 28, 1965, the date set for the first hearing thereon.

The Commission, on October 20, 1966, issued its Findings of Fact Conclusions of Law, and Order in the Lakeville consolidation proceeding. The Commission's order consolidated the Town of Lakeville and the Village of Lakeville into a single new municipality. Separate appeals from this order were filed in the District Court of Dakota County by Farmington, by a majority of property owners of the 195 acres of land included in the Farmington annexation MMC A-798 and by other property owners in the Town of Lakeville.

The District Court considered Farmington's appeal from the statutory denial of MMC A-798 together with the three appeals from the Commission's order in MMC I-13m and on February 14, 1968, issued orders affirming the statutory denial and affirming the Commission's order. All of the appellants in District Court appealed separately to the Minnesota Supreme Court.

The Minnesota Supreme Court consolidated the various appeals from the District Courts' orders and on July 11, 1969, reversed and remanded the entire matter to the District Court. The District Court was directed to vacate the Commission's order, and to remand the Lakeville consolidation proceeding to the Commission for further findings in accordance with the Supreme Court's opinion. The District Court was further directed to vacate its order affirming the statutory

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denial of Farmington annexation MMC A-798, and to remand it to the Commission for reconsideration and findings.

On August 7, 1969, the Minnesota Supreme Court denied respondent's Village of Lakeville and Town of Lakeville motion for rehearing of the appeal. The Supreme Court further expressed the opinion that the existing municipal government of the Village of Lakeville as created by the Commission's order of October 20, 1966 should continue pending redetermination by the Commission.

The District Court remanded both proceedings (MMC I-13m, and MMC A-798) to the Commission on September 5, 1969. The District Court further ordered, on September 11, 1969, that the existing municipal government of the Village of Lakeville, as created by the Commission's order of October 20, 1966, should continue pending redetermination and further order of the Commission.

The remanded proceedings then came on for hearing before the Commission on October 28, 1969, and December 3, 1969 at the Farmington Village Hall.

Resolutions of the Village Council of the Village of Rosemount and the Board of Supervisors of the Town of Rosemount and a petition of certain freeholder residents of the Town of Rosemount requesting consolidation of the Village and Town of Rosemount into a single new Village of Rosemount were filed with the Commission on June 3, 1969. This proceeding (MMC I-34m) came on for hearing on August 28, 1969, September 16, 1969, October 28, 1969 and December 3, 1969.

A petition of a majority of the property owners of a certain

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8,144 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Commission September 10, 1969, together with a resolution of the Village Council of the Village of Farmington approving the proposed annexation. This proceeding (MMC A-1672) came on for hearing on October 28, 1969 and December 3, 1969.

A resolution of the Council of the Village of Apple Valley for annexation of a certain unincorporated area in the Town of Lakeville was filed with the Commission on September 16, 1969. This proceeding (MMC A-1673) came on for hearing on October 28, 1969 and December 3, 1969.

On December 3, 1969, at continued hearings on all five of the proceedings herein (MMC A-798, MMC I-13m, MMC I-34m, MMC A-1672, MMC A-1673), the Chairman of the Commission ordered said five hearings consolidated in the interest of economy and expediency, and ruled that the consolidated hearing would be conducted under Minnesota Statutes 1969, Chapter 414. The records of all previous hearings on the matters herein were incorporated by reference. Hearing dates on the consolidated hearing were January 7, 1970, January 8, 1970, January 22, 1970, January 23, 1970, February 18, 1970, April 14, 1970 and April 15, 1970.

#### APPEARANCES

John J. McBrien, Attorney for Farmington, the petitioners in proceeding MMC A-798 and the petitioners in proceeding MMC A-1672.

Edward McMenomy, Attorney for Apple Valley.

Gerald W. Kalina, Attorney for the Village of Lakeville and

Castle Rock.

David L. Grannis, Jr., Attorney for the Town of Rosemount, and the petitioners in proceeding MMC I-34m.

Vance B. Grannis, Jr., and Patrick A. Farrell, Attorneys for the Village of Lakeville as created by the Commission's order of October 20, 1966.

Harold LeVander, Jr., Attorney for Inver Grove Heights.

Vance B. Grannis, Jr., and David L. Grannis, Jr., Attorneys for the Town of Lakeville and petitioners in proceeding MMC I-13m.

Peter Schmitz, Attorney for Empire.

The Board of Commissioners of the County of Dakota appointed Commissioner Patrick Scully as an Ex-Officio Member of the Commission for all five of the proceedings herein, Commissioner Thomas Freiling as an Ex-Officio Member for proceedings MMC A-798 and MMC I-13m, and Commissioner Charles Mertensotto as an Ex-Officio Member for proceedings MMC I-34m, MMC A-1672, and MMC A-1673. By resolution of the Board of Commissioners of the County of Dakota dated October 28, 1969, Commissioner Mertensotto replaced Commissioner Freiling for proceedings MMC A-798 and MMC I-13m. The Commission convened by lawful quorum at all of the hearings herein.

Evidence was taken and testimony 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 of the files, records, and proceedings herein, hereby makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition of certain property owners of an area of 195 acres in the Town of Lakeville requesting annexation to Farmington was filed with Farmington on April 13, 1965. Objections to the petition were filed with the Commission by the Board of Supervisors of the Town of Lakeville and the Village Council of the Village of Lakeville. The Petition and Objection were proper in form, content, execution and filing.

2. Due, timely, and adequate legal notice of the hearing ordered by the Commission was posted, published, served, and filed.

3. On December 3, 1969, the annexation hearing herein was consolidated for hearing by the Commission with four other proceedings, including MMC A-1672, a proceeding for the annexation of 8,144 acres to Farmington. The 8,144 acres of MMC A-1672 includes the 195 acres herein proposed for annexation.

4. The Commission is concurrently issuing its order on MMC A-1672. That order annexes certain property, including the 195 acres herein, to Farmington.

CONCLUSIONS OF LAW

1. The Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. An order granting or denying the annexation proposed herein is unnecessary.

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3. The Commission should order that, barring change in circumstance, the within proceeding is terminated.

ORDER

IT IS HEREBY ORDERED That, barring a change of circumstance, the proceeding herein is terminated.

Dated this 16<sup>th</sup> day of November, 1970

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

*Bruce Rasmussen*

Bruce Rasmussen  
Executive Secretary

# 21880  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 16 1970

*Joseph J. Donovan*  
Secretary of State



A-798 Farmington  
A-1672 Farmington  
A-1673 Apple Valley  
I-34m Rosemount  
I-13m Lakeville

November 16, 1970

MEMORANDUM

On October 20, 1966, the Commission ordered the consolidation of the Town and Village of Lakeville. The Commission had already denied an annexation to Farmington of 195 acres in the Town of Lakeville by not issuing our order within the statutory period. Both of these matters came back to the Commission on remand from the District Court via the Supreme Court.

The remanded proceedings were consolidated with three additional proceedings seeking annexation to Farmington of 8,144 acres in the Town of Laketown, annexation by Apple Valley of the Town of Rosemount and parts of the Towns of Lakeville and Empire, and consolidation of the Village and Town of Rosemount. Each of these proceedings conflicted with at least one other proceeding. Today's orders resolve these conflicting claims.

The Commission found it absolutely essential for Farmington to have growth area. The 10 square miles annexed to Farmington by granting, in the main, the petition of a majority of property owners, are in the same school district as Farmington, are served by the Fire Department of Farmington, and share numerous service areas with Farmington. They are in the same major watershed. Farmington has shown that it can best serve this area and plan and control development within the area. There was no need for the Commission to order or deny the annexation of the 195 acre tract of MMC A-798 as this area is included within the area ordered annexed to Farmington.

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The annexation of the 9 square miles designated in our order as Valley Park will afford the Village of Apple Valley the opportunity of improving its tax base by the addition of commercial property at major highway intersections, and for providing unified land use control around such commercial centers. Apple Valley and Valley Park are in the same major watershed and the same sewer district. The evidence showed a strong community of interest between these areas, and that Valley Park could best be served by Apple Valley, and not by a consolidated Village of Lakeville.

By the granting of the Farmington and Apple Valley annexations, Lakeville has been reduced in area from 48 to 29 square miles. The 29 square miles has an excellent diversified tax base and contains the commercial and industrial growth areas of the former 48 square mile village. The consolidated Village and Town of Lakeville as ordered today will be a sound unit of government.

The Village of Rosemount was obviously too small and needed room for expansion. Population projections showed a need for municipal government in the Town of Rosemount. The consolidated Village is in the same major watershed and is bound together by a strong community of interest. The new village already contains sound diversified tax base.

Each of the four municipalities has the capacity to function effectively in the Metropolitan area. By this we mean more than the efficient provision of services, which is an extremely important factor. We mean also the ability to effectively represent their citizens before higher units of government, which units make decisions vital to the well being of all of

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the people of the Metropolitan area.

Effectuating these orders will cause some transitional problems. We now address ourselves to the question of how this transition should occur.

The Village of Lakeville as created by the Commission's order has been continuing to function by leave of the Supreme Court pending redetermination and further order of the Commission. This government should continue to function until January 12, 1971, the date of the election of officers in the Village of Lakeville created by today's order (and the effective date of the consolidation.) Thus, there is no need for the presently scheduled December 8, 1970, election in the Village of Lakeville.

The Apple Valley annexation of Valley Park is subject to a vote which will also be held on January 12, 1971. The Village of Lakeville as created by our order of October 20, 1966, should continue to govern this area until the referendum.

If the vote in Valley Park favors annexation, Valley Park would immediately become a part of Apple Valley. If the vote in Valley Park disapproves annexation, Valley Park will become the Town of Lakeville. While this town presently exists, it has not had a functioning government for four or five years because it has been governed by the Village of Lakeville as created by the Commission's order of October 20, 1966. In the event the vote disapproves annexation the County Auditor should

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set a town meeting for February 2, 1971, and such meeting should be held in accordance with Minnesota Statutes Section 365.50 insofar as applicable. During the period between January 12, 1971, to February 2, 1971, the County of Dakota should assume the responsibility for the government of Valley Park.

The Farmington annexation becomes effective today. The Rosemount consolidation becomes effective on January 12, 1971, the date of the election of new Village officers.

The population of all of the villages as ordered should be in accordance with the 1970 Federal census. The Commission is retaining jurisdiction for the purpose of holding a supplemental hearing for establishing population where it appears that census tracts may be bisected by the new municipal boundaries. It is important that these figures be as accurate as possible, for they serve as the basis for many state revenue distributions.

In resolving the conflicting claims of villages and towns the Commission must provide governments for the future. The Commission believes that local government in Dakota County will be greatly strengthened by these rulings.

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 16 1970  
*Joseph A. Johnson*  
Secretary of State

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