

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 AND RESOLUTION FOR THE MERGER OF THE VILLAGE OF ROSEMOUNT, DAKOTA COUNTY, MINNESOTA WITH THE TOWN OF ROSEMOUNT, 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 (LMC 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. Resolutions of the council of the Village of Rosemount and the Board 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. Said Resolutions and petition were in all respects proper in form, content and execution.

2. Due, timely and adequate legal notice of the hearing ordered by the Commission were properly published, posted, served and filed pursuant to law.

3. The area to be incorporated as a new municipality is the entire Town of Rosemount, and the entire Village of Rosemount.

4. The area of the Town of Rosemount and Village of Rosemount is approximately 36 sections of land.

5. Approximately 5% of the combined area of the Town and Village of Rosemount is platted and 95% is unplatted.

6. The Village of Rosemount is almost entirely developed having residential, commercial and industrial type buildings. The Town of Rosemount is largely undeveloped. However, there has been some residential, commercial, industrial, public and semi-public, development in the Town.

7. Population and construction in the Village of Rosemount have grown in the past to the point where the Village is completely developed

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and has nowhere else to grow. Population and construction in the Town of Rosemount have grown in the past and are expected to continue to grow at an increased rate in the future. The present population of the Village is 1,354. The present population of the Town is 2,693. The total present population is 4,047. The projected population for 1985 is 12,603.

8. The Village of Rosemount has its own sewage treatment facilities and central water system. The systems can be expanded to service a considerable portion of the area in the Town of Rosemount. The Metropolitan Sewer Board has jurisdiction over the entire area herein in matters relating to sanitary sewer. The Town of Rosemount has a central water system. The Village of Rosemount has a voluntary fire department which services the Village and the Town of Rosemount. The Town of Rosemount has police protection furnished by the Dakota County Sheriff's Office and the Village of Rosemount. The Village of Rosemount Police Department can be expanded to provide additional police protection for the proposed new village.

9. There is now and will be in the immediate future a need for increased governmental service in the area to be consolidated and the Village form of government will better be able to protect the public health, safety and welfare of the residents of the Town of Rosemount.

10. It is in the best interest of the public and the area proposed for consolidation that the Town and Village be consolidated to form a new municipality so that municipal services to the residents in the Town and Village can be more efficiently and economically provided to the residents.

11. The area proposed to be consolidated 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

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and other vital and necessary community services.

12. Annexation to an adjoining municipality would not be in the best interests of all or any part of the area proposed for consolidation.

13. The name of the proposed Village is Rosemount.

#### CONCLUSIONS OF LAW

1. The Commission duly acquired and now has jurisdiction over this consolidation proceeding.

2. The area proposed for consolidation is the Town of Rosemount and the Village of Rosemount.

3. The entire area to be consolidated is now or is about to become urban or suburban in character.

4. It is in the best interests of the area for the Town of Rosemount and the Village of Rosemount to be consolidated.

5. Annexation to an adjoining municipality would not be in the best interests of all or any part of the area proposed for consolidation.

6. The Minnesota Municipal Commission should order the consolidation of the Village of Rosemount and the Town of Rosemount into a single new Village, to be known as the Village of Rosemount, and set an election of new municipal officers as required by law, and establish the population for all purposes until the next Federal Census.

ORDER

IT IS ORDERED: That the Town of Rosemount and the Village of Rosemount be consolidated to form a single new municipality to be known as the Village of Rosemount.

IT IS FURTHER ORDERED: That the plan of government for the new Village shall be Optional Plan "A".

IT IS FURTHER ORDERED: That the first election of officers in the new village shall be held on January 12, 1971.

IT IS FURTHER ORDERED: That said election be held in accordance with Minnesota Statutes 1969, Section 414.09, Subdivision 3.

IT IS FURTHER ORDERED: That the polling places for said election shall be: The Village Fire Hall for the voters residing in the Village of Rosemount; The Town Hall for those residents residing in the Town of Rosemount.

IT IS FURTHER ORDERED: That Margaret Alsip is appointed Acting Clerk for election purposes.

IT IS FURTHER ORDERED: That the following are appointed Election Judges for the first election of Village officers:

Town  
Mrs. Donald Wachter  
Mrs. Malin Rehtzigel  
Mrs. Fred Linkert

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Village:

Mrs. Frank McDonough  
Mrs. Fred Uitdenbogerd  
Mr. David Toombs

IT IS FURTHER ORDERED: That the Secretary of the Minnesota Municipal Commission shall cause the mailing and filing of this Order with the proper parties as required by law.

IT IS FURTHER ORDERED: That all money, claims of property, including real estate, held, or possessed by the Town or Village of Rosemount, and any proceeds or taxes levied by said Town or Village, collected or uncollected, shall become and be the property of the Village of Rosemount herein created, with the full power and authority to use and dispose of the same for public purposes.

IT IS FURTHER ORDERED: That the consolidation herein ordered shall be effective upon the election and qualification of new village officers.

IT IS FURTHER ORDERED: That the population of the Village herein created shall be 4,047 for all purposes until the next Federal census.

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

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
NOV 16 1970

*James S. Johnson*  
Secretary of State

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*For Memorandum  
See # 21880*

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