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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

IN THE MATTER OF THE PETITION AND
RESOLUTION FOR THE MERGER OF THE
VILLAGE OF LAKEVILLE, DAKOTA COUNTY,
MINNESOTA WITH THE TOWN OF LAKEVILLE,
DAKOTA COUNTY, MINNESOTA I-13m

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

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

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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. The petition of certain freeholders of the Town of Lakeville, and the resolution of the Village Council of the Village of Lakeville, for the consolidation of said town with said village into a single new municipality were filed pursuant to and in compliance with Minnesota Statutes, Chapter 414, and said petition and resolution were in all respects proper in form, contents, execution, and filing. (MMC I-13m)
2. The petition of certain property owners of the Town of Lakeville and the resolution of the Village Council of the Village of Farmington, for the annexation of a certain area of said town to said village were filed pursuant to and in compliance with Minnesota Statutes, Chapter 414, and said petition and resolution were in all respects proper in form, contents, execution, and filing. (MMC A-1672)
3. The resolution of the Village Council of the Village of Apple Valley for annexation of a certain area of the Town of Lakeville to said Village was filed pursuant to and in compliance with Minnesota Statutes, Chapter 414, and said resolution was in all respects proper in form, contents, execution, and filing. (MMC A-1673)
4. Due, timely and adequate legal notice of the hearing ordered by the Commission were properly published, posted, served and filed. On December 3, 1969, hearings on the petition and resolution for consolidation of the Town and Village of Lakeville, on the petition and resolution for annexation of a certain area of the Town of Lakeville to the Village of Farmington, and upon the resolution for annexation of a certain area of the Town of Lakeville to the Village of Apple Valley were consolidated, along with certain other matters. The Commission convened by a lawful quorum at the scheduled hearings. All parties of record for and against

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said petition and resolution for consolidation, for and against said petition and resolution for annexation, and for and against said resolution for annexation were present at and participated in, the hearings.

5. The area proposed by the petition and resolution to be consolidated as a new municipality is the entire Town of Lakeville and the entire Village of Lakeville.

6. The area of the Town of Lakeville proposed by the petition and resolution to be annexed to Farmington is described as follows:

That part of the North Half ($N\frac{1}{2}$) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); The Southeast Quarter ($SE\frac{1}{4}$) of Section Ten (10); Section Eleven (11); Section Twelve (12); Section Thirteen (13); Section Fourteen (14); the East Half ($E\frac{1}{2}$) of Section Fifteen (15); the East Half of the Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Fifteen (15); the East Half ($E\frac{1}{2}$) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ($E\frac{1}{2}$) of Section Twenty-seven (27); the East Half ($E\frac{1}{2}$) of Section Thirty-four (34); Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20) containing 8,144 acres, more or less, according to the Government Survey thereof.

7. The area of the Town of Lakeville proposed by the resolution to be annexed to Apple Valley is described as follows:

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Sections 1, 2, 3, 4, 9, 10, 11 and 12 and the East one-half of Sections 5 and 8 in Township 114, Range 20, being part of Lakeville Township.

8. The area of the Town of Lakeville and the Village of Lakeville is approximately 30,700 acres.

9. The Commission found on October 20, 1966 that approximately 5% of the combined area of the Town and Village of Lakeville is platted and 95% is unplatted.

10. The population of the Town of Lakeville and the Village of Lakeville, as estimated by the estimate of the Metropolitan Council in 1967 was:

Town of Lakeville	3,810
Village of Lakeville	<u>1,119</u>
Total (Combined)	4,929

The Metropolitan Council in 1967 projected the 1985 populations to be as follows:

Total (Combined)	20,475
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11. Both the Village of Lakeville and the Town of Lakeville contain land used and useable for residential, industrial, commercial, and institutional purposes.

12. The Town of Lakeville has not functioned as a governmental unit since the Village of Lakeville, created by the Commission's Order of

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October 20, 1966, came into existence. The District Court, Dakota County, on September 11, 1969, ordered: "That the Municipal Government of the Village of Lakeville as the same presently exists under the Order of Consolidation of the Minnesota Municipal Commission of the State of Minnesota shall continue pending redetermination and further order of the Commission."

13. The Metropolitan Sewer Board has jurisdiction over the entire areas herein in matters relating to sanitary sewer.

14. Assessed valuations for 1969 and 1970 were:

	<u>1969</u>	<u>1970</u>
Town of Lakeville	3,344,558	3,706,252
Village of Lakeville	533,672	513,640
Village of Farmington	1,740,052	1,839,279
Village of Apple Valley	3,766,272	4,126,288

15. The local mill rate for 1969 and 1970 is as follows:

	<u>1969</u>	<u>1970</u>
Town of Lakeville	54.99	51.71
Village of Lakeville	87.18	93.13
Village of Farmington	73.49	90.69
Village of Apple Valley	32.56	32.43

16. The outstanding bonded indebtedness as of January 1, 1970 is as follows:

Combined Town of Lakeville and Village of Lakeville	880,000
Village of Farmington	947,000
Village of Apple Valley	4,439,500

17. The area to be consolidated as the new municipality of Lakeville is the Village of Lakeville and that part of the Town of Lakeville, described as follows:

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Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, Township 114 North, Range 21 West.

Sections 6, 7, 16, 17, 18, 19, 20, 21, 28, 29 30, 31, 32, 33, and the West One-half of Sections 5, 8, 15, 22, 27, and 34 all in Township 114 North, Range 20 West.

18. It is in the best interests of the area and the public that the Village of Lakeville and that part of the Town of Lakeville, described in Finding 17, be consolidated to form a new municipality.

19. There is now and will be in the future a need for increased governmental services in that part of the Town of Lakeville included in the description in Finding 17, and the village form of government will be able to provide the needed governmental services to the residents within that part of the Town of Lakeville included in the description in Finding 17.

20. Planning and future development of the Village of Lakeville and that part of the Town of Lakeville, described in Finding 17, for residential, commercial, and industrial growth can best be provided by the consolidation of the two areas to form a new municipality.

21. The consolidation of the Village of Lakeville and that part of the Town of Lakeville, described in Finding 17, will not adversely affect the ability of adjacent villages and towns to provide their residents with adequate governmental services.

22. It is in the best interests of the area that that part of the Town of Lakeville described as follows be annexed to Farmington:

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Sections 13, 14, 23, 24, 25, 26, 35, 36 and East
One-half of Sections 15, 22, 27, and 34 all in
Township 114 North, Range 20 West.

23. Annexation of that part of the Town of Lakeville, described in Finding 22, to Farmington would better serve the interests of that part of the Town of Lakeville than would consolidation to the Village of Lakeville.

24. It is in the best interests of the area that that portion of the Town of Lakeville described as follows be annexed to Apple Valley:

Sections 1, 2, 3, 4, 9, 10, 11, 12 and the East
One-half of Sections 5 and 8 all in Township 114
North, Range 20 West.

25. Annexation of that part of the Town of Lakeville, described in Finding 24, to Apple Valley would better serve the interests of that part of the Town of Lakeville than would consolidation to the Village of Lakeville.

26. Annexation of the areas described in Findings 22 and 24 to Farmington and Apple Valley will not adversely affect the newly consolidated Village of Lakeville's ability to function.

CONCLUSIONS OF LAW

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

2. The following described property would be better served by annexation to Farmington, and the area proposed for consolidation

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should be decreased accordingly:

Sections 13, 14, 23, 24, 25, 26, 35, 36, and
East One-half of Sections 15, 22, 27, and 34, all
in Township 114 North, Range 20 West.

3. The following described property would be better served by
annexation to Apple Valley, and the area proposed for consolidation
should be decreased accordingly:

Sections 1, 2, 3, 4, 9, 10, 11, and 12, and the
East One-half of Sections 5 and 8, all in Town-
ship 114 North, Range 20 West.

4. The area to be consolidated as the new municipality of Lakeville
is the Village of Lakeville and the following described property in the
Town of Lakeville:

Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26,
35 and 36, Township 114 North, Range 21 West

Sections 6, 7, 16, 17, 18, 19, 20, 21, 28, 29,
30, 31, 32, 33, and the West One-half of Sections 5, 8,
15, 22, 27, and 34 all in Township 114 North, Range 20
West.

5. The area to be consolidated, as described in Conclusion 4, is
now, or is about to become, urban in character.

6. The Town form of government is not adequate to provide needed
governmental services in the area of the Town of Lakeville as included
in the description in Conclusion 4.

7. It is in the best interests of the areas involved that the
area, as described in Conclusion 4, be consolidated into a single, new
municipality to be known as Lakeville.

8. A supplemental hearing should be held by the Commission to
establish the population of the Village herein created.

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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 records, the Commission, being fully advised in the premises,

IT IS HEREBY ORDERED: That the area proposed for consolidation be decreased by removal of the following described property:

Sections 13, 14, 23, 24, 25, 26, 35, 36, and East One-half of Sections 15, 22, 27, and 34, all in Township 114 North, Range 20 West.

Sections 1, 2, 3, 4, 9, 10, 11, and 12, and East One-half of Sections 5 and 8, all in Township 114 North, Range 20 West.

IT IS FURTHER ORDERED: That the following described area be consolidated as a single, new, municipality to be known as the Village of Lakeville:

Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, Township 114 North, Range 21 West.

Sections 6, 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, and the West One-half of Sections 5, 8, 15, 22, 27, and 34, all in Township 114 North, Range 20 West.

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

IT IS FURTHER ORDERED:

1. That the first election of officers in the new Village shall be held on January 12, 1971.

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2. That said election be held in accordance with Minnesota Statutes 1969, Section 414.09, Subd. 3.
3. That the polling place for said election shall be the Lakeville Village Hall for those parts of election precincts 1 and 3 herein ordered consolidated, and the Orchard Lake School for election precinct 2.
4. That the Acting Clerk for election purposes shall be Mrs. Marceline Hemstrom
5. That the following persons are appointed Election Judges for the first election of Village Officers:

Judges-Lakeville Village Hall

Mrs. Catherine Thomas
Mrs. Laura Haglund
Mrs. Gladys Kinn
Mrs. Rhoda Kalweit
Mr. Laverne Nelson
Mr. Emmet Wagner

Judges-Orchard Lake School

Mrs. Christina Huddlestrom
Mrs. Gladys Jackson
Mr. Glen Brandon
Mrs. Alverta Coram
Mr. Stanley Kolstad
Mrs. Laura Mallery

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

IT IS FURTHER ORDERED: That all money, claims of property, including real estate, held or possessed by the Village of Lakeville as created by Order of the Commission on October 20, 1966, and any proceeds or taxes levied by said Village, collected or uncollected, except for all those assets physically situated within those areas removed from the area proposed for consolidation by this Order, shall become and be the property of the Village of Lakeville herein created, with the full power and authority to use and dispose of the same for public purposes.

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IT IS FURTHER ORDERED: That the Commission hold a supplemental hearing for the purpose of establishing the population of the Village of Lakeville as herein created for all purposes until the next Federal Census when it appears that the 1970 census figures are certified.

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

Dated this 16th 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 L. Thompson
Secretary of State

*For Memorandum
See # 21880*