

Journal
I-27 Laketown

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Walter H. Neumann	Ex-Officio Member
Clifford Johnson	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE INCORPORATION OF THE VILLAGE)
OF LAKETOWN PURSUANT TO MINNESOTA)
STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The Minnesota Municipal Commission is herein designated as the commission. The instant proceeding is one of three for which the hearings were consolidated by the commission. All of the property involved is located in Carver County, Minnesota.

A petition of certain freeholders of the Town of Laketown requesting incorporation of the Town of Laketown was filed with the commission on December 4, 1967. The proceeding (I-27) came on for hearing on March 28, 1968 and July 16, 1969.

A petition of certain freeholders of the Town of Laketown and a resolution of the Village Council of the Village of Victoria requesting consolidation of said town and said village to form a single new village was filed with the commission on April 17, 1969. The proceeding (I-32m) came on for hearing on July 16, 1969. The Chairman of the Commission ordered that the hearings on proceedings I-27 and I-32m be consolidated in the interest of economy and expediency. A consolidated hearing on these two matters was held on October 7, 1970.

A resolution of the Common Council of the City of Waconia for the annexation of certain unincorporated property located in the Town of Laketown was filed with the commission on July 17, 1969. The proceeding

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(A-1631) came on for hearing on October 7, 1970. The Chairman of the Commission ordered that hearings on proceeding A-1631 be consolidated with hearings on proceedings I-27 and I-32m in the interest of economy and expediency. Consolidated hearings on all three of the proceedings herein were held on November 11, 1970 and December 28, 1970.

APPEARANCES

Robert A. Nicklaus, Attorney for the Village of Victoria.

Vance B. Grannis, Jr., Attorney for petitioners for the incorporation of the Town of Laketown.

William F. Kelly, Attorney for the Town of Laketown.

Paul Melchert, Attorney for the City of Wagonia.

Luke Melchert, Attorney for the City of Chaska.

Larry L. Vickrey, Attorney for Henry T. McInight.

Testimony was heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. The commission carefully considered all of the testimony, exhibits, files and records and being fully advised in the premises hereby makes and issues its Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition of certain freeholders of the Town of Laketown requesting incorporation of the entire Town of Laketown was filed with the commission on December 4, 1967. Said petition was proper in form, content, and execution.

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

3. The area proposed for incorporation is the entire territory of the Town of Laketown which is located in Township 116 North, Range 24 West.

3a. The population of the Town of Laketown is scattered with no center of population and the Town Hall is located in the Village of Victoria.

4. The City of Waconia abuts the area proposed for incorporation.

5. The comprehensive plan of the City of Waconia encompasses a part of the Town of Laketown. The City of Waconia has a central water system with the capacity to serve a part of the Town of Laketown. The City of Waconia and a part of the Town of Laketown lie in the same watershed area, and sewer service should be planned and constructed for this area as a whole. The following sections of the Town of Laketown are provided fire service by the City of Waconia under a contract: 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 32, and 33. The City of Waconia presently provides police protection to that part of the Town of Laketown which lies within a two mile radius of the City of Waconia. Residents of the western part of the Town of Laketown use the City of Waconia as their center for educational, social, religious, commercial and other activities. The utility services and police services planned to be provided in the Town of Laketown are to be provided by presently existing municipalities.

6. The Village of Victoria abuts the area proposed for incorporation.

7. The Village of Victoria contains an appendage which is virtually surrounded by the Town of Laketown. This makes planning and provision of municipal services very difficult. A concentration of the population of the Town of Laketown occurs adjacent to the Village of Victoria. An expanded Village of Victoria could provide municipal services to an area of the Town of Laketown adjacent to the Village of Victoria.

8. The City of Chaska abuts the area proposed for incorporation.

9. That southerly and easterly of Laketown Township, and more particularly, portions of Sections 24, 25, and 36 are situated in a watershed or drainage area which drains into and through the City of Chaska via Chaska East Creek and Chaska West Creek. These areas can conveniently be served by sanitary sewer and storm sewer by the City of Chaska by gravity flow. The City of Chaska in 1968 constructed an interceptor sewer which was designed with adequate capacity to carry sanitary sewage of portions of Laketown Township in the area surrounding Lake Bavaria. The City of Chaska has presently under construction additional sanitary sewer interceptors which will be completed in 1971 and which will place said interceptor sewers approximately 1 1/4 miles from Laketown Township. Portions of Laketown Township can be served by these interceptors by gravity flow. The interceptors were required, by the Metropolitan Sewer Board, to be designed with adequate capacity to serve portions of Laketown Township. The City of Chaska is presently undertaking a comprehensive sewer and water study for the area, which is estimated to be completed by the Spring of 1971, and which will take into consideration portions of Laketown Township. This Comprehensive Sewer Study is required to be submitted to the Metropolitan Sewer Board upon completion. The City of Chaska has other municipal services such as fire, police, water, street, electrical and planning services which are presently serving or are capable of extensions to serve portions of Laketown Township. The citizens of said portions of Laketown Township have a community of interest with the City of Chaska as to schools, shopping, church, and all other aspects of community living and services.

CONCLUSIONS OF LAW

1. The commission duly acquired and now has jurisdiction over the within proceeding.

2. The area proposed for incorporation is the entire area of the Town of Laketown.

3. Part of the area proposed for incorporation would be better served by annexation to or consolidation with other communities, namely, the City of Waconia, the City of Chaska, and the Village of Victoria.

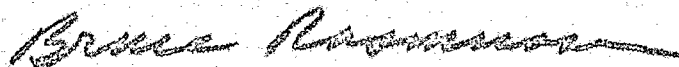
4. The petition for incorporation should be denied.

O R D E R

IT IS HEREBY ORDERED: That the petition for the incorporation of the Town of Laketown be in all respects DENIED.

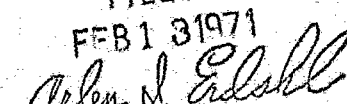
Dated this 16th day of February, 1971

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



Bruce Rasmussen
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

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Secretary of State

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