

*See page 10*

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
Gerald E. Hollenkamp	Ex-Officio Member

-----

IN THE MATTER OF THE RESOLUTION ) FOR THE ANNEXATION OF CERTAIN ) LAND TO THE VILLAGE OF LAKEVILLE )	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
--	--

-----

The above entitled matter was initiated by Resolution of the Village of Lakeville, which resolution was received by the Minnesota Municipal Commission on January 15, 1971. The Board of Commissioners of the County of Dakota duly appointed Commissioners Patrick J. Scully and Gerald E. Hollenkamp as Ex-Officio Members of the Minnesota Municipal Commission.

The matter came on for hearing on May 5, 1971. Appearances were entered by John J. Todd and Jack Mitchell, Attorneys for the Village of Lakeville, and Edward B. McMenemy, Attorney for the Village of Apple Valley. Continued hearings were held on June 10, 1971 and July 30, 1971. At the June 10th session of the hearing, the Chairman ruled that the record of Municipal Commission consolidated proceedings A-798, I-13, I-34m, A-1672 and A-1673 be incorporated by reference, insofar as that record is relevant to the instant proceeding. At the July 30, 1971 session of the hearing, the Chairman ordered that the hearing on the instant proceeding be consolidated with the hearing on Municipal Commission proceeding A-1983. The Minnesota Municipal Commission convened by lawful quorum at all of the sessions of the hearing herein.

Evidence was taken and testimony heard from all of those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. The Minnesota Municipal 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 resolution of the Village of Lakeville for the annexation of the following described property was received by the Minnesota Municipal Commission on January 15, 1971. Said resolution was proper in form, content, execution and filing.

All of Sections 1, 2, 3, 4, 9, 10, 11, and 12 and the East 1/2 of Sections 5 and 8 in Township 114, Range 20, Dakota County, Minnesota

2. Notice of the hearing ordered by the Minnesota Municipal Commission was duly published, served and filed.

3. The area proposed for annexation is changing from rural to suburban in nature. By 1970 it had a population in excess of 1500 persons. The process of suburbanization will continue at an accelerated rate.

4. The area proposed for annexation is bounded on the North by the Village of Apple Valley and on the South by the Village of Lakeville. Both of these Villages are capable of providing essential municipal services to the area.

5. On November 16, 1970, the Minnesota Municipal Commission issued its Order providing that the area herein proposed for annexation to the Village of Lakeville be annexed to the Village of Apple Valley.

6. On January 12, 1971, a referendum on the question of annexation to the Village of Apple Valley was conducted in the area herein proposed for annexation to the Village of Lakeville. The results of the referendum were against annexation to the Village of Apple Valley.

7. The Minnesota Municipal Commission takes official notice of Laws of Minnesota 1971, Extra Session, Chapter 24, which provides for sharing of a part of the commercial-industrial tax base growth in the metropolitan areas by the local units of government in the metropolitan area. This law will contribute to the ability of the Village of Apple Valley to provide essential municipal services to its citizens.

8. There is a need for a high level of municipal services in the area proposed for annexation to the Village of Lakeville, and the need will increase in the near future.

9. The Twin Cities Area Metropolitan Development Guide, adopted by the Metropolitan Planning Commission in July of 1967, projects a major diversified center in the vicinity of Cedar Avenue and Dakota County State Aid Highway 42. The taxes levied against the commercial property to be located near this intersection will contribute to the ability of the Village of Apple Valley to provide essential municipal services to its citizens.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within annexation proceeding.
2. The property proposed for annexation is now or is about to become urban or suburban in character.
3. The property proposed for annexation requires municipal government to protect the public health, safety and welfare in reference to plat control, land development and construction.
4. Annexation of the property proposed for annexation will be in the best interest of the Village of Lakeville and the property proposed for annexation.
5. None of the area herein proposed for annexation to the Village of Lakeville would be better served by annexation to another unit of government.
6. The annexation herein requested should be approved.

O R D E R

IT IS HEREBY ORDERED: That the following described property be annexed to the Village of Lakeville, subject to the annexation election herein ordered:

All of Sections 1, 2, 3, 4, 9, 10, 11,  
and 12 and the East 1/2 of Sections 5  
and 8 in Township 114, Range 20, Dakota  
County, Minnesota

IT IS FURTHER ORDERED: That an election on this annexation be held in accordance with Minnesota Statutes 1969, Section 414.031, Subdivision 5, and the following:

- a. Date: October 7, 1971
- b. Place: Rosemount Independent School District No. 196  
Parkview School in Valley Park

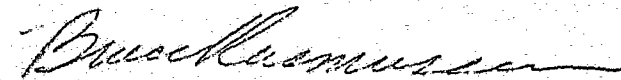
- c. Polls shall be open from 8:00 A.M. to 9:00 P.M.
- d. The Mayor of the Village of Lakeville shall submit to the Secretary of the Minnesota Municipal Commission a list of proposed Election Judges, one of whom he shall designate Chief Election Judge, by September 22, 1971.
- e. Said Election shall be conducted by said Judges so far as practicable, in accordance with the laws regulating the election of town officers.
- f. The Chief Election Judge shall cause a copy of the order herein and a Notice of Election to be posted not less than 20 days before the election in three public places in the area to be annexed, and submit proof thereof to the Secretary of the Commission.
- g. The Chief Election Judge shall cause a Notice of Election to be published for two successive weeks in a newspaper qualified as a medium of official and legal publication, of general circulation, in the area to be annexed, and submit proof thereof to the Secretary of the Commission.
- h. The Chief Election Judge shall prepare the ballot, which shall bear the words "For Annexation" and "Against Annexation" with a square before each of the phrases in one of which the voter shall make a cross to express his choice.
- i. The ballots and election supplies shall be provided by the Village of Lakeville.
- j. The Election Judges shall prepare and submit to the Secretary of the Commission a verified election certificate showing the time and place of the election and the results of their canvass of the ballots.

IT IS FURTHER ORDERED: That the Minnesota Municipal Commission shall by supplemental order establish the population of the Village of Lakeville for all purposes until the next federal census.

IT IS FURTHER ORDERED: That the annexation herein be effective upon the filing of this Order as provided by Minnesota Statutes 1969, Section 414.031, Subdivision 6, provided that a majority of the vote cast were "For annexation".

Dated this 15th day of September, 1971

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



Bruce Rasmussen  
Executive Secretary

#22955  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 20 1971  
*Arlen J. Edsall*  
Secretary of State