

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson
Robert J. Ford
Harold J. Dahl
Patrick Scully
Jerry Hollenkamp

Chairman
Vice Chairman
Member
Ex-Officio Member
Ex-Officio Member

IN THE MATTER OF THE PETITION AND)
RESOLUTION FOR THE ANNEXATION OF)
CERTAIN LAND TO THE VILLAGE OF)
APPLE VALLEY)

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

A petition of certain property owners requesting the annexation of certain property lying within the Town of Lakeville, more particularly described herein, to the Village of Apple Valley, was received by the Minnesota Municipal Commission on March 31, 1971. A resolution of the Village of Apple Valley approving the proposed annexation was received by the Minnesota Municipal Commission on March 31, 1971. This proceeding is designated MMC A-1983. The Board of Commissioners of the County of Dakota appointed Commissioners Patrick Scully and Jerry Hollenkamp as Ex-Officio Members of the Minnesota Municipal Commission for the purposes of this proceeding.

A resolution of the Village of Lakeville requesting the annexation of the same property to the Village of Lakeville was received by the Minnesota Municipal Commission on January 5, 1971. This proceeding is designated as MMC A-1953.

Proceeding MMC A-1953 came on for hearing on June 10, 1971 at the Parkview Elementary School, which is situated within the area proposed for annexation. The Chairman ordered that the record of the previous consolidated hearing designated as MMC A-798, I-13m, I-34m, A-1672 and

23116

A-1673 be incorporated by reference into the record of proceeding A-1953.

The above-entitled proceeding came on for hearing on July 30, 1971, at the Parkview Elementary School, at which time the Chairman ordered that the hearing on proceeding MMC A-1953 and A-1983 be consolidated in the interest of economy and expedience.

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. Evidence was taken and testimony heard from all of those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. On September 15, 1971, the Minnesota Municipal Commission issued its Order granting the annexation requested in proceeding A-1953, subject to an election to be held in the area ordered annexed.

The Minnesota Municipal Commission, having carefully considered all of the testimony and exhibits, being fully advised in the premises, upon all records, files 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 in the Town of Lakeville requesting annexation of certain property situated within said Town to the Village of Apple Valley was received by the Minnesota Municipal Commission on March 31, 1971. A resolution of the Village of Apple Valley approving the proposed annexation was received by the Minnesota Municipal Commission on March 31, 1971. The petition and resolution were proper in form, content, execution and filing.

2. The property proposed for annexation is described as follows:

All lands platted and unplatted in Section 1, 2, 3, 4, 9, 10, 11 and 12, and the East Half of Sections 5 and 8 in Township 114, Range 20, Dakota County, Minnesota, (Lakeville Township), containing 9 square miles of land, and described in said petition as "Valley Park."

3. Due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was published, served and filed.

4. On July 30, 1971, the within proceeding was consolidated for hearing with proceeding MMC A-1953, in the interest of economy and expedience. Proceeding MMC A-1953 requested the annexation to the Village of Lakeville of the same property as is herein requested to be annexed to the Village of Apple Valley.

5. On September 15, 1971, the Minnesota Municipal Commission issued its order approving the annexation sought in proceeding MMC A-1953, subject to an election in the area proposed for annexation.

6. On October 7, 1971, an election was held pursuant to the Minnesota Municipal Commission's order of September 15, 1971. The results of the election were for annexation to the Village of Lakeville.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction over this annexation proceeding.
2. An order granting or denying the annexation proposed herein is unnecessary.
3. The Minnesota Municipal Commission should order that, barring change in circumstance, the within proceeding be terminated.

ORDER

IT IS HEREBY ORDERED: That, barring change in circumstance, the proceeding herein is terminated.

Dated this 4th day of November, 1971

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

Bruce Rasmussen

Bruce Rasmussen
Executive Secretary

#23116
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV - 8 1971
Arlen J. Erdahl
Secretary of State