

A-1981 Oak Park Heights

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson  
Harold J. Dahl  
Robert J. Ford  
Idor A. Pederson  
Don L. Cafferty

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

IN THE MATTER OF THE PETITION TO )  
ANNEX CERTAIN LAND TO THE VILLAGE )  
OF OAK PARK HEIGHTS )

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER

This proceeding under Minnesota Statutes 1969, Chapter 414, as amended, for annexation to the Village of Oak Park Heights, Minnesota, of certain property located in the Township of Stillwater, Washington County, Minnesota, more particularly described herein, was scheduled for hearing before the Minnesota Municipal Commission at the Washington County Office Building located at Stillwater, Minnesota, on August 11, 1971. The hearing was continued to September 21, 1971.

After receiving the testimony of numerous witnesses, the hearing was continued until November 10 and 11, 1971, and thereafter continued from November 10 and 11, 1971 to December 2 and 3, 1971, at which time additional and further testimony was taken. The hearing was scheduled for February 24, 1972 and then continued until February 29, 1972, at which time further additional testimony was taken.

Robert W. Johnson, Chairman of the Minnesota Municipal Commission, presided at the hearing. Also in attendance and sitting were Commissioners Harold J. Dahl, Robert J. Ford, and Ex-Officio Members Idor A. Pederson and Don L. Cafferty. The Township of Stillwater, Washington County, Minnesota, duly filed an objection to said annexation. The City of Stillwater, Washington County, Minnesota, duly filed an objection to said annexation.

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The petitioner was represented by Vacil Kallinoff, Attorney at Law, Stillwater, Minnesota; the Village of Oak Park Heights was represented by Albert E. Ranum, Village Attorney for the Village of Oak Park Heights, Stillwater, Minnesota; the City of Stillwater was represented by Harold D. Kimmel, City Attorney for the City of Stillwater, Minnesota; the Town of Stillwater was represented by James D. Gibbs, of Fridley, Minnesota, Township Attorney for the Town of Stillwater.

The members presided at the hearing, viewed the premises, received numerous exhibits, received a stipulation agreed to by all parties that the area in the Town of Stillwater and sought to be annexed to the Village of Oak Park Heights, is now or is about to become urban or suburban in character and that the public health, safety and welfare of said area sought to be annexed can best be served by municipal government. After the hearings were concluded all parties were directed to present a final and written argument to the Minnesota Municipal Commission.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, the stipulation, and all other evidence and the files and records herein the arguments of council, and being fully advised in the premises, makes the following Findings of Fact, Conclusions of Law and Order.

#### FINDINGS OF FACT

1. Due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was published, served and filed.
2. Due, timely and adequate objection to the proposed annexation of the property herein described was filed by the Township of Stillwater and the City of Stillwater.
3. The area proposed for annexation is described in the petition

as:

SUMMIT PARK as surveyed and platted and now on file and of record in the Office of the Register of Deeds in and for Washington County, Minnesota,

which is located adjacent to and abuts the corporate limits of the Village of Oak Park Heights, Washington County, Minnesota, and

All that part of the South Half of the Southwest Quarter ( $S\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Thirty-three (33), Township Thirty (30) North, Range Twenty (20) West, which lies East of Oasis Avenue North, also known as Washington County Highway 66;

which is located adjacent to and abuts an extensive residential section of the corporate limits of the City of Stillwater, Washington County, Minnesota.

4. That the area proposed for annexation consists of approximately 85 acres and the original petition for annexation of said 85 acres to the Village of Oak Park Heights was signed by a majority of the property owners in the area sought to be annexed.

5. That the area proposed for annexation is now or is about to become urban or suburban in nature and that the Village of Oak Park Heights and the City of Stillwater are capable of providing the services required by the area within a reasonable time.

6. That municipal government of the property proposed for annexation is required to protect the public health, safety and welfare in reference to plat control, or land development and construction which may be reasonably expected to occur within a reasonable time hereafter.

7. That the annexation of the Summit Park area hereinbefore described, to the Village of Oak Park Heights is in the best interests of the annexing municipality and of the property proposed for annexation.

8. That the area proposed for annexation should be reduced by excluding the remaining area west of Summit Park, which area would be better served by the City of Stillwater.

9. That the estimated increase in the population of Oak Park Heights caused by the annexation of the Summit Park Area would be 18 persons.

10. That the remainder of Stillwater Township can continue to carry on the functions of government without undue hardship.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction on this annexation proceeding.

2. The Summit Park section of the area proposed for annexation is so conditioned and so located as to be properly subject to the municipal government of the Village of Oak Park Heights, Washington County, Minnesota.

3. That there is no need for the continuance of any township government within the area proposed for annexation.

4. That the area proposed for annexation is now or is about to become urban or suburban in nature. That the Village of Oak Park Heights, Washington County, Minnesota, is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the Summit Park section of the area proposed for annexation.

5. The annexation of the Summit Park area to the Village of Oak Park Heights, Washington County, Minnesota, will not severely affect the capability of the Township of Stillwater to continue its normal operation.

5-A. The remaining area proposed for annexation west of Summit Park would better be served by annexation to the City of Stillwater.

6. The annexation of the Summit Park area to the Village of Oak Park Heights, Washington County, Minnesota, would be in the best interest of the area affected.

7. That municipal government of the Summit Park property proposed for annexation is required to protect the public health, safety, and welfare in reference to plat control, or land development and construction which may be reasonably expected to occur within a reasonable time hereafter.

8. An Order should be issued by the Minnesota Municipal Commission annexing to the Village of Oak Park Heights, Washington County, Minnesota, the Summit Park real estate located in the Township of Stillwater, Washington County, Minnesota, and described herein.

O R D E R

IT IS HEREBY ORDERED: That the area proposed for annexation be reduced by excluding the area, described as follows, which would be better served by the City of Stillwater, Washington County, Minnesota:

All that part of the South Half of the Southwest Quarter ( $S\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Thirty-three (33), Township Thirty (30) North, Range Twenty (20) West, which lies East of Oasis Avenue North, also known as Washington County Highway 66.

IT IS FURTHER ORDERED: That the real estate situated in the Town of Stillwater, Washington County, Minnesota, described as follows, be and the same is hereby annexed to the Village of Oak Park Heights, Washington County, Minnesota:

SUMMIT PARK as surveyed and platted and now on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota.

IT IS FURTHER ORDERED: That the population of the Village of

Oak Park Heights be increased by 18 for all purposes until the next federal census.

Dated this 18<sup>th</sup> day of July, 1972

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

*Howard L. Kaibel, Jr.*

Howard L. Kaibel, Jr.  
Executive Secretary

#24164

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

JUL 24 1972

*Arden J. Edsall*  
Secretary of State