

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Harold J. Dahl	Vice Chairman
Robert J. Ford	Member
William Konarski	Ex-Officio Member
Marvin Oldenburg	Ex-Officio Member

IN THE MATTER OF THE PETITION AND)
 RESOLUTION FOR THE ANNEXATION OF)
 CERTAIN PROPERTY TO THE CITY OF)
 SHAKOPEE, MINNESOTA A-2130)

ORDER OF RESCUSSION

The above entitled proceeding is one for annexation of certain property to the City of Shakopee and was initiated by the filing with the Commission of a petition of more than twenty per cent of the freeholders of the property hereinafter described and located in Eagle Creek Township, Scott County, Minnesota, together with an attached map delineating the boundaries of the area involved, together with a supporting resolution of the Common Council of the City of Shakopee asking for annexation of the property therein described to the City of Shakopee, which property is described as follows:

The South Half of Sections 19 and 20, all of Sections 29, 30 and 31 and the West Half of Section 32, T115N, R23W, all in the Town of Eagle Creek, Scott County, Minnesota.

This proceeding was designated by the Commission as Docket A-2130.

On January 6, 1972 the Commission duly issued a Notice of Hearing on said annexation proceeding and pursuant thereto, the said proceeding came on for an initial hearing in the Council Chambers in the City Hall in the City of Shakopee, Minnesota at 9:30 A.M. on February 10, 1972.

On July 31, 1972 the Commission received another petition which was designated by the Commission as Docket No. A-2232 involving 40 acres within the area already under consideration in the pending proceeding. The Commission was informed that any further delay on this

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second petition would seriously jeopardize development plans involving a considerable financial investment of petitioners, and issued an Order dated September 25, 1972 excluding this acreage from the pending proceeding. The Commission has been subsequently informed by petitioners that they have encountered a longer delay in attempting annexation by ordinance and that they request rescission of our prior Order.

The Commission upon all records and files herein, being duly advised in the premises, hereby makes and issues its

O R D E R

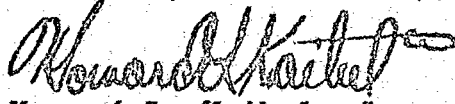
IT IS HEREBY ORDERED: That the Order of the Commission dated September 25, 1972 decreasing the territory under consideration for annexation by removal of the following described territory:

The Northwest one quarter of the Southeast one quarter, Section 19, Township 115, Range 22, Scott County, Minnesota

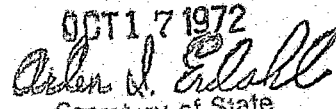
is hereby rescinded.

Dated this 16th day of October, 1972

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


Howard L. Kaibel, Jr.
Executive Secretary

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 17 1972

Secretary of State

BEFORE THE MUNICIPAL COMMISSION
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Robert W. Johnson	Chairman
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IN THE MATTER OF THE PETITION AND)
RESOLUTION FOR THE ANNEXATION OF)
CERTAIN PROPERTY TO THE CITY OF)
SHAKOPEE, MINNESOTA)

FINDINGS OF FACT
CONCLUSIONS OF LAW,
AND ORDER

The above entitled proceeding is one for annexation of certain property to the City of Shakopee and was initiated by the filing with the Commission of a Petition of more than twenty per cent of the freeholders of the property hereinafter described and located in Eagle Creek Township, Scott County, Minnesota, together with an attached map delineating the boundaries of the area involved, together with a supporting resolution of the Common Council of the City of Shakopee asking for annexation of the property therein described to the City of Shakopee, which property is described as follows:

The South Half of Sections 19 and 20, all of Sections 29, 30 and 31 and the West Half of Section 32, T115N, R23W, all in the Town of Eagle Creek, Scott County, Minnesota.

This proceeding was designated by the Commission as Docket A-2130.

On January 6, 1972 the Commission duly issued a Notice of Hearing on said annexation proceeding and pursuant thereto, the said proceeding came on for hearing in the Council Chambers in the City Hall in the City of Shakopee, Minnesota at 9:30 A.M. on February 10, 1972.

The Board of Commissioners of Scott County appointed William Koniarski and Marvin Oldenburg to serve as ex-officio members of the Commission for this proceeding.

Evidence was taken, testimony heard and certain exhibits were received in evidence and the Commission then expanded the area under consideration by adding thereto the following described property:

The South Half of Section 24, all of Section 25, the North Half of Section 36, T115N, R23W, all in the Towns of Jackson and Louisville, Scott County, Minnesota.

The hearing was recessed to April 5, 1972 at 10:00 A.M. and on said date continued to April 7, 1972 at 10:00 A.M. at which time additional evidence was heard, testimony taken, exhibits received, and all persons desiring to be heard were heard, and the hearing was then closed.

Appearances were made by Daniel John O'Connell, 1034 Minnesota Building, St. Paul, Minnesota, Attorney for Eagle Creek; Jerome Jaspers, 206 Scott Street, Shakopee, Minnesota, Attorney for Louisville; Robert A. Nicklaus, Chaska, Minnesota, Attorney for Jackson; Julius A. Coller, II, Shakopee, Minnesota, Attorney for the City of Shakopee and the Petitioners.

The Minnesota Municipal Commission having carefully considered all the evidence, exhibits and arguments of counsel, being fully advised in the premises, upon all files, records and proceedings, hereby makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. A petition of a majority of the property owners of the following described territory, requesting annexation of said territory to the City of Shakopee, and a resolution of the City of Shakopee approving of the requested annexation, were received by the Minnesota Municipal Commission on January 5, 1972. Said petition and resolution are proper in form, content, execution and filing.

The South Half of Sections 19 and 20, all of Sections 29, 30 and 31 and the West Half of Section 32, T115N, R22W, all in the Town of Eagle Creek, Scott County, Minnesota

2. Upon due notice, the requested annexation came on for hearing before the Minnesota Municipal Commission on February 10, 1972, at Shakopee, Minnesota, at which time the Minnesota Municipal Commission convened by lawful quorum and received evidence. Thereupon the commission ordered the area requested for annexation to be increased by the addition of the following described property, and recessed the hearing to April 5, 1972.

The South Half of Section 24, all of Section 25 and the North Half of Section 36, T115N, R23W, all in the Towns of Louisville and Jackson, Scott County, Minnesota.

3. Due notice of the recessed hearing scheduled for April 5, 1972 was published. The recessed hearing was properly continued to April 7, 1972. The Minnesota Municipal Commission convened by lawful quorum and received evidence. Thereupon the Minnesota Municipal Commission ordered the territory under consideration for annexation to the City of Shakopee to be decreased by the removal of the following described territory.

The South Half of Section 24, T115N, R23W, all in the Town of Jackson, Scott County, Minnesota.

3A. The following described territory is not now or is not about to become urban or suburban in nature.

The North Half of Section 36, T115N, R23W, all in the Town of Louisville, County of Scott, State of Minnesota.

4. The following described territory is herein ordered annexed to the City of Shakopee, subject to the annexation election which is herein ordered.

The South Half of Sections 19 and 20, all of Sections 29, 30 and 31, and the West Half of Section 32, T115N, R22W, all in the Town of Eagle Creek, County of Scott, State of Minnesota, and all of Section 25, T115N, R23W, all in the Town of Louisville, County of Scott, State of Minnesota.

5. The area hereby ordered annexed is 2,880 acres of Eagle Creek and 960 acres of land in Louisville Township, making a total area of 3,840 acres.

6. Most of Shakopee is platted and most of the area ordered hereby annexed is unplatted.

7. The population of the former Eagle Creek area annexed hereby is 61; that of Section 25, formerly in Louisville Township is 39, making total population in the area annexed of 100 people.

8. The area hereby annexed and the City of Shakopee contain land used and usable for residence, industrial, commercial, institutional and recreational purposes and development.

9. The Metropolitan Sewer Board has jurisdiction over the entire area herein under consideration. Under Minnesota Statutes, Chapter 449, the Metropolitan Sewer Act, a comprehensive sewer plan must be prepared for the area in question and approved by the Metropolitan Sewer Board and the Metropolitan Council before construction of sewer facilities begin. Preparation of such a plan can best be done by the City of Shakopee.

10. Shakopee has had a continued and steady growth of population, industry, commerce, education and construction and existing business and industry have expanded. The area herein ordered annexed to the City of Shakopee will provide the City of Shakopee with an area to accommodate the growth and expansion reasonably anticipated and will give control of the lake areas surrounding O'Dowd's Lake to a municipal government.

11. The anticipated commercial, residential and industrial development requires a professional staff and administrative experience to provide the necessary municipal services and control. Such staff and experience are presently being provided by the City and can be expanded

to meet the requirements of the expanded City as herein created.

12. Both the present City of Shakopee and the area herein ordered annexed to the City of Shakopee are within School District #720, the so-called Shakopee School District. There will be no change in service in the school district or in the taxes assessed for school purposes, due to the annexation herein ordered.

13. Annexation will not adversely affect the ability of adjacent villages and towns to provide their residents with adequate government services.

14. There is now and will be a future and continuing need for the increase of government services in the area ordered annexed to the City of Shakopee and the City form of government as provided under Shakopee's Charter will be able to provide the needed governmental services within the area ordered annexed.

15. The planning and future development of Shakopee in that area herein ordered annexed for residential, commercial industrial growth and for recreation can best be provided by annexation as herein ordered.

16. Comprehensive development policies are required to control the land surrounding the present City of Shakopee and surrounding O'Dowd's Lake to insure the orderly and economic expansion of the City and the area ordered annexed consistent with existing residential, commercial and industrial patterns of planning. The City of Shakopee has the fiscal, administrative and political capacity to effectively represent its residents before the higher units of government, such as the Metropolitan Council.

17. The proceeding for annexation has not been initiated by a

petition of a majority of the property owners within the area ordered annexed and an election within said area must be held.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceeding.

1A. The territory under consideration for annexation should be decreased by removal of the territory described in Finding #3A.

2. The Minnesota Municipal Commission should issue its order annexing the territory described in Finding #4 to the City of Shakopee, subject to an annexation election in said territory.

3. Said territory is urban or suburban in nature, or is about to become so.

4. Municipal services can best be provided to said territory by the City of Shakopee.

5. Municipal government is required in said territory to meet the demands of the urban development which is anticipated, and to provide for the public health, safety, and welfare.

6. Annexation of said territory to the City of Shakopee is in the best interests of said territory and said city.

6A. None of the territory herein ordered annexed to the City of Shakopee would better be served by annexation to any other adjacent municipality.

7. An election should be held in said territory on July 7, 1972.

ORDER

IT IS HEREBY ORDERED: That the territory under consideration for annexation be decreased by removal of the following described territory.

The North Half of Section 36, T115N, R23W, all in the Town of Louisville, County of Scott, State of Minnesota.

IT IS FURTHER ORDERED: That the following described territory be annexed to the City of Shakopee, subject to the annexation election herein ordered:

The South Half of Sections 19 and 20, all of Sections 29, 30 and 31, and the West Half of Section 32, T115N, R22W, all in the Town of Eagle Creek, Scott County, Minnesota, and all of Section 25, T115N, R23W, all in the Town of Louisville, Scott County, Minnesota.

IT IS FURTHER ORDERED: That an annexation election be held within said territory pursuant to Minnesota Statutes 1969, Section 414.031, Subdivision 5 and the following.

- a. Date: July 7, 1972
- b. Place: Eagle Creek Town Hall
- c. Time: 7:00 A.M. to 8:00 P.M.
- d. Election Judges:

Helen Stemmer, Chief Judge

Helen Menden

Lilian Weinandt

Maxine Weinandt

e. The election shall be conducted by said judges so far as practicable in accordance with the laws regulating the election of town officers and only voters residing in said territory shall be entitled to vote.

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 City of Shakopee.

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, subject to the annexation election herein, the territory annexed to the City of Shakopee shall continue to be primarily liable for its proportionate share of any bonded debt of its former unit of government; that the appropriate officials of the Village of Prior Lake shall perform the administrative duties relating to any bonded debt of the Town of Eagle Creek as were formerly performed by officials of said town; that the Town of Louisville shall continue to perform the administrative duties relating to any bonded debt of said town.

IT IS FURTHER ORDERED: That, subject to the annexation election herein, all of the property and obligations of the Town of Eagle Creek as it existed immediately prior to this shall become the property and obligations of the City of Shakopee.

IT IS FURTHER ORDERED: That, subject to the annexation election herein, all of the property and obligations of the Town of Louisville remain the property and obligations of said town, including the property taxes due and payable in 1972 on the property subject to this order which is situated within the Town of Louisville.

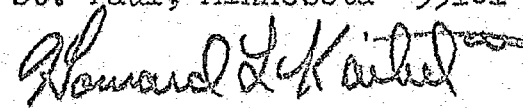
IT IS FURTHER ORDERED: That the Secretary of the Minnesota Municipal Commission notify parties interested in population changes among the governmental units involved, and arrange a procedure for determination of these changes and issuance of a supplemental order incorporating these changes.

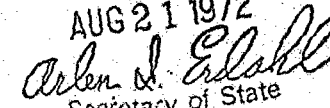
IT IS FURTHER ORDERED: That annexation shall be effective upon the approval of a majority of the electors voting in said election.

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

Dated this 30th day of May, 1972

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


Howard L. Kaibel, Jr.
Executive Secretary

24302
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 21 1972

Secretary of State