

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson  
Robert J. Ford  
Harold J. Dahl  
Ernest W. Ahlberg  
Gerald E. Hollenkamp

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

IN THE MATTER OF THE PETITION OF  
CERTAIN FREEHOLDERS IN THE TOWN  
OF EAGAN FOR INCORPORATION OF THE  
TOWN OF EAGAN AS A VILLAGE

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

WHEREAS the above entitled matter duly came on for hearing before the Minnesota Municipal Commission at the Eagan Town Hall, Eagan Township, Minnesota on May 10, 1972 at 9:00 o'clock A.M., and petitioners appeared by and with their counsel, Jack C. Wallace and the Town of Eagan appeared duly and with its counsel, Luther M. Stalland, Esq., at which time and place petitioners presented their evidence in support of the petition, and no one appearing in opposition thereto; and,

WHEREAS the Commission, having read the petition, having heard the evidence adduced at said hearing and argument of counsel and being fully advised in the premises, now makes the following:

FINDINGS OF FACT

1. That the petition of certain freeholders of the Township of Eagan, County of Dakota, State of Minnesota for incorporation as the Village of Eagan was filed pursuant to and in compliance with Minnesota Statutes 1969, Chapter 414, as amended and said petition was in all respects proper in form, contents, and execution.
2. That notice of the hearing on the petition was duly given as required by statute; that the commission convened by a lawful quorum at the scheduled hearing, all of those above named being present.

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All parties of record for said petition were present at, and participated in, the hearing. No parties appeared against said petition.

3. That the Town of Egan is now partially urban or suburban in character and contains undeveloped areas which are about to become urban or suburban in character.

4. That the present population of the Town of Egan is approximately 12,000; that in 1940 the population was approximately 1,000; in 1950 approximately 1,200; in 1960 approximately 3,300; and in 1965 approximately 5,000; that it is projected that in 1980 the population will approximate 28,000; and in year 2000 will be close to 70,600.

5. That the population of the Town of Egan as enumerated in the 1970 Federal Census was 10,398.

6. That the Town of Egan contains approximately 21,600 acres, or 32.75 sections, of land which at the present time 3,775 acres are platted and remaining 17,825 acres are unplatted lands.

7. That the present pattern of physical development is basically as follows: Residential development, the greater part of the population being concentrated largely in sections 2, 3, 4, 9, 17, 19, 20 and 30 which generally are situated in the Northerly and Westerly portions of the Town; that the commercial and industrial areas that have been developed are likewise in these general areas and principally along Highways 55 and 49 in the North and East and Westerly of Highway 13 on the West side of the Town.

8. That the Town of Egan has not developed any comprehensive plan for the Town in the formal sense, but through its Advisory Planning Committee, Park Committee and Board of Supervisors, it has over the years

evolved a flexible pattern for the orderly and logical growth and development of the town's area.

9. That the Town of Eagan presently maintains control over the development of the town through its various ordinances which included ordinances, among others, regulating building permits, zoning and subdivisions.

10. That the general terrain of the town is rolling with numerous wooded and ponded areas throughout all but the Northwestern portion between the railroad tracks and the Minnesota River which is flat marshland; that approximately two-fifths of the Northerly and Westerly portions of the town naturally drains to the Minnesota River and the balance of the town, or three-fifths including the Easterly and Southern parts, is pocketed and without substantial drainage to either the Minnesota or Vermillion River watersheds; that there are no other large bodies of water in the town but several small lakes susceptible of recreational use or of scenic value if taken in conjunction with public park areas.

11. That the Town of Eagan provides presently through its central system and through a private system water service to twelve sections in the North and West portions of the town and similar sanitary sewer service to approximately nine sections in the same areas; that it provides police protection through its own department for the entire town; that it provides fire protection for the entire town through its own adequately equipped volunteer fire department; that it has its own building inspector and road equipment and staff adequate to construct, repair and maintain all township roads within the area;

that it has at the present time rather limited but nearly adequate public recreational facilities and has adopted a park plan for future development in the town sufficient to provide recreational facilities and currently is acquiring and developing several parks and recreational areas under Phase I of its park plan.

12. That there are no serious existing or potential problems of environmental pollution in the area at the present time and none should exist in the future if the plans for expansion of sewer, water and storm drainage systems currently in effect are continued.

13. That the bonded indebtedness of the town as of December 31, 1971 was \$12,839,000.00; that the mill rates for petitioner for the years indicated are as follows:

YEAR OF COLLECTION	1966 (Mills)	1967 (Mills)	1968 (Mills)	1969 (Mills)	1970 (Mills)	1971 (Mills)	1972 (Mills)
STATE	18.42	17.14	(1)	(1)	(1)	(1)	(1)
HOMESTED COUNTY	45.54	50.71	57.25	55.68	55.31	53.98	58.67
TOWN	15.06	15.82	19.05	16.90	22.89	25.02	23.69
SCHOOL							
ISD #191 Non-ag	136.77	146.00	171.18	259.00	237.15	258.62	216.94
ISD #196 Non-ag	154.47	179.88	204.27	228.27	311.19	293.98	213.90
KSD #197 Non-ag	160.86	145.76	161.28	166.72	201.99	220.79	187.17

(1) Eliminated by State Sales Tax

14. That the area proposed for incorporation contains no physical features which would render provision of municipal services to all parts of the area by the proposed city impractical.

15. That the assessed valuation of the Town of Egan was \$12,099,499.00 in 1971; \$11,106,987.00 in 1970, \$8,717,238.00 in 1969, \$8,351,134.00 in 1968, \$4,985,207.00 in 1967, \$4,709,061.00 in 1966 and

\$3,844,656.00 in 1965. Approximately 40% of the assessed valuation for 1971 was industrial, commercial and public utility. There will be continued growth in assessed valuation.

16. That annexation or consolidation of all or a part of the area herein to or with an adjoining municipality would not better serve the interests of the area.

17. That the name of the proposed village is Eagan.

18. That the village plan of government suitable for the area to be incorporated is Optional Plan "A".

#### CONCLUSIONS OF LAW

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

2. That the Town of Eagan is now partially urban or suburban in character and contains undeveloped areas which are about to become urban or suburban in character.

3. That the area proposed for incorporation is fit to be governed by a single municipal government.

4. That the area proposed for incorporation presently has and will continue to have a sufficient assessed valuation to provide the tax revenue needed to pay for required municipal services.

5. That the area proposed for incorporation presently contains a sufficient number of people to allow efficient and economical provision of municipal services.

6. That pursuant to Laws of Minnesota 1969, Chapter 414, the Minnesota Municipal Commission determines as a matter of law that it is appropriate for the Town of Eagan to incorporate as a village.

7. That the name of the proposed village shall be Eagan.

8. That the village plan of government suitable for the area to be incorporated shall be Optional Plan "A".

LET JUDGMENT BE ENTERED ACCORDINGLY.

O R D E R

Upon the foregoing Findings of Fact and Conclusions of Law and upon all the evidence presented to the Commission and the record of these proceedings, the Commission being fully advised in the premises, pursuant to Minnesota Statutes, 1969, Chapter 414:

IT IS HEREBY ORDERED: That all of the Township of Egan, County of Dakota, State of Minnesota, and more particularly described as:

All of Sections 1 through 4, inclusive; 9 through 17, inclusive; 19 through 36, inclusive; and all of Sections 5, 7, 8 and 18 lying and being situated Easterly of the centerline of the Minnesota River, Township 27, Range 23,

be, and hereby is, incorporated as the Village of Egan.

IT IS FURTHER ORDERED: That the first election of officers in the new village shall be held on the 19th day of October, 1972; that the polling places for the first election of village officers shall be the present Town Hall, 3795 Pilot Knob Road, the fire hall on Rahn Road, the Pilot Knob School and the Cedar Elementary School; that Alyce Bolke shall be the acting Clerk for election purposes and she shall conduct the election in accordance with Minnesota Statutes, 1969, Section 414.09, subdivision 3; that the election judges for the first election of village officers shall be:

Lucille Atwood

Carol Engebretson

Anna Lou Arneson

Lorraine Danielson

IT IS FURTHER ORDERED: That the plan of Government for the new Village of Egan shall be Optional Plan "A".

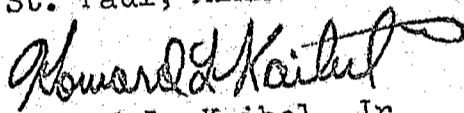
IT IS FURTHER ORDERED: That the population of the Village of Eagan herein created shall be established at 10,398 for all purposes until the next Federal census.

IT IS FURTHER ORDERED: That the first meeting of the Village of Eagan council shall be held not less than twelve (12) days after the aforesaid election date nor more than thirty (30) days thereafter unless there shall be an election contest, in which sole event such first meeting of the council shall be no later than ten (10) days after the final judicial determination of any such contest.

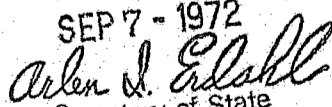
IT IS FURTHER ORDERED: That the Secretary of the Minnesota Municipal Commission shall cause copies of this Order to be mailed and filed as provided by law.

Dated this 1st day of September, 1972

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



Howard L. Kaibel, Jr.  
Executive Secretary

# 24412  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
SEP 7 - 1972  
  
Secretary of State