

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 }

SUPPLEMENTARY
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 a majority 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.

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

Evidence was taken, testimony heard, exhibits received in evidence and all persons desiring to be heard were heard.

Appearances were made by Daniel John O'Connell, 1034 Minnesota Building,

24533

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. Collier, II, Shakopee, Minnesota, Attorney for the City of Shakopee and the Petitioners.

The Commission attempted to expand the area to be annexed by adding:

Section 25, T115N. R23W, all in the Town of Louisville,
County of Scott, State of Minnesota.

The purpose of this attempted expansion was to put the entire shoreline of O'Dowd's Lake within one municipal jurisdiction.

The order annexing this expanded territory to the City of Shakopee dated May 30, 1972 was rejected by the voters in a special annexation election held on July 7, 1972.

On July 27, 1972, the Commission duly issued a Notice of Hearing on whether to approve the majority petition in the above entitled proceeding without the expanded area in Louisville Township. This proceeding came on for hearing at the First National Bank Building in the City of Shakopee, Minnesota at 9:30 A.M. on August 11, 1972. Evidence was taken, testimony heard, exhibits received, and all persons desiring to be heard were heard.

On September 25, 1972 the Commission issued a Special Order decreasing the area under consideration 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.

The purpose of this exclusion was to permit the City of Shakopee to annex the land described by ordinance pursuant to 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 second petition would seriously jeopardize development plans involving a considerable financial investment of petitioners. On October 16, 1972, this Special Order was rescinded at the request of 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 Supplementary 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. Notice of Hearing on the petition and resolution was duly given as required by statute. The Commission duly convened, by lawful quorum at the scheduled hearing and at all adjourned or continued hearings. All parties of record were present at and participated in the hearings and they and all parties desiring to be heard were so heard.

3. The following described territory is herein ordered annexed to the City of Shakopee:

The South Half of Sections 19 and 20, all of Sections 29, 30 and 31, and the West Half of Section 32, T115, R22W, all in the Town of Eagle Creek, County of Scott, State of Minnesota.

4. The area hereby ordered annexed is 2,880 acres of Eagle Creek Township.

5. The natural drainage of the area hereby ordered annexed is toward the City of Shakopee.

6. The population of the former Eagle Creek area annexed hereby is 124.

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

8. 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.

9. 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.

10. 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.

11. 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.

12. Annexation will not adversely affect the ability of adjacent

villages and towns to provide their residents with adequate government services.

13. 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.

14. 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.

15. Comprehensive development policies are required to control the land surrounding the present City of Shakopee 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.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of the within proceeding.
2. The Minnesota Municipal Commission should issue its Supplementary Order annexing the territory described in Finding #3 to the City of Shakopee.
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.

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

O R D E R

IT IS HEREBY ORDERED: That the following described territory be annexed to the City of Shakopee the same as if it had been originally made a part thereof:

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.

IT IS FURTHER ORDERED: That 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 City of Shakopee 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.

IT IS FURTHER ORDERED: That 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 the population of Shakopee shall be increased by 124 to 7,904 for all purposes until the next federal census.

IT IS FURTHER ORDERED: That the Secretary of the Municipal Commission

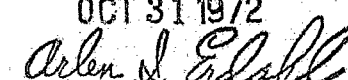
shall cause the mailing and filing of this Supplementary Order with the proper parties as required by law.

Dated this 27th day of October, 1972

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



Howard L. Kaibel, Jr.
Executive Secretary

#24533
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 31 1972

Secretary of State



Phone: 221-2428

STATE OF MINNESOTA
MUNICIPAL COMMISSION

304 Capitol Square Building
10th & Cedar Streets
St. Paul, Minnesota 55101

Oct. 31, 1972

Mr. Glen J. Skovholt
Assistant Secretary of State
State Office Building
St. Paul, Minnesota

Re: Municipal Commission Docket Number A-2130 Shakopee
Supplementary Order

Dear Mr. Skovholt:

Supplementary

The ~~supplementary~~ order of the Minnesota Municipal Commission
makes the following changes in the population of the
named units of government:

The population of Shakopee
is increased by 124

A new municipality named _____
has been created with a population of _____

The _____
has been dissolved.

Supplementary
Official Date of the Order October 27, 1972

Other _____

Howard L. Kaibel, Jr.
Executive Secretary

24533
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 31 1972
J. E. Kaibel
State