

276  
Phone: 227-2428

STATE OF MINNESOTA  
MUNICIPAL COMMISSION

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

Jan. 11, 1973

Mr. Larry Anderson  
Assistant Secretary of State  
State Office Building  
St. Paul, Minnesota

Re: Municipal Commission Docket Number A-2148 (OA)

Dear Mr. Anderson:

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

The population of Prior Lake  
is increased by 820

A new municipality named \_\_\_\_\_  
has been created with a population of \_\_\_\_\_

The \_\_\_\_\_  
has been dissolved.

Official Date of the Order January 8, 1973

Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Howard L. Kaibel, Jr.  
Executive Secretary

#24808  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

JAN 12 1973

*Arden J. Edvall*  
Secretary of State

24808

BEFORE THE MUNICIPAL COMMISSION  
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Harold J. Dahl	Vice Chairman
Robert J. Ford	Member
William Koniarski	Ex-Officio Member
Anthony Worm	Ex-Officio Member

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IN THE MATTER OF THE PETITION AND )	
RESOLUTION FOR THE ANNEXATION OF )	
CERTAIN LAND TO THE VILLAGE OF )	O R D E R
PRIOR LAKE )	

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The Commission determines that the area in question for annexation is described as follows:

That part of Sections 1, 2 and 3, of Township 114, Range 22, Scott County, bounded by the following described lands:

Beginning at the Northeast corner of said Section 1; thence Southerly along the Easterly line of said Section 1, to the Southeast corner thereof; thence Westerly along the Southerly line of Section 1, 2 and 3, to the Westerly right-of-way line of First Street per the plat of Spring Lake Townsite; thence Northerly along said right-of-way line to the shoreline of Prior Lake; thence Northeasterly across the lake of Prior Lake and Northerly of the islands within Section 3 (i.e. such as to include all islands within this description) to the intersection of the Northerly line of said Section 2 with the shoreline of Prior Lake; thence Easterly along said Northerly line of Section 2 and the Northerly line of Section 1 to the point of beginning. Excepting therefrom all land within the boundary of the Village of Prior Lake as of this November 20, 1972.

A Resolution, having been passed jointly between the Village of Prior Lake and the Township of Spring Lake, designating this area as an area in need for incorporation in the Village of Prior Lake has been passed.

It is further determined that the areas described above in Sections 1, 2 and part of 3 are urban or suburban in character or about to become so.

The Commission further determines that presently the Village of Prior Lake is serving this area with fire protection and will continue to serve the area when it becomes annexed to the Village of Prior Lake.

It is further determined that the Village of Prior Lake has or will have available municipal services capable of serving the area annexed and will be able to extend those services within three years.

It is further determined that a new public school is going to be constructed in this area and that it is desirous to have water and sewer service to said school by next September of 1973, the date projected for the opening of said school and immediate steps must be taken by the Village to provide water and sewer to said school area.

The Village of Prior Lake and the Township of Spring Lake have agreed to division of financial assets and obligations in the Joint Resolution. A copy of the Joint Resolution is attached hereto and is made a part of this Order, and fund distribution and determinations of obligations will be made in accordance with the Joint Resolution. Said Joint Resolution is attached hereto and marked as "Exhibit A".

The population of the area annexed, according to Metropolitan Council estimates, is approximately 820 persons.

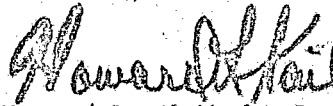
IT IS HEREBY ORDERED: That the area designated above be, and hereby is, annexed to the Village of Prior Lake immediately upon issuance of this Order.

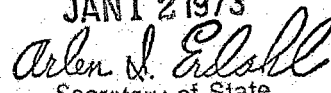
IT IS FURTHER ORDERED: That the mill levy of the area annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy on property already within the said Village of Prior Lake.

IT IS FURTHER ORDERED: That until the next state-wide or federal census is taken, the population of Prior Lake shall be 3,660 for all purposes.

Dated this 8<sup>th</sup> day of January, 1973.

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

  
Howard L. Kaibel, Jr.  
Executive Secretary

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NOV 22 1972

JOINT RESOLUTION AS TO ORDERLY ANNEXATION:

SPRING LAKE-PRIOR LAKE

Whereas, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Spring Lake Township to the Village of Prior Lake; and

Whereas, the Township of Spring Lake and the Village of Prior Lake are parties to the said hearing; and

Whereas, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this resolution,

Now, Therefore, Be It Resolved by the Township of Spring Lake and the Village of Prior Lake, as follows:

1. That the following described area in Spring Lake Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statute:

Sections 1, 2, 3, 4, 9, 10, 11, 12 and the  
East  $\frac{1}{2}$  of Sections 5 and 8 (Township 114,  
Range 22 West) all in Spring Lake Township,  
Scott County, Minnesota.

That the Township of Spring Lake does upon the passage of this resolution and its adoption by the council of the Village of Prior Lake, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. No annexations will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is about to become urban or suburban in character and unless the city has available and is capable of providing municipal services such as water, sanitary sewers and storm sewers.

3. Any persons annexed to the village pursuant to this agreement shall receive a "tax break" consisting of a staged graduated increase in mill rates from the Town rate to the Village rate over a three to five year period depending on the length of time necessary to provide full municipal services to the area annexed.
4. The Town will not object to the annexation during the next year of those remaining portions of Sections 1 and 2 which are not currently a part of the village and of that portion of Section 3 which lies south of the lake of Prior Lake and east of the public access road also known as First Street including the lake and the islands therein.
5. Subject to Number 8 and 9 below, the Village agrees not to attempt any annexations of any property within the remainder of Section 3 or Sections 10 and 11 for a period of at least four years.
6. Subject to Number 8 and 9 below, the Village agrees not to attempt any annexations of any property within Sections 4 and 9 or the east  $\frac{1}{2}$  of Sections 5 and 8 for a period of at least eight years from the date of the agreement.
7. Because of the uncertainty over whether or when development might occur within Section 12, both parties agree to leave the question of annexations within this area to the discretion of the Minnesota Municipal Commission.
8. If sanitary sewer collection systems must be constructed within the above described orderly annexation area because of orders from the Pollution Control Agency or requests from landowners or otherwise, both parties agree to leave the extension of village boundaries to include the sewer areas to the discretion of the Minnesota Municipal Commission. This exception is granted only in order that the village would be enabled to lay any necessary water pipes or storm sewers at the same time that the sanitary sewer collection system is constructed.
9. When and if construction begins on the Metropolitan Sewer Board Prior Lake Interceptor, the village may apply to the commission for the extension of its boundaries to include the shoreline of the lake of Spring Lake out to 300 feet beyond the surrounding roads. The purpose of this exception is to allow construction of the sanitary sewer collection system which will be connected to the interceptor when it reaches the village. The village agrees to defer any assessments for this trunk sewer system and other municipal improvements against any

agricultural land involved for as long as it remains agricultural. The Village further agrees to construct a sanitary sewer collection system around that part of the lake of Prior Lake that is within its boundaries which system will also be connected to the interceptor when it reaches the Village.

10. Both parties agree to work jointly to secure federal grants-in-aid and Metropolitan Sewer Board approval for sewer extensions to this area.
11. The Town agrees to exclude the area designated as in need of orderly annexation from its zoning and subdivision ordinances if the county will agree to exclude the area from its zoning regulations. This would enable the Village to extend the application of its zoning and subdivision regulations pursuant to Minnesota Statutes 462.358 and 359. The Village agrees that if it obtains this extraterritorial planning power it will select two township residents to serve on its planning commission from among four residents nominated by the town board. If the county does not agree to the above arrangement both parties agree to establish a joint planning and zoning committee for the orderly annexation area and to abide by its decisions. This committee shall consist of one appointed representative of the Town Board, one representative appointed by the Village Council and a neutral member to be appointed by the Scott County Board of Commissioners.
12. The effect of annexations on population shall be resolved whenever possible by agreement of the parties. If there is failure to reach such an agreement, the question shall be resolved by the Minnesota Municipal Commission at the hearing and the determination shall be included in the Commission order.
13. In all annexations within the orderly annexation area the parties agree to the following division of financial assets and obligations:

a. Property Taxes

The real estate tax income for the year in which the annexation takes place shall be divided on the basis of the decimal fraction of the assessed value of the area to be annexed as opposed to Spring Lake Township's assessed valuation as a whole. This ratio would be

further modified by the proportion of the year remaining in which the annexation takes place. For example: If the area to be annexed consisted of 30% of the Township's total assessed valuation and 8 months were remaining in the year at the date of the annexation, the amount of property tax revenue forwarded to the Village would be 30% times 8/12 or 20% of Spring Lake's total real estate tax revenues for the year during which the annexation takes place.

The Town agrees to forward the indicated amount of tax revenue due to the Village within 15 days of the annexation order. The Town would then retain all rights to receive these tax funds as they become payable from the county treasurer, thereby reimbursing itself for any payments to the village.

b. Per Capita Aids

The Municipal Commission will determine the ratio of the population annexed to the total population of the Town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place (as explained above with regard to Property Taxes).

The County Auditor will apply this modified ratio to all quarterly or other subsequent payments of state per capita aids to the town and divide the payment accordingly.

Per capita Aids received by the town in the year of annexation, prior to the date of annexation, would be shared by the same modified ratio as explained above.

Unless and until the entitlement of the town to federal revenue sharing aids is adjusted pursuant to federal regulations relating to boundary changes (31 CFR Sec. 51.23); the town

agrees to apply the above determined modified population ratio to any federal revenue sharing checks received and to forward the Village portion within 15 days of receipt of the funds.

c. Dedicated Road or Park Funds

If any annexations involve locations which entail dedicated road or park funds, these funds and their administration will be turned over to the Village within 15 days after the date of the annexation order.

If any annexations involve locations which entail accounts receivable to be collected in the future as special road assessments, such funds will be forwarded by the Village to the Town.

d. Town General Fund and Other Assets

The village agrees not to apply for any division of the Town's General Funds or other assets.

14. Unless and until a further orderly annexation agreement is negotiated; the Village agrees not to attempt any further annexations within Spring Lake Township for a period of 15 years from the date of the agreement unless there is a unanimous petition of the landowners involved.

15. Both parties agree to dismiss the pending annexation petition (Minnesota Municipal Commission File No. A-2148).

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TOWNSHIP OF SPRING LAKE

Passed and adopted by the Township of Spring Lake this \_\_\_\_\_ day of \_\_\_\_\_, 1972.

Attest: \_\_\_\_\_ By \_\_\_\_\_  
Township Clerk Its Chairman

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VILLAGE OF PRIOR LAKE

Passed and adopted by the Village of Prior Lake this \_\_\_\_\_ day of \_\_\_\_\_, 1972.

Attest: \_\_\_\_\_ By \_\_\_\_\_  
Village Clerk Its Mayor

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STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
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Arden J. Erdahl  
Secretary of State