

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Arthur R. Swan	Vice Chairman
Robert J. Ford	Member
Patrick J. Scully	Ex-Officio Member
Charles E. ...	Ex-Officio Member
Gerald Hollenkamp	Ex-Officio Member

IN THE MATTER OF THE PETITION AND
RESOLUTION FOR THE ANNEXATION OF
CERTAIN ADJOINING UNINCORPORATED
TERRITORY TO THE VILLAGE OF
FARMINGTON, MINNESOTA

AMENDED
FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The Minnesota Municipal Commission is herein designated as "the Commission." The instant proceeding is one of five proceedings consolidated by the Commission for hearing. The Commission's docket number for these proceedings, together with a short description of the proceedings, is as follows:

- A-798 Farmington Annexation of 195 acres
- I-13 Lakeville Consolidation
- I-34m Rosemount Consolidation
- A-1672 Farmington Annexation of 8,144 acres
- A-1673 Apple Valley Annexation

The units of government involved in the proceedings are as follows:

Town of Lakeville

Village of Lakeville refers to the Village as it existed prior to the Commission's order of October 20, 1966. References to the Village of Lakeville as created by the Commission's order of October 20, 1966, will contain such qualifying language.

Village of Apple Valley (Apple Valley)

Town of Empire (Empire)

24908

Town of Castle Rock (Castle Rock)

Village of Inver Grove Heights (Inver Grove Heights)

Village of Rosemount

Town of Rosemount

Village of Farmington (Farmington)

All of the territory within these governments is located in Dakota County, Minnesota.

PROCEDURAL HISTORY

A petition of a majority of the property owners of a certain 195 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Farmington Village Council on April 13, 1965. Objections to the petition were filed with the Commission by the Town Board of the Town of Lakeville, and by the Village Council of the Village of Lakeville, thereby automatically transferring jurisdiction over the petition to the Commission. The proceeding (MHC A-798) came on for hearing before the Commission on June 28, September 16 and November 4, 1965, in the Farmington Village Hall.

A petition of certain freeholders of the Town of Lakeville, requesting consolidation of the Town of Lakeville, and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. A resolution of the Village Council of Lakeville requesting consolidation of the Town of Lakeville and the Village of Lakeville into a single new municipality was filed with the Commission on July 2, 1965. The proceeding (MHC I-13m), which included the 195 acre tract in MHC A-798, came on for hearing before the Commission on October 21, and November 4, 1965, and September 22, 1966 in the Lakeville Village Hall.

On July 23, 1966, before the Commission issued its order on MEC A-798, Farmington appealed to the District Court, Dakota County alleging that the Commission failed to issue an order relative to the annexation proceeding within the statutory time limit of one year from June 28, 1965, the date set for the first hearing thereon.

The Commission, on October 20, 1966, issued its Findings of Fact Conclusions of Law, and Order in the Lakeville consolidation proceeding. The Commission's order consolidated the Town of Lakeville and the Village of Lakeville into a single new municipality. Separate appeals from this order were filed in the District Court of Dakota County by Farmington, by a majority of property owners of the 195 acres of land included in the Farmington annexation MEC A-798 and by other property owners in the Town of Lakeville.

The District Court considered Farmington's appeal from the statutory denial of MEC A-798 together with the three appeals from the Commission's order in MEC I-13m and on February 14, 1968, issued orders affirming the statutory denial and affirming the Commission's order. All of the appellants in District Court appealed separately to the Minnesota Supreme Court.

The Minnesota Supreme Court consolidated the various appeals from the District Courts' orders and on July 11, 1969, reversed and remanded the entire matter to the District Court. The District Court was directed to vacate the Commission's order, and to remand the Lakeville consolidation proceeding to the Commission for further findings in accordance with the Supreme Court's opinion. The District Court was further directed to vacate its order affirming the statutory

denial of Farmington annexation MEC A-798, and to remand it to the Commission for reconsideration and findings.

On August 7, 1969, the Minnesota Supreme Court denied respondent's Village of Lakeville and Town of Lakeville motion for rehearing of the appeal. The Supreme Court further expressed the opinion that the existing municipal government of the Village of Lakeville as created by the Commission's order of October 20, 1966 should continue pending redetermination by the Commission.

The District Court remanded both proceedings (MEC I-13m, and MEC A-798) to the Commission on September 5, 1969. The District Court further ordered, on September 11, 1969, that the existing municipal government of the Village of Lakeville, as created by the Commission's order of October 20, 1966, should continue pending redetermination and further order of the Commission.

The remanded proceedings then came on for hearing before the Commission on October 28, 1969, and December 3, 1969 at the Farmington Village Hall.

Resolutions of the Village Council of the Village of Rosemount and the Board of Supervisors of the Town of Rosemount and a petition of certain freeholder residents of the Town of Rosemount requesting consolidation of the Village and Town of Rosemount into a single new Village of Rosemount were filed with the Commission on June 3, 1969. This proceeding (MEC I-34a) came on for hearing on August 28, 1969, September 16, 1969, October 28, 1969 and December 3, 1969.

A petition of a majority of the property owners of a certain

A-1672

B.344 acre area in the Town of Lakeville requesting annexation to Farmington was filed with the Commission September 10, 1969, together with a resolution of the Village Council of the Village of Farmington approving the proposed annexation. This proceeding (MHC A-1672) came on for hearing on October 28, 1969 and December 3, 1969.

A resolution of the Council of the Village of Apple Valley for annexation of a certain unincorporated area in the Town of Lakeville was filed with the Commission on September 16, 1969. This proceeding (MHC A-1673) came on for hearing on October 28, 1969 and December 3, 1969.

On December 3, 1969, at continued hearings on all five of the proceedings herein (MHC A-798, MHC I-13m, MHC I-34m, MHC A-1672, MHC A-1673), the Chairman of the Commission ordered said five hearings consolidated in the interest of economy and expediency, and ruled that the consolidated hearing would be conducted under Minnesota Statutes 1969, Chapter 414. The records of all previous hearings on the matters herein were incorporated by reference. Hearing dates on the consolidated hearing were January 7, 1970; January 8, 1970, January 22, 1970, January 23, 1970; February 18, 1970, April 14, 1970 and April 15, 1970.

APPEARANCES

John J. McBrien, Attorney for Farmington, the petitioners in proceeding MHC A-798 and the petitioners in proceeding MHC A-1672.

Edward McHenry, Attorney for Apple Valley.

Gerald W. Kalina, Attorney for the Village of Lakeville and

A-1672

Castle Rock.

David L. Grannis, Jr., Attorney for the Town of Rosemount, and the petitioners in proceeding MEC I-34m.

Vance B. Grannis, Jr., and Patrick A. Farrell, Attorneys for the Village of Lakeville as created by the Commission's order of October 20, 1966.

Harold LeVaander, Jr., Attorney for Inver Grove Heights.

Vance B. Grannis, Jr., and David L. Grannis, Jr., Attorneys for the Town of Lakeville and petitioners in proceeding MEC I-13m.

Peter Schmitz, Attorney for Empire.

The Board of Commissioners of the County of Dakota appointed Commissioner Patrick Scully as an Ex-Officio Member of the Commission for all five of the proceedings herein, Commissioner Thomas Freiling as an Ex-Officio Member for proceedings MEC A-798 and MEC I-13m, and Commissioner Charles Mertensotto as an Ex-Officio Member for proceedings MEC I-34m, MEC A-1672, and MEC A-1673. By resolution of the Board of Commissioners of the County of Dakota dated October 28, 1969, Commissioner Mertensotto replaced Commissioner Freiling for proceedings MEC A-798 and MEC I-13m. The Commission convened by lawful quorum at all of the hearings herein.

Evidence was taken and testimony heard from all those appearing and indicating a desire to be heard. Certain exhibits were received in evidence. The Commission having carefully considered all of the evidence included in all of the testimony and exhibits, being fully advised in the premises, upon all of the files, records, and proceedings herein, hereby makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. A petition of certain property owners for the annexation of the following described property in the Town of Lakeville to the Village of Farmington was filed with the Commission on September 10, 1969, together with the resolution of the council of the Village of Farmington approving the proposed annexation. Said petition and resolution were in all respects proper in form, content and execution. Said property is unincorporated and abuts upon the Village of Farmington.

That part of the North Half ($N\frac{1}{2}$) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ($SE\frac{1}{4}$) of Section Ten (10); Section Eleven (11); Section Twelve (12); Section Thirteen (13); Section Fourteen (14); the East Half ($E\frac{1}{2}$) of Section Fifteen (15); the East Half of the Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Fifteen (15); the East Half ($E\frac{1}{2}$) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ($E\frac{1}{2}$) of Section Twenty-seven (27); the East Half ($E\frac{1}{2}$) of Section Thirty-four (34); Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), containing 8,114 acres, more or less, according to the Government Survey thereof.

2. Due, timely, and adequate legal notices of the hearing ordered by the Commission was posted, published, served and filed.

3. The area proposed for annexation to the Village of Farmington contained approximately 8,114 acres in the Town of Lakeville and said premises abuts upon the Farmington Village limits.

4. The said premises was at the time of the filing of said

petition occupied by approximately 427 residents and was at the time of the filing of the petition owned by a total of 208 property owners, of which 117 property owners signed the petition for annexation.

5. The petition for annexation was, therefore, signed by more than a majority of the property owners within the area to be annexed.

6. From the time of its original incorporation as a village until February 10, 1958, the Village of Farmington was one square mile in area consisting of 640 acres of land; that between February 10, 1958, and November 30, 1966, six separate parcels were annexed to the Village of Farmington so that at the time of the filing of the petition in this matter the Village of Farmington consisted of its original 640 acres plus annexations covering 257.15 acres or a total area of 897.15 acres, only a small portion thereof being vacant or unplatted land available for development. The past population growth for the property proposed for annexation and for the annexing municipality has been substantial and the projected population of both is expected to be rapid and at an increasing rate.

7. The area proposed to be annexed in the petition contained approximately 8,144 acres, containing mostly residences and one non-residential area, the gas distribution plant of Northern Natural Gas Company. This plant is located on a site of approximately 74 acres immediately abutting Farmington. The area proposed to be annexed in the petition contained one subdivision which was subdivided into 14 lots.

8. The area proposed to be annexed in the petition contained a total of 427 residents, compared to approximately 3300 residents in the Village of Farmington.

9. The pattern of physical development of the property proposed for annexation is one of gradual change from a rural community to a urban or suburban community. The only existing public facilities and services within the property proposed for annexation are sewage disposal facilities operated in the northeastern portion of the area - in section Twelve (12) - by the Village of Apple Valley. The Village of Farmington includes residential, industrial, commercial and industrial land uses as is customary for a community of this size and location.

10. Comprehensive plans for development of the property proposed for annexation and the Village of Farmington were prepared at the direction of the Village of Farmington.

11. Farmington presently has zoning ordinances, subdivision regulations and housing and business codes, and personnel to properly control the development of both the property presently within the village and the property proposed for annexation.

12. The area proposed to be annexed is within the watershed draining in a southeasterly direction to the Vermillion River at or near the point where it passes through the Village of Farmington.

13. At the present time the Village of Farmington maintains a well.

equipped Police Department which serves Farmington and on occasions serves or assists in the service of adjoining areas including a substantial portion of the area proposed for annexation. The Village of Farmington has a well equipped and staffed Fire Department which serves the Village of Farmington, and much of the surrounding country. By contract with the Village of Lakeville, as created by the Commission's order of October 20, 1966, the Farmington Fire Department serves all of the area in Lakeville Township east of Cedar Avenue. It thus presently serves, and for many years in the past has served, by contract, all of the area proposed for annexation. The present Village of Farmington has a well equipped and staffed Street and Sanitation Department. Farmington has a sanitary sewer system as well as a sewage treatment plant (until the same was recently taken over by the Metropolitan Sewer Board which has jurisdiction over the entire area) and a municipal water system with elevated tank and three deep water wells. Farmington has plows, street patrols, sanders and motor patrols. Farmington maintains the county roads within the village by agreement with Dakota County. Farmington furnishes garbage and rubbish collection to all village residents. With some additional equipment and employees, it would be able to service the area proposed for annexation in the same or similar manner as the present area of the village. The present village has churches, shopping centers, medical and other professional services, a community hospital - all of which serve people from the surrounding communities including the area proposed for annexation. The Village of Farmington has a community library and a youth center serving non-residents as well as residents. The Farmington Telephone System serves all of the area proposed for annexation lying within the eastern

two and one half miles proposed for annexation. The Farmington Post Office serves all of the area proposed for annexation and the Farmington School System also includes and serves all of the area proposed for annexation.

14. The assessed valuations in dollars for the annexing municipality for the past four years have been as follows:

<u>Year</u>	<u>Real Estate</u>	<u>Personal Property</u>	<u>Total</u>
1966	1,345,957	203,015	1,548,972
1967	1,194,059	117,411	1,611,470
1968	1,584,501	155,782	1,740,283
1969	1,620,664	218,615	1,839,279

15. The assessed valuation in dollars for the property proposed for annexation for the past four years have been as follows:

<u>Year</u>	<u>Real Estate</u>	<u>Personal Property</u>	<u>Total</u>
1966	516,715	77,414	594,129
1967	632,082	97,369	729,451
1968	727,455	102,388	829,843
1969	726,921	108,645	835,566

16. The mill rates for the past four years have been as follows:

<u>Year</u>	<u>Farmington</u>	<u>Lakeville Township</u>	<u>School Agr.</u>	<u>Non-Agr.</u>	<u>County</u>	<u>State-Non Homestead</u>
1966	69.13	24.97	116.70	171.70	45.54	18.42
1967	63.89	23.45	118.06	143.06	50.71	17.24
1968	69.99	33.81	125.07	150.07	57.25	None
1969	73.49	54.99	125.33	150.33	55.68	None

17. The bonded indebtedness for Farmington, was, on December 31, 1968, \$687,000; the bonded indebtedness for the Village of Lakeville

as created by the Minnesota Municipal Commission's Order of October 20, 1966, was, on that date, \$450,000.

18. The area proposed for annexation is in the same school district as the Village of Farmington. All of the school facilities in the Farmington School District are presently located within the limits of the present Village of Farmington.

19. The following described property within the area proposed for annexation can best be provided needed governmental services by annexation to the Village of Apple Valley.

That part of the North Half ($N\frac{1}{2}$) of Section ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter ($SE\frac{1}{4}$) of Section Ten (10); Section Eleven (11); Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

20. The following described property within the area proposed for annexation can best be provided needed governmental services by a consolidated Village of Lakeville.

The East Half ($E\frac{1}{2}$) of the Southwest Quarter ($E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

21. The Village of Farmington is capable of furnishing the needed governmental services to the area proposed to be annexed.

22. Annexation of the area proposed to be annexed to Farmington

will be consistent with the long range plans of the Village of Farmington.

23. The Town form of government is not adequate to cope with the problems arising and to arise in the area proposed to be annexed.

24. The availability of space within the present Village of Farmington is not adequate to provide for its projected future growth.

25. The boundary between Farmington and the property proposed for annexation is contiguous and the entire western boundary of Farmington directly abuts upon the area proposed to be annexed to it.

26. The Town of Lakeville has not functioned since the Village of Lakeville created by the Minnesota Municipal Commission's Order of October 20, 1966, came into existence.

27. At the present time the Village of Lakeville as created by the Minnesota Municipal Commission's Order of October 20, 1966 has an area of approximately 48 square miles. The area proposed to be annexed to Farmington contains approximately 12½ square miles thereof.

28. The area proposed for annexation less that area described in Findings of Fact 19 and 20 consists of 10 square miles, has an assessed value of real property of \$661,385 and an assessed value of personal property of approximately \$108,645.

29. The petition for annexation was signed by more than a majority of the property owners within the foregoing tract of 10 square miles.

30. The expected increase in property taxes if the foregoing tract of 10 square miles is annexed to the Village of Farmington will be proportionate to the benefit which will inure to the area annexed by reason of such annexation.

31. Except as otherwise modified herein, all the Findings relating to the proposed annexation apply with equal validity to the foregoing tract of 10 square miles.

32. There are approximately 373 persons residing in the area herein annexed to the Village of Farmington.

CONCLUSIONS OF LAW

1. The Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. The following described property within the area proposed for annexation would be better served by the Village of Apple Valley, and the area proposed for annexation should be decreased accordingly.

That part of the North Half (N $\frac{1}{2}$) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10); Section Eleven (11); Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

3. The following described property within the area proposed

for annexation would be better served by a newly consolidated Village of Lakeville, and the area proposed for annexation should be decreased accordingly.

The East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

4. The following described property is now or is about to become urban or suburban in nature and is so conditioned and so located as to be properly subjected to the municipal government of the Village of Farmington.

Section Thirteen (13); Section Fourteen (14); the East Half ($E\frac{1}{2}$) of Section Fifteen (15); the East Half ($E\frac{1}{2}$) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half ($E\frac{1}{2}$) of Section Twenty-seven (27); the East Half ($E\frac{1}{2}$) of Section Thirty-four; Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

5. Annexation to the Village of Farmington of the property described in Conclusion of Law #4 is required to protect the public health, safety and welfare in reference to plat control and land development and construction which is reasonably expected to occur.

6. Annexation of the property described in Conclusion of Law #4 is in the best interest of said property and the Village of Farmington. The remaining area of the Village of Lakeville as created by the Minnesota Municipal Commission's Order of October 20, 1966,

can continue to carry on the functions of municipal government without undue hardship.

7. The Town form of government is not adequate to cope with the problems of the area described in Conclusion of Law #4.

8. The Village of Farmington 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 area described in Conclusion of Law #4.

9. The annexation to the Village of Farmington of the area described in Conclusion of Law #4 will not materially affect the capability of the Village of Farmington to continue its normal operation.

10. The property described in Conclusion of Law #4 should be annexed to the Village of Farmington.

11. An annexation election is not required for the annexation herein ordered to become effective.

12. No part of the assets of the Village of Lakeville, as created by the Minnesota Municipal Commission's Order of October 20, 1966, except those assets physically situated within the ten square miles herein ordered annexed to Farmington, shall be assigned to Farmington.

13. A supplemental hearing should be held by the Commission to establish the population of Farmington as herein expanded.

O R D E R

IT IS HEREBY ORDERED: That the area proposed for annexation is decreased by removal of the following described territory:

That part of the North Half (N $\frac{1}{2}$) of Section Ten (10) lying South and East of Dodd Road (Dodd Blvd.); the Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10); Section Eleven (11); Section Twelve (12); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

The East Half (E $\frac{1}{2}$) of the Southwest Quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section Fifteen (15); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the Government Survey thereof.

IT IS FURTHER ORDERED: That the following described property be annexed to the Village of Farmington.

Section Thirteen (13); Section Fourteen (14); the East Half (E $\frac{1}{2}$) of Section Fifteen (15); the East Half (E $\frac{1}{2}$) of Section Twenty-two (22); Section Twenty-three (23); Section Twenty-four (24); Section Twenty-five (25); Section Twenty-six (26); the East Half (E $\frac{1}{2}$) of Section Twenty-seven (27); the East Half (E $\frac{1}{2}$) of Section Thirty-four; Section Thirty-five (35); and Section Thirty-six (36); all in Township One Hundred Fourteen (114), Range Twenty (20), according to the government survey thereof.

IT IS FURTHER ORDERED: That the assets of the Village of Lakeville as created by the Minnesota Municipal Commission's Ord. of October 20, 1966 physically situated within the area herein ordered annexed to the Village of Farmington shall become the assets of the Village of Farmington.

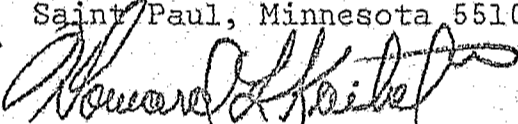
~~IT IS FURTHER ORDERED:--That the Commission hold a supplemental hearing for the purpose of establishing the population of Farmington as herein expanded for all purposes until the next Federal census when it appears that the 1970 census figures are certified.~~

IT IS FURTHER ORDERED: That the population of the Village of Farmington be increased by 373 persons to 3,477 for all purposes until the next State or Federal census.

IT IS FURTHER ORDERED: That this order shall be filed by the Secretary of the Commission as required by law, and shall be effective upon such filing.

Amended Order dated this 30th day of JANUARY, 1973

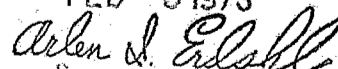
MINNESOTA MUNICIPAL COMMISSION
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Saint Paul, Minnesota 55101


Howard L. Kaibel, Jr.
Executive Secretary

#24908

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

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Secretary of State

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