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No change
order denied

A-2815 Oak Park Heights

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons Chairman
Robert W. Johnson Vice Chairman
Gerald J. Isaacs Member

IN THE MATTER OF THE RESOLUTION FOR) FINDINGS OF FACT,
ANNEXATION OF CERTAIN LAND TO THE) CONCLUSIONS OF LAW,
CITY OF OAK PARK HEIGHTS) AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on November 26, 1975 at the Oak Park Heights City Hall, Minnesota. The hearing was conducted by Board Member Gerald Isaacs as authorized under Minnesota Statutes 414.01, Subd. 12. County Commissioners Don Cafferty and A. B. Schaeffer, ex-officio members of the Board, voluntarily disqualified themselves, at the request and with the concurrence of all parties, from all proceedings in regard to the area subject to annexation. The City of Oak Park Heights appeared by and through Lyle Eckberg, Attorney. The City of Stillwater appeared by and through Harold Kimmel, Attorney. The Township of Stillwater appeared by and through Gordon Moosbrugger, Attorney. Testimony was heard and records and exhibits were received. The hearing was continued. On January 22, 1976, the hearing was reconvened, and this matter was consolidated, as authorized by M.S. 414.01(5), with other proceedings.

After due and careful consideration of all evidence, together with all records, files and proceedings the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On July 22, 1975, a petition by property owners in the area to be annexed was received by the Minnesota Municipal Board requesting the Board to order annexation of the area hereinafter described. This petition, as supplemented on November 6, 1975, contained all the information required by statute including a description of the territory subject to annexation which is as follows:

#29399

All that part of the Southwest Quarter of Section Thirty-three (33), Township Thirty (30), Range Twenty (20), Stillwater Township, Washington County, Minnesota, described as follows:

All of the Northwest Quarter of said Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$), and

All of the Southwest Quarter of said Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), and

All of the Southeast Quarter of said Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$),

And, in addition, that part of the Southeast Quarter of Section Thirty-two (32), Township Thirty (30), Range Twenty (20), Stillwater Township, Washington County, Minnesota, described as follows:

The East ten (10) acres of the Southeast Quarter of said Southeast Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$).

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Oak Park Heights.
- b. The total area of the City of Oak Park Heights is 1160.96 acres. The total area of the territory subject to annexation is approximately 125 acres.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:
20 - 30%
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: Relatively flat plateau. To the northeast is a steep slope, to the north is a lake.

4. Population data

- a. The City of Oak Park Heights
 - 1) Past population growth: In 1970, 1,256
 - 2) Present population: 1975 estimate is 2,078
 - 3) Projected population: Unknown
- b. The area subject to annexation
 - 1) Past population growth: Unknown
 - 2) Present population: 26
 - 3) Projected population: Substantially higher since relatively high density residential is planned.

5. Development issues

- a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council/state planning agency. The City's planners have prepared plans for the area, featuring industrial/commercial use with some higher density, residential development.
- b. What land use controls are presently being employed.
 - 1) In the City of Oak Park Heights
 - a) Zoning - Yes, including zoning of annexed areas
 - b) Subdivision regulations - Yes
 - c) Housing and building codes - Yes
 - d) Other - Professional planners who report directly to the Council
 - 2) In the area to be annexed:
 - a) Zoning - Yes, Washington County zoning
 - b) Subdivision regulations - Certain restrictions contained in the orderly annexation agreement between the City and Town of Stillwater
 - c) Housing and building codes - Unknown
 - d) Other - Unknown
- c. Does the city require future growth space? Unknown. If so, will the area subject to annexation provide the City of Oak Park Heights with necessary growth space? If space is required, this area would provide areas suitable for development.
- d. The present pattern of physical development is:
 - 1) In the City of Oak Park Heights:
 - a) Residential - Yes, including apartments
 - b) Industrial - Yes, much of this in the last 7 to 8 years.
 - c) Commercial - Yes, much of this in the last 7 to 8 years.
 - d) Institutional - Yes
 - 2) In the area subject to annexation:
 - a) Residential - Yes
 - b) Industrial - Yes
 - c) Commercial - Yes
 - d) Institutional - No

e. What will be the effect, if any, of the annexation on adjacent communities? Lily Lake, located in Stillwater would be potentially subject to storm water pollution from the Oak Park Heights storm sewer system. Neighboring, residential property owners in the City of Stillwater might be adversely affected by development over which they have no influence. In any event, this area is part of a larger area designated for orderly annexation by the City of Stillwater and the Town of Stillwater.

6. Governmental Services

a. Presently, the Township of Stillwater provides the area subject to annexation with the following services:

- | | |
|--|----------------------------------|
| 1) Water - No | 5) Street Improvements - Unknown |
| 2) Sewer - Unknown | 6) Street Maintenance - Unknown |
| 3) Fire Protection - No, Contracts with the City of Stillwater | 7) Recreational - Unknown |
| 4) Police Protection - No, Contracts with the City of Stillwater | 8) Other - Unknown |

b. Presently, the City of Oak Park Heights provides its citizens with the following services:

- | | |
|--|--|
| 1) Water - Yes, 2 wells, a 250,000 gallon, elevated storage tank-serves the City and parts of Stillwater and Baytown Townships. | 5) Street Improvements - Unknown |
| 2) Sewer - Yes, including sanitary service to almost all of Oak Park Heights and parts of both the City of Stillwater and Baytown and Stillwater Townships. Storm sewers now service half the city and will be expanded as required. | 6) Street Maintenance - Unknown |
| 3) Fire Protection - No, Contracts with the City of Bayport. | 7) Recreational - Yes, 1 full time employee - several parks. |
| 4) Police Protection - Yes, 3 officers - full time. | 8) Other - Administrative Personnel, Building, Plumbing Inspectors; Planning, Legal Auditing firm, Arborist Tree Inspector, Dog Catcher and Garbage Collection: all of these on contract or part-time. |

c. Presently, the City of Oak Park Heights provides the area subject to annexation with the following services:

- | | |
|--|---------------------------|
| 1) Water - No | 3) Fire Protection - No |
| 2) Sewer - Yes, some of the property owners at the southern end. | 4) Police Protection - No |

5) Street Improvements - Unknown 7) Recreational - Unknown

6) Street Maintenance - Unknown 8) Other - Unknown

- d. Plans to extend municipal services to the area subject to annexation include the following: The sewer system is designated so that it can handle an increased load.
- e. There are existing or potential pollution problems which are: Pollution of Lily Lake, particularly by storm water. The following additional services will help resolve this situation: This issue could be best resolved by the City of Stillwater because the governmental unit in which Lily Lake is located should be responsible for the disposition of the polluting element.

7. Fiscal Data

- a. In the City of Oak Park Heights, the assessed valuation trend is slowly rising (\$32,009,668 in 1975), the mill rate is 7.26 (1975) and the present bonded indebtedness is unknown.
- b. The mill rate trends in the following units of government are:
 - 1) County - as of 1975, 25.89. 2) Township - as of 1975 - 7.85.
Decreasing - stable over
last three years
- c. Will the annexation have any effect upon area school districts?
Unknown.

8. Is annexation to the City of Oak Park Heights the best alternative?

- a. Could governmental services be better provided for by incorporation of the area subject to annexation? No, the area is too small and without many necessary features.
- b. Could governmental services be better provided for by consolidation or annexation of the area with an adjacent municipality other than Oak Park Heights? Yes, in the developed portion of the area which is the subject of a conflicting resolution, the City of Stillwater has specifically planned by an orderly annexation, joint resolution to service the area. The City of Stillwater has demonstrated the capability to do so within a reasonable time. Further, the lake pollution issue can be best resolved by the City of Stillwater.
- c. Could Stillwater Township provide the services required? No.

- d. Can Stillwater Township continue to function without the area subject to annexation? Yes.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. Part of the area subject to annexation is now or is about to become urban or suburban in character.
3. Municipal government is required to protect the public health, safety, and welfare in part of the area subject to annexation.
4. Annexation of a part of the property to the adjacent municipality of Stillwater would better serve the interests of property owners in part of the area subject to annexation.
5. An order should be issued by the Minnesota Municipal Board denying the annexation.

ORDER

IT IS HEREBY ORDERED: That the annexation resolution by the City of Oak Park Heights be denied.

IT IS FURTHER ORDERED: That the effective date of this order is April 12, 1976.

Dated this 12th day of April, 1976

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota

William A. Neiman

William A. Neiman
Executive Secretary

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 14 1976
James Anderson House
Secretary of State