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STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

April 22, 1983

Secretary of State
c/o Donna Scott
State Office Building
Saint Paul, Minnesota

RE: Municipal Board Docket Number A-3906 Oak Park Heights

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

The population of City of Oak Park Heights

is increased by No Change

The population of Town of Baytown

is decreased by No Change

A new municipality named _____

has been created with a population of _____

The _____

has been dissolved.

Official date of the Order April 22, 1983

C.C. Commissioner
Department of Revenue
c/o Wallace O. Dahl, Director
Tax Research Division
205 Centennial Building

Patricia D. Lundy
Patricia D. Lundy
Assistant Executive Director

R. Thomas Gillaspay, Ph.D.
State Demographer
101 Capitol Square Building

DEPARTMENT OF STATE
FILED
APR 26 1983
Joan Anderson
Secretary of State

34527

A-3906 Oak Park Heights

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

DEPARTMENT OF STATE
FILED
APR 26 1983
Ann Anderson
Secretary of State

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Joseph P. Fogarty	Ex-Officio Member
Lester Rydeen	Ex-Officio Member

34527

IN THE MATTER OF THE RESOLUTION)
FOR THE ANNEXATION OF CERTAIN)
LAND TO THE CITY OF OAK PARK)
HEIGHTS PURSUANT TO MINNESOTA)
STATUTES 414)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 2, 1982 and was continued from time to time at Oak Park Heights, Minnesota. The hearing was conducted by Robert J. Ferderer and Robert W. Johnson pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Member of the Municipal Board, and County Commissioners Joseph Fogarty and Lester Rydeen, Ex-Officio Members of the Board. The City of Oak Park Heights appeared by and through Mark J. Vierling and Lyle J. Eckberg and the Township of Baytown appeared by and through Howard R. Turrentine. Testimony was heard and records and exhibits were received.

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 March 8, 1982 a resolution of the annexing municipality was received by the Minnesota Municipal Board requesting the Board to order the annexation of the area herein after described. This resolution contained all the information required by statute including a description of the territory subject to annexation

which is as follows:

The West One-half of the Southeast Quarter ($W\frac{1}{2}$ of $SE\frac{1}{4}$); and the Southwest Quarter ($SW\frac{1}{4}$), except the Northwest Quarter ($NW\frac{1}{4}$) thereof, all in Section Four (4), Township Twenty-eight (28), Range Twenty (20) West, Washington County, Minnesota, containing Two Hundred (200) acres, more or less.

2. On July 14, 1982, the City moved to amend the legal description in its resolution, referred to in Findings of Fact 1, as follows:

The West One-half of the Southeast Quarter ($W\frac{1}{2}$ of $SE\frac{1}{4}$); and the Southwest Quarter ($SW\frac{1}{4}$), except the Northwest Quarter ($NW\frac{1}{4}$) thereof, all in Section Four (4), Township Twenty-nine (29), Range Twenty (20) West, Washington County, Minnesota, containing Two Hundred (200) acres, more or less.

The motion was granted.

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

4. The area subject to annexation is unincorporated, approximately 200 acres in size and abuts the City of Oak Park Heights by approximately 59% of its border. The City of Oak Park Heights is approximately 1,287 acres in size.

5. The general topography of the area subject to annexation is open, gently rolling land with intermittent drainage ways and some wetlands.

6. The population of the City of Oak Park Heights in 1970 was 1,256, in 1980 the population was 2,591, the current population is approximately 2,680 and it is projected by the year 1990 that its population will be 3,600.

7. There is no population in the area proposed for annexation.

8. In the Town of Baytown, the population in 1970 was 723, in 1980 the population was 850, its present estimated population is 850, and it is projected that by 1990 it will have a population of 1,050.

9. The City of Oak Park Heights has approximately 292 acres in residential use, approximately 348 acres in institutional use, approximately 77 acres in commercial use, approximately 254 acres in industrial use and approximately 228 acres in vacant land use.

In the City of Oak Park Heights, there remains undeveloped land planned for the following: approximately 179 acres for residential use, approximately 15 acres for commercial use and approximately 34 acres for industrial use.

10. The Town of Baytown has approximately 1,200 acres in residential use, approximately 1,000 acres in institutional use, approximately 40 acres in commercial use and approximately 4,058 acres in agricultural use.

The Town of Baytown has planned approximately 1,000 acres for institutional use, approximately 210 acres for commercial use and approximately 4,058 acres for agricultural use.

11. The area proposed for annexation has approximately 200 acres of vacant land, some of which is used for agricultural production. The land is presently owned by the Minnesota Department of Natural Resources and used as a wildlife management area.

Approximately all of the area proposed for annexation is considered prime agricultural land.

12. The City of Oak Park Heights has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budgets, fire code, Minnesota Building Code, flood plain ordinance, wild and scenic rivers ordinance, sanitation ordinance and an urban renewal program. The City has a comprehensive plan.

13. The Town of Baytown has a zoning ordinance, subdivision regulations, an official map, fire code, Minnesota Building Code, Minnesota Plumbing Code, shoreland ordinance, flood plain ordinance, wild and scenic rivers ordinance and a sanitation ordinance.

14. The area proposed for annexation is presently zoned as open space. The City of Oak Park Heights indicated no intention to alter the designation of the land use of the area proposed for annexation if the property were annexed.

15. The City of Oak Park Heights provides its residents with water, sanitary sewer, storm sewer, solid waste collection and disposal, fire protection, police

protection, which is dispatched through the Washington County Sheriff's Department, street improvements and maintenance, administrative services, recreational opportunities, health inspection and library.

The City does not provide any of these services presently to the area proposed for annexation.

16. The Town of Baytown provides the area proposed for annexation with fire protection through a contract with the City of Bayport, street improvements and maintenance and administrative services.

17. The City of Oak Park Heights has no present plans of extending sewer or water to the area proposed for annexation.

The City has indicated a willingness to provide water for any future developments. The City has also indicated a willingness to provide sewer for future development providing there is available sewage treatment plant capacity.

18. The City of Oak Park Heights has 2.9 miles in highways, 11.3 miles in streets and 3.6 miles in roads.

19. The Town of Baytown has 4.7 miles of highways, 5.25 miles of streets and 10.2 miles in roads.

20. There are no plans to change the transportation system at present should the area proposed for annexation be annexed.

21. The City of Oak Park Heights has a 1982 assessed valuation of \$45,309,275. Its mill rate is 11.938. The City has a total bonded indebtedness of \$1,585,000.

22. The Town of Baytown has a 1982 assessed valuation of \$5,079,469. Its mill levy is 1.945. It has no bonded indebtedness.

23. In 1982 the County of Washington has a mill levy of 24.293, the school district serving the area under consideration, Baytown Township and Oak Park Heights has a mill levy of 51.050 and a special taxing district serving both the City and the Township has a mill levy of 3.984.

24. The area proposed for annexation is exempt from taxation since it is owned by the Department of Natural Resources.

25. In the area proposed for annexation there is a 500 foot buffer zone adjacent to areas of residential development. There is no hunting allowed in the buffer zone.

26. The 500 foot size of the buffer zone is the same as the buffer zone required under the state trespass law.

27. Since the buffer zone has been more clearly marked, the township clerk has not received any hunting complaints about the area proposed for annexation.

28. That portion of the area proposed for annexation where hunting is allowed is posted with signs. The buffer zone is posted with signs prohibiting hunting in it.

29. Shotguns may be used for hunting in the area proposed for annexation only with fine shot. The use of rifles in the annexation area is prohibited.

30. The area proposed for annexation is policed by the Department of Natural Resources, wildlife managers and conservation officers as well as Washington County Sheriff's Department.

31. If the area proposed for annexation were annexed, it is doubtful that the City would allow hunting within the area.

32. If hunting is prohibited in the area proposed for annexation, the Department of Natural Resources would seek to trade the land with someone with land that the Department feels meets its needs, since its value as a wildlife management area would decrease.

33. The area proposed for annexation has been under Department of Natural Resources' control as a wildlife management area, which allows hunting, since 1976.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The area subject to annexation is not now nor is it about to become urban or suburban in character.

3. Municipal government is not presently required to protect the public health, safety and welfare in the area subject to annexation.

4. Presently the best interests of the area subject to annexation will not be furthered by annexation.

5. An order should be issued by the Minnesota Municipal Board denying the resolution for annexation.

ORDER

1. IT IS HEREBY ORDERED: That the petition for annexation described in Findings of Fact 2 of the Findings of Fact herein, is hereby denied.

2. IT IS FURTHER ORDERED: That the effective date of this order is April 22, 1983.

Dated this 22nd day of April, 1983.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

Terrence A. Merritt
Terrence A. Merritt
Executive Director

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