



STATE OF MINNESOTA
MUNICIPAL BOARD

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

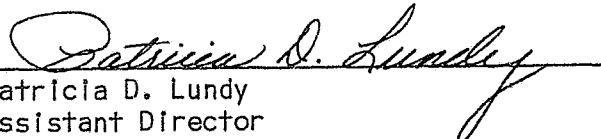
October 31, 1988

Secretary of State
c/o Donna Scott
State Office Building
St. Paul, Minnesota 55155

Re: Municipal Board Docket Number: D-240 Oak Park Heights/A-4466 Stillwater

The subject order of the Minnesota Municipal Board makes no changes in the population of the City of Oak Park Heights.

Official date of the Order is October 31, 1988.


Patricia D. Lundy
Assistant Director

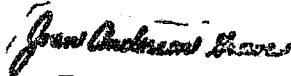
PDL:sg

cc: Jerome F. Silkey, Asst. Director
Local Government Services Division
Department of Revenue
2nd Floor Centennial Building

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

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 3 1988


Secretary of State

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STATE OF MINNESOTA
MUNICIPAL BOARD

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

M E M O R A N D U M

TO: Parties of Record
FROM: Terrence A. Merritt
Executive Director
DATE: November 3, 1988
SUBJECT: D-240 Oak Park Heights/A-4466 Stillwater

The enclosed is a copy of the Findings of Fact, Conclusions of Law, and Order approved by the Board on October 31, 1988 approving the concurrent detachment/annexation in the above-referenced file. The paper you previously received for the above-referenced file was not a copy of the approved order.

We hope this has not caused you any inconvenience.

TAM:sg

D-240 Oak Park Heights
A-4466 Stillwater

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Shirley J. Mihelich	Chair
John W. Carey	Vice Chair
Kenneth F. Sette	Commissioner

IN THE MATTER OF THE PETITION FOR)	
THE DETACHMENT OF CERTAIN LAND FROM)	<u>FINDINGS OF FACT</u>
THE CITY OF OAK PARK HEIGHTS AND)	<u>CONCLUSIONS OF LAW</u>
ANNEXATION TO THE CITY OF STILLWATER)	<u>AND ORDER</u>
PURSUANT TO MINNESOTA STATUTES 414.061)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on June 15, 1988 at Stillwater, Minnesota, and was continued to June 29, 1988 at Oak Park Heights, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Shirley J. Mihelich, Chair, John W. Carey, Vice Chair, and Kenneth F. Sette, Commissioner. The City of Oak Park Heights appeared by and through Mark Vierling and Lyle Eckberg, Attorneys at Law. The City of Stillwater appeared by and through David Magnuson, Attorney at Law. The petitioner appeared by and through Howard Turrentine, Attorney at Law. 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 17, 1988 a petition for concurrent detachment and annexation

by the sole property owner was filed with the Minnesota Municipal Board.

The petition contained all of the information required by statute including a description of the area proposed for concurrent detachment and annexation, which is as follows:

Lots 11, 12, 13, 14, and 15, Block 5, Mc MILLAN AND COOLEY'S ADDITION TO STILLWATER, according to the recorded plat thereof.

Together with that part of the North 20.00 feet of Lots 16, 17, 18, 19 and 20 of said Block 5, as measured at a right angle to and parallel with the north line of said Lots 16, 17, 18, 19 and 20.

Together with that part of vacated Eugene Street that accrues to the above described parcel, hereinafter referred to as "Parcel A."

That part of former Hazel Street platted in Mc MILLIAN AND COOLEY'S ADDITION TO STILLWATER which lies north of the easterly extension of the south line of the North 20.00 feet of Lots 16 through 30, inclusive, Block 5 of said plat and south of the center line of former Prairie Street. Said south line of the North 20.00 feet is measured at a right angle to and parallel with the north line of said lots, hereinafter referred to as "Parcel B."

That part of the Southwest Quarter of the Southwest Quarter of Section 34, Township 30 North, Range 20 West, Washington County, Minnesota, described as follows:

Commencing at a point on the west line of said Southwest Quarter of the Southwest Quarter distant 262.83 feet north from the southwest corner of said Southwest Quarter of the Southwest Quarter, said point is also the intersection of said west line with north right of way line of Trunk Highway 212; thence East along said north right of way line 351.31 feet to the point of beginning; thence East continuing along said north right of way line 60.98 feet; thence East continuing along said north right of way line 204.96 feet along a tangential curve concave to the north having a radius of 1395.09 feet and a central angle of 8 degrees 25 minutes 03 seconds to the west line of former 7th Street; thence North along the west line of said former 7th Street 558.67 feet to the northeast corner of former Lot 28, Block 2, MURDOCK'S ADDITION TO OAK PARK, now vacated; thence West 83.78 feet to the northwest corner of former Lot 27, of said Block 2; thence North 189.74 feet to the southwest corner of former Lot 27, Block 1 of said vacated plat; thence West 41.88 feet to the southwest corner of former Lot 26, of said Block 1; thence North 139.57 feet to the northwest corner of said former Lot 26; thence West 358.81 feet to the intersection of the south line of former Lot 12 of said Block 1 and the east line of the West 18.00 feet of said former Lot 12; thence North 139.42 feet along the east line of the West 18.00 feet of said former Lot 12, Block 1 to the north line of said former Lot 12; thence North 25.00 feet continuing along said last described

course to the center line of former Prairie Street; thence West 130.73 feet along said center line of former Prairie Street to said west line of the Southwest Quarter of the Southwest Quarter; thence South along said west line 890.04 feet; thence East parallel with said north line of Trunk Highway 212 a distance of 351.20 feet; thence South parallel with the east line of former Hazel street of said plat 166.00 feet to the point of beginning, hereinafter referred to as "Parcel C."

A resolution supporting the concurrent detachment and annexation was not received from the City of Oak Park Heights.

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

3. The area proposed for concurrent detachment and annexation, hereinafter called the subject area, is presently within the City of Oak Park Heights, abuts the City of Stillwater, and is approximately 11 acres in size. The perimeter of the subject area is approximately 30% bordered by the City of Stillwater.

4. The City of Stillwater had a population of 10,196 in 1970, 12,290 in 1980, and it is projected to have a population of 13,200 in 1990.

5. The City of Oak Park Heights had a population of 1,257 in 1970, 2,591 in 1980, 3,669 presently, and it is projected to have a population of 3,800 in 1990.

6. The subject area has a population of 0.

7. The City of Oak Park Heights is approximately 1,120 acres in size.

8. The City of Stillwater is approximately 4,360 acres in size.

9. The City of Stillwater is the county seat for the County of Washington.

Both the City of Stillwater and the City of Oak Park Heights are in Washington County.

10. Parcel A is presently used as a portion of the county government

center parking lot.

Parcel B is part of Panama Avenue.

Parcel C has two houses located on it. Additionally, the land is vacant and open with slopes generally over 13% from the northwest corner diagonally to the southeast towards the central part of the parcel and then south along the eastern end of the parcel to the southeast corner.

The soils in Parcel C have excessive natural drainage and slight foundation limitations. They have low water-holding capacity.

11. The City of Oak Park Heights has approximately 138 acres in residential use, approximately 405 acres in institutional/tax exempt use, approximately 75 acres in commercial use, approximately 300 acres in industrial use, and approximately 202 acres in vacant land.

12. The City of Stillwater has land zoned for residential use, multiple-residential use, commercial use, institutional use, and industrial use.

13. The subject area has land in institutional use as part of a parking lot for the courthouse complex, street use, two houses, and the remainder of the land is vacant.

14. The City of Oak Park Heights has approximately 14 miles of highways, streets, and roads.

15. The subject area has approximately .05 miles of city streets. The subject area includes part of Panama Avenue and abuts Oxboro Avenue on the western edge of Parcel A; 62nd Street on the northern edge of Parcels B and C; Paris Street on the eastern edge of Parcel C.

The county conducted a traffic study around the existing courthouse. The county anticipates that any addition to the courthouse in the subject area will not cause a significant increase of traffic on the adjacent streets.

16. The City of Stillwater has state highways, county roads, and city streets.

17. The City of Oak Park Heights has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, fire code, floodplain ordinance, wild and scenic rivers ordinance, on-site sewage treatment sanitation ordinance, and a comprehensive plan.

18. The City of Stillwater has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, fire code, shoreland ordinance, floodplain ordinance, wild and scenic rivers ordinance, sanitation ordinance (on-site sewage treatment), and a comprehensive plan.

19. The County of Washington has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget, shoreland ordinance, floodplain ordinance, wild and scenic rivers ordinance, sanitation ordinance (on-site sewage treatment), and a comprehensive plan.

20. The Metropolitan Council completed a review of the City of Oak Park Heights' Comprehensive Plan on May 14, 1981.

The Metropolitan Council completed a review of the City of Stillwater's Comprehensive Plan on April 23, 1981.

21. The subject area is presently zoned R-2, low and medium residential.

22. The present Oak Park Heights zoning of the subject area would not allow the expansion of the courthouse as a permitted or conditional use.

23. The City of Stillwater does not presently have any proposals in its comprehensive plan for the subject area.

24. The City of Oak Park Heights amended its Zoning Ordinance so that no regional facilities could be located within its existing R-2 zone even as a conditional use.

25. The present Washington County Courthouse lies immediately north of Parcel A and immediately west of Parcels B and C.

26. The area adjacent to the present courthouse, have the present uses: to the north and immediately west, church, institutional; south of the church property and west of the present courthouse - multi-family residential; south of the courthouse - single and one- or two-family residential uses; north and northeast of Parcel C - single- and double-family residential use; the southern part of the eastern boundary of Parcel C - multi-family residential; and the western part of the southern boundary of Parcel C abuts one- and two-family residential use.

27. The City of Oak Park Heights presently provides its residents with water, sanitary sewer and waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

28. The City of Stillwater presently provides its residents with water, sanitary sewer and waste water treatment, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

29. Presently the Washington County Courthouse receives sanitary sewer service from the City of Oak Park Heights.

The City of Oak Park Heights provides water service to the existing courthouse, along with water for fire hydrants.

30. The City of Oak Park Heights provides approximately 20 homes within the City of Stillwater with sanitary sewer.

31. The City of Stillwater provides sanitary sewer and water to approximately 8 homes within the City of Oak Park Heights.

32. Presently on a case by case basis, agreements are worked out between

the City of Stillwater and the City of Oak Park Heights for provision of sanitary sewer and/or water within the neighboring city's jurisdiction. These agreements are reached when such service can be done more economically by the neighboring city.

33. The City of Stillwater has waterlines serving the property north of 62nd Street, which is immediately north of the existing courthouse.

The City of Stillwater has sanitary sewer lines in Panama Avenue, at the junction with Orleans Street, which is north of Parcel C.

34. The City of Stillwater is willing to provide the subject area with all of the services it presently provides its residents.

The City of Stillwater would be willing to extend municipal sewer and water to the subject area if an agreement cannot be reached with the City of Oak Park Heights to provide the subject area with sewer and water.

35. Within the City of Stillwater, the only other areas available for the expansion of the courthouse would be within the City of Stillwater's industrial park. The City of Stillwater has a policy that the industrial park should be used for development of tax-generating uses.

36. If the subject area were annexed to the City of Stillwater, its development as the expansion of the county courthouse would be consistent with the City of Stillwater's existing Comprehensive Land Use Plan.

37. The same waste water treatment plant serves the Cities of Stillwater and Oak Park Heights. The plant is to be improved and its capacity increased. Based on these plans, there is sufficient capacity to service the subject area.

38. The concurrent detachment and annexation of the subject area from the City of Oak Park Heights to the City of Stillwater would not impact upon the school district.

39. The subject area is tax exempt. The market value of the subject area is as follows: Parcel A - approximately \$50,000; Parcel B (street) - \$0.00; and Parcel C - approximately \$319,000 for a total market value of approximately \$369,000.

40. The County of Washington has performed a Facilities Study which looked at service provided to county residents through no-growth or a moderate growth of the county offices by the year 2008. Both projections resulted in a determination that there will be a need for more space for county offices.

41. The assessed valuation in 1987 for the City of Oak Park Heights is approximately \$52,969,221.

42. The assessed valuation in 1987 for the City of Stillwater is approximately \$80,795,336.

43. The mill rate in 1987 for Washington County in the City of Oak Park Heights was 28.407, and in the City of Stillwater it was 25.64.

44. The most probable financing method for the building of additional county offices would be by selling bonds. The location of the courthouse addition within the City of Stillwater reduces some potential problems with bond financing for the project.

45. The City of Oak Park Heights has a 1987 mill rate of 17.034.

The school district mill levy for the City of Oak Park Heights is 56.467

46. The City of Stillwater has a 1987 mill rate of 29.07.

The school district mill levy for the City of Stillwater is 54.32.

47. The City of Stillwater has a present fire insurance rating of 5.

48. The City of Oak Park Heights has a present bonded indebtedness, as of December 31, 1987, of \$1,503,000.

49. The City of Stillwater has a present bonded indebtedness, as of

December 31, 1987, of \$15,025,000.

CONCLUSIONS OF LAW

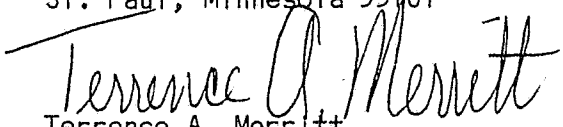
1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. Concurrent detachment and annexation of the subject area is in the best interests of the property.
3. The City of Stillwater can provide the subject area with the necessary governmental services.
4. The City of Oak Park Heights can continue to survive without the subject area.
5. The Minnesota Municipal Board should issue an order approving the concurrent detachment and annexation of the subject area from the City of Oak Park Heights to the City of Stillwater.

ORDER

1. IT IS HEREBY ORDERED: That the property described herein in Findings of Fact 1 be, and the same hereby is, detached from the City of Oak Park Heights and annexed to the City of Stillwater, the same as if it had originally been a part thereof.
2. IT IS FURTHER ORDERED: That the effective date of this order is October 31, 1988.

Dated this 2nd day of November, 1988.

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


Terrence A. Merritt
Executive Director

D-240 Oak Park Heights/
A-4466 Stillwater

M E M O R A N D U M

The Municipal Board, in ordering the concurrent detachment and annexation, notes that the City of Oak Park Heights and the City of Stillwater were unable to resolve their disagreement over the placement of the expansion to the county courthouse. In the board's eyes, the county shares the blame for this disagreement, too. While the petitioner has met its burden of proof for the concurrent detachment and annexation of its property, the board takes this opportunity to advise these three local units of government that they should work together more closely. They should avoid spending the taxpayers money needlessly over disagreements that can be ironed out at the local level.

The board reminds Washington County and the City of Stillwater of the extensive testimony about the proper berming and screening that will be used around the proposed courthouse addition to mitigate its impact on the neighborhood. The ravine and its natural berming in Parcel C should assist in the lessening of the impact of the addition on the neighborhood. The board is confident that the appropriate mitigation methods for the subject area will be employed.

The board hopes that the Cities of Stillwater and Oak Park Heights will resolve any differences concerning this matter so that the courthouse expansion can be served by sewer and water in the most economic fashion possible. TAM 11-2-88

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 3 1983

James Anderson Howe
Secretary of State
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