

Filed by
Municipal order 1-26-66

ORDINANCE NO. 401

AN ORDINANCE DETERMINING THE ANNEXATION OF CERTAIN LAND TO BE IN THE BEST INTERESTS OF THE CITY OF STILLWATER AND OF THE TERRITORY AFFECTED AND DECLARING SAME TO BE ANNEXED TO THE CITY

THE COUNCIL OF THE CITY OF STILLWATER DO ORDAIN AS FOLLOWS:

SECTION 1. The following territory, consisting of platted land not exceeding two hundred (200) acres in all, abutting upon the City of Stillwater, Washington County, Minnesota, being so conditioned as property to be subject to municipal government and not included in any other municipality, upon petition of the owners of said land, and in the best interest of the City of Stillwater and of said territory, is hereby declared to be annexed to said City, to-wit:

All of Blocks Twelve (12), Thirteen (13) and Fourteen (14) of Webster's Third Addition, and one-half of the streets abutting thereon.

SECTION 2. Blocks Twelve (12) and Thirteen (13) of Webster's Third Addition shall be incorporated in and become a part of the First Ward (Second Precinct) of the City of Stillwater; and Block Fourteen (14) of Webster's Third Addition shall be incorporated in and become a part of the First Ward (First Precinct) of the City of Stillwater, for the purposes of elections until otherwise designated by the City Council as provided by law.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and publication, and the annexation provided for herein shall be deemed final upon filing a copy hereof with the Minnesota Municipal Commission, the Washington County Auditor and the Secretary of State.

Passed: December 14, 1965

Published:

Lester Brower

Dean F. Charlson
Dean F. Charlson, Mayor

Attest: Lester Brower
City Clerk

I, Lester Brower, City Clerk of the City of Stillwater, Minnesota do hereby certify that the foregoing is a true and correct copy of Ordinance No. 401, passed by the City Council of the City of Stillwater on December 14, 1965.

Lester Brower
Lester Brower, City Clerk

17973

JAN 8 '66-42

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 26 1966

Joseph P. Donovan
Secretary of State

Robert W. Johnson	Chairman
Thomas R. Byrne	Vice-Chairman
Edward L. Henry	Member
Don L. Cafferty	Ex-Officio Member
Robert E. Wright	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR ANNEXATION OF
APPROXIMATELY EIGHT ACRES OF LAND SITUATED IN
OAK PARK TOWNSHIP, WASHINGTON COUNTY, MINNESOTA,
TO THE CITY OF STILLWATER, MINNESOTA

The petition for annexation of the following described
real estate located in Oak Park Township, Washington County,
Minnesota, more particularly described as:

All of Blocks Twelve (12), Thirteen (13)
and Fourteen (14) of Webster's Third Addition,
and one-half of the streets abutting thereon,

by the owners, Fairview Cemetery Association, a Minnesota
corporation, and James L. Simpson and Robert Mоргren, earnest
money contract purchasers, to the City of Stillwater, Minn-
esota, came on for hearing before the Municipal Commission
at Oak Park Elementary School, Stillwater, Minnesota, on the
20th day of December, 1965. Robert W. Johnson, Chairman,
Thomas Byrne, Vice-Chairman, and Edward L. Henry, Member
attended the hearing together with Don L. Cafferty and
Robert E. Wright, Ex-Officio Members and Irving R. Keldsen,
Secretary.

The petitioning property owners were represented by
Winston E. Sandeen, Esq. The Board of Trustees of Oak Park
Township were represented by Richard Hiniker, Esq.

The Commission, having duly considered the testimony of
the witnesses, the exhibits received in evidence and all
other evidence, upon all the files and records, being fully
advised in the premises, makes and enter the following:

FINDINGS OF FACT

I.

Due, timely and adequate legal notice of the petition
and the hearing herein, including adjourned sessions thereof,

was posted, published, served and filed.

II.

Fairview Cemetery Association is the owner in fee and James L. Simpson and Robert Norgren, doing business as J. & B. Realti Co., are earnest money contract purchasers of the property proposed for annexation consisting of approximately eight acres.

III.

The City of Stillwater approves the annexation and supports the proposed commercial use of the area to be annexed.

IV.

The population of the area to be annexed is none as compared to approximately 8,310 population for the City of Stillwater.

V.

The area to be annexed is approximately eight acres as compared to approximately 2,323 acres in the City of Stillwater.

VI.

The assessed valuation of the area to be annexed is \$974.00 as compared to the assessed valuation of the City of Stillwater of \$3,804,562.00.

VII.

The City of Stillwater has been a growing community, increasing from 8,310 population in 1960 to approximately 8,560 population in 1965 and increasing in area since 1960 by approximately 100 acres. The expansion of the City of Stillwater has been to the south, into Oak Park Township and south and west into the formerly agricultural area of Stillwater Township. The east boundary of the City of Stillwater is the St. Croix River and the State of Wisconsin, which stops expansion to the east.

The improvement of Highway #212 from a two-lane highway into a divided four-lane highway with frontage roads bordering part of and traversing through Oak Park Township indicates the expansion of the City of Stillwater into this suburban and formerly agricultural area.

Commercial developments appear to have grown up along Highway #212 and would indicate further commercial use of the area south and west of the City of Stillwater and including Oak Park Township.

VIII.

Vacant space for expansion of the City of Stillwater is available through annexation of vacant lands except to the east. Oak Park Township is one of the few vacant land areas abutting to the City of Stillwater on the south.

IX.

One of the petitioners, J. & B. Realti Co., proposes to spend approximately \$500,000.00 in construction of apartment buildings in the area to be annexed

In all probability, taxes will increase by annexation, but should be proportional to the benefits received, including City utility services, improved police and fire protection, improved streets and street maintenance, reduction of insurance rates, sewer and water service, and other benefits of city service.

X.

The proposed commercial use of the area to be annexed and the health and welfare of the community show a need for such governmental services as city water service, city sewage disposal system, city zoning, city street planning, city police and city fire protection.

XI.

The City of Stillwater will have available to the area to be annexed adequate city water and adequate city sewer

connections. The City will put in streets required with proportionate costs being paid by the owners of the abutting property. City planning services, police departments and fire departments will be available to serve the area.

XII.

There is no need for the continuance of any township government within the area to be annexed after the annexation.

XIII.

Oak Park Township offers no governmental service for sewage and water in the area to be annexed. The Township offered no evidence to indicate the existence of present or long range planning for the area to be annexed. The Township relies upon the Sheriff's Department of Washington County, Minnesota for police protection and upon the City of Stillwater for fire protection.

CONCLUSIONS OF LAW

I.

The Minnesota Municipal Commission duly acquired, and now has, jurisdiction of the within proceedings.

II.

The area of land to be annexed is so conditioned and so located as to be properly subjected to municipal government by the City of Stillwater.

III.

The area to be annexed by the City of Stillwater would be in the best interests of the area affected and the City.

IV.

Municipal Government of the area to be annexed herein is necessary and is required to protect public health, safety and welfare and to provide necessary governmental services.

V.

The Township form of government is not adequate to cope with the problems of the proposed commercial expansion in the area to be annexed.

VI.

The City of Stillwater can feasibly and practicably provide for and best serve the need for governmental services presently existing and as they become necessary in the future in the area to be annexed.

An Order should be issued by the Minnesota Municipal Commission annexing to the City of Stillwater, Minnesota, the real estate located in Oak Park Township, Washington County, Minnesota, described as follows:

All of Blocks Twelve (12), Thirteen (13) and Fourteen (14) of Webster's Third Addition, and one-half of the streets abutting thereon

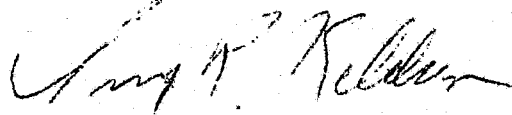
O R D E R

IT IS ORDERED: That the following described real estate in Oak Park Township, Washington County, Minnesota, be and the same hereby is, annexed to the City of Stillwater, Minnesota, the same as if it had originally been made a part thereof:

All of Blocks Twelve (12), Thirteen (13) and Fourteen (14) of Webster's Third Addition, and one-half of the streets abutting thereon.

Dated this 26th day of January, 1966

MINNESOTA MUNICIPAL COMMISSION
459 Rice Street
St. Paul, Minnesota, 55103



Irving R. Keldsen
S e c r e t a r y

17973
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DEPARTMENT OF STATE
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Secretary of State