

Munic Ord. #A 1183

ORDINANCE NO. 412

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 that part of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) and of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-nine (29) and in township Thirty (30) North of Range Twenty (20) West, lying Southerly of the Public Highway, excepting therefrom those parts thereof conveyed by deeds as follows: Deed from William McKusick as Trustee under the will of John McKusick, deceased, to Myrta L. Wilson, dated April 4th, 1902, recorded April 16th, 1902, in Book No. 55 of Deeds, page 107, and re-recorded May 17, 1912, in Book No. 74 of Deeds, page 421; Deed from William McKusick, as Trustee under the Will of John McKusick, deceased, to Myrta L. Wilson, dated November 2nd, 1903, recorded December 30th, 1904, in Book No. 60 of Deeds, page 294; and Deed from John McKusick, et al, to Myrta L. Wilson, dated May 8th, 1912, recorded November 1st, 1912, in Book No. 74 of Deeds, page 574, records of the office of the Register of Deeds of Washington County, Minnesota;

and

Also excepting therefrom, that part of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-nine (29), Township Thirty (30) North of Range Twenty (20) West described as follows: Beginning at a point on the Southerly right of way line of County Highway No. 2 as now established, said point being on the Erickson & Sutton line and marked by an iron stake; thence south along said line Three hundred (300) feet to an iron stake, said stake being Nine hundred thirty-nine (939) feet west of the north and south quarter line and Four hundred sixty-five and $\frac{7}{10}$ ths (465.7) feet North of the East and West Quarter line; thence East at right angles Two hundred thirty-three (233) feet to the Southeasterly right of way line of said County Highway; thence Northwesterly along said Highway to the point of beginning, containing one and $\frac{7}{10}$ ths (1.7) acres, more or less,

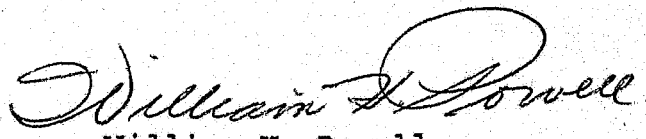
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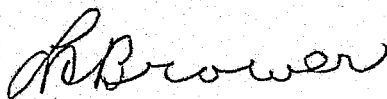
SECTION 2. The above described territory shall be incorporated in and become a part of the Second Ward (Second Precinct) of the City of Stillwater for the purposes of elections until otherwise designated by the City Council as provided by law.

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 thereof with the Minnesota Municipal Commission, the Washington County Auditor and the Secretary of State.

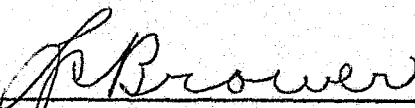
Passed: June 13, 1967

Published: 6/23/67


William H. Powell
Mayor


Attest: L. R. Brower
City Clerk

I, Lester R. Brower, City Clerk of the City of Stillwater, Minnesota do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Stillwater City Council on June 13, 1967.


L. R. Brower
City Clerk

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice-Chairman
Arthur R. Swan	Member
Idor A. Pederson	Ex-Officio Member
Donald Cafferty	Ex-Officio Member

IN THE MATTER OF THE PETITION OF LEIGHTON D. CHARLSEN AND
BARBARA CHARLSEN FOR ANNEXATION OF CERTAIN LANDS TO THE CITY
OF STILLWATER PURSUANT TO MINN. STAT. 414.03

The petition by Leighton D. Charlsen and Barbara Charlsen for the annexation of certain real estate situated in the township of Stillwater, County of Washington, State of Minnesota, to the City of Stillwater, and described as per attached Order herein came on duly for hearing before the Minnesota Municipal Commission on September 29, 1967. The Commission members present were Robert W. Johnson, Robert J. Ford, and Arthur R. Swan. The Ex-Officio Members were County Commissioners Idor Pederson and Donald Cafferty.

The Township of Stillwater appeared in opposition and was represented by its attorney, Lyle Eckberg.

The petitioners appeared through their attorney, Roderick A. Lawson.

It was made to appear that certified copies of said petition were duly filed with the County Board in and for Washington County, Minnesota, the Town Board of Stillwater Township, the Town Board in and for the Township of Stillwater of Minnesota, and the City Council of the City of Stillwater, Minnesota, and the Municipal Commission of the State of Minnesota.

It was made to appear that notice of said hearing was duly made and posted.

Evidence was offered and received for and against said annexation at said hearing. Said hearing was continued as follows: October 6, 1967, continued to November 2, 1967, continued to February 21, 1968, continued to April 11, 1968, continued to May 21, 1968.

At the last above stated hearing and after due and careful consideration of the evidence so offered and received, together with all of the records, files and proceedings had and taken herein, and being fully advised in the premises, the Municipal Commission of the State of Minnesota now makes and files the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

I.

That due, timely, and adequate notice of the petition and the hearing thereon, was posted, published, served, and filed.

II.

That the petition of Leighton D. Charlson and Barbara Charlson was duly filed with the Commission, and as otherwise required in accordance with the laws in such case made and provided for.

III.

That the property described herein abuts the legal boundaries of the City of Stillwater and comprises a total area of approximately 38 acres.

IV.

That the population of the area to be annexed is 0, and that the population of the City of Stillwater is approximately 8,900.

V.

That the area to be annexed is approximately 5 acres, as compared to approximately 2,300 acres in the City of Stillwater.

VI.

That the assessed valuation of the area to be annexed is \$1,044.00, as compared to the assessed valuation of the City of Stillwater of \$3,710,274.00.

VII.

That the area to be annexed is urban or suburban in character, is surrounded on almost three sides by the present City of Stillwater and adjacent residential development is presently

almost up to its boundaries

VIII.

That the taxes in the area to be annexed will increase, but that any increase will be commensurate with the municipal services to be provided by the City of Stillwater.

IX.

That there is a present need in the area to be annexed for all municipal services, principally water and sanitary sewer services if it is to be developed. That its logical development is as a residential district requiring these services.

X.

That the City of Stillwater is capable of providing all municipal services and that sewer and water facilities are close to this area whereas any plan to provide such facilities by the Town of Stillwater would involve their coming from much longer distances, and at much greater expense and that the time when they would be available is not known.

XI.

That the area to be annexed constitutes all geographical parts of the Town of Stillwater.

XII..

That the present boundaries of the City of Stillwater restrict its natural growth and that there is demand for areas for its expansion.

XIII.

That the annexation will not effect the existing Township government and it will be fully capable of continuing after the annexation.

CONCLUSIONS OF LAW

I.

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

almost up to its boundaries

VIII.

That the taxes in the area to be annexed will increase, but that any increase will be commensurate with the municipal services to be provided by the City of Stillwater.

IX.

That there is a present need in the area to be annexed for all municipal services, principally water and sanitary sewer services if it is to be developed. That its logical development is as a residential district requiring these services.

X.

That the City of Stillwater is capable of providing all municipal services and that sewer and water facilities are close to this area whereas any plan to provide such facilities by the Town of Stillwater would involve their coming from much longer distances, and at much greater expense and that the time when they would be available is not known.

XI.

That the area to be annexed constitutes all geographical parts of the Town of Stillwater.

XII..

That the present boundaries of the City of Stillwater restrict its natural growth and that there is demand for areas for its expansion.

XIII.

That the annexation will not effect the existing Township government and it will be fully capable of continuing after the annexation.

CONCLUSIONS OF LAW

I.

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

II.

That the area to be annexed herein is so conditioned and so located as to be properly subjected to municipal government by the City of Stillwater, Minnesota.

III.

That the interests of the City of Stillwater and the area to be annexed would be best served by the annexation of said area to the City of Stillwater, Minnesota.

IV.

Municipal government and the corresponding municipal services are required in the area to be annexed for the preservation and protection of the public health, welfare and the safety in the area to be annexed and in the City of Stillwater.

V.

The Township form of government is not adequate to meet the problems found to exist in the area to be annexed.

VI.

The City of Stillwater can meet the problems existing in the area to be annexed, can remedy them and provide any and all government services presently required and which may become necessary in the future in the area to be annexed.

VII.

An Order should be issued by the Municipal Commission ordering the annexation of the land described herein to the City of Stillwater. Let an Order for such annexation be entered and filed accordingly. Enacted by the vote of the Municipal Commission of the State of Minnesota, the following Order being filed.

O R D E R

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

IN THE MATTER OF THE PETITION OF THE CITY OF STILLWATER,
MINNESOTA, FOR ANNEXATION OF CERTAIN LANDS.

IT IS HEREBY ORDERED: That certain real estate lying in and
being a part of the County of Washington, State of Minnesota, and
described as follows, to-wit:

All that part of the Southeast Quarter of the Northwest
Quarter ($SE\frac{1}{4}$ of $NW\frac{1}{4}$) and of the Northeast Quarter ($NE\frac{1}{4}$)
of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-nine (29)
in Township Thirty (30) North of Range Twenty (20) West,
lying Southerly of the Public Highway, excepting therefrom
those parts thereof conveyed by deeds as follows:

Deed from William McKusick as Trustee under the will of John
McKusick, deceased, to Myrta L. Wilson, dated April 4th, 1902,
recorded April 16th, 1902, in Book No. 55 of Deeds, page 107
and recorded May 17, 1912 in Book No. 74 of Deeds, Page 421,
being: All that part of the East Half of the Northwest Quarter
of the Northwest Quarter ($E\frac{1}{2}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$) (recorded in 74 of Deeds,
page 421 as East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of
Section Twenty-nine (29), Township Thirty (30), Range Twenty
(20) described as follows: Beginning at the point where the
West line of said tract of land intersects the center line of
the public road and running thence South along the said West
line of said tract of land 7.50 chains, thence East 2 chains,
thence North parallel to said West line of said tract of land
to the center line of said public road, thence Northwesterly
along the center line of said road to the place of beginning
and containing $1\frac{1}{3}$ rd acres of land, more or less.

Deed from William McKusick, as Trustee under the Will of John
McKusick, deceased, to Myrta L. Wilson, dated November 2nd,
1903, recorded December 30th, 1904, in Book No. 60 of Deeds,
page 294, being: All that part of the East Half of the
Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section Twenty-nine (29),
Township Thirty (30), Range Twenty (20), described as follows:
From the intersection of the West line of the above described
tract of land with the center line of the public road run South
along said West line of said tract of land 7.50 chains for a
beginning, running thence East 2 chains, thence North parallel
to said West line of said tract of land to the Center line of
said public road, thence Southeasterly along the center line of
said public road to a point 4.70 chains as measured along the
center line of said public road from the West line of said
tract of land, then South $9^{\circ} 30'$ West 13.88 chains, this last
described line being a continuation of the East line of the
 $6\frac{1}{2}$ acre parcel of land deeded by said party of the first part
to said party of the second part in the month of June 1902,
thence West 1.35 chains to the West line of said East Half of
the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section No. 29, thence
North along said line 9.10 chains to the beginning and contain-
ing 2.63 acres of land, more or less.

And Deed from John McKusick, et al, to Myrta L. Wilson, dated
May 8th, 1912, recorded November 1st, 1912, in Book No. 74

of Deeds, page 574, records of the Office of the Register of Deeds of Washington County, Minnesota, being: All that part of the East Half of the Northwest Quarter ($E\frac{1}{2}$ of $NW\frac{1}{4}$) of Section Twenty-nine (29), Township Thirty (30), Range Twenty (20), Beginning at a point on the South line of the Minneapolis & St. Paul Suburban Railway Company's right-of-way 428 feet Southeasterly measuring along the cord of the curve of said South right-of-way line from the point where said South right of way line intersects the West line of said 80 and running thence Southerly on a line parallel with the West line of said 80 to the South line of said 80, thence West along the South line of said 80, to the East line of the tract of land heretofore conveyed by William McKusick as Trustee to said Myrta L. Wilson by deed bearing date November 2nd, 1904, and recorded in the office of the Register of Deeds of said Washington County in Book 60 of Deeds, on page 294, thence in a Northeasterly direction along said East line of said last named tract to the place of beginning, containing 5.92 acres, more or less.

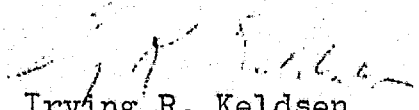
and

Also excepting therefrom, that part of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-nine (29), Township Thirty (30) North of Range Twenty (20) West described as follows: Beginning at a point on the Southerly right of way line of County Highway No. 2 as now established, said point being on the Erickson & Sutton line and marked by an iron stake; thence south along said line Three hundred (300) feet to an iron stake, said stake being Nine hundred thirty-nine (939) feet West of the north and south quarter line and Four hundred sixty-five and $\frac{7}{10}$ th (465.7) feet North of the East and West Quarter line; thence East at right angles Two hundred thirty-three (233) feet to the Southeasterly right of way line of said County Highway; thence Northwesterly along said Highway to the point of beginning, containing one and $\frac{7}{10}$ th (1.7) acres, more or less,


being, and the same hereby is annexed to the City of Stillwater, Minnesota, the same as if it had originally been made a part thereof, according to Minnesota Statutes 414.03.

Dated this 5th day of September 1968

MINNESOTA MUNICIPAL COMMISSION
610 Capitol Square Building
St. Paul, Minnesota, 55101


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

20096
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP - 6 1968


Joseph L. Johnson
Secretary of State