

No prop. change

OA-117-1 Stillwater

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

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

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IN THE MATTER OF THE JOINT RESOLUTION )  
BETWEEN THE CITY OF STILLWATER AND THE )                      FINDINGS OF FACT,  
TOWNSHIP OF STILLWATER FOR THE ORDERLY )                      CONCLUSIONS OF LAW,  
ANNEXATION OF CERTAIN LAND TO THE CITY )                      AND ORDER  
OF STILLWATER )  
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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on January 22, 1976, at the Washington County Courthouse, Stillwater, Minnesota. The hearing was conducted by Chairman, Thomas J. Simmons. County Commissioners Don Cafferty and A. B. Schaefer, ex-officio members of the Board, had voluntarily disqualified themselves, at the request and with the concurrence of all parties, from all proceedings related to this parcel of land. The City of Stillwater appeared by and through Harold Kimmel, City Attorney. The City of Oak Park Heights appeared by and through Lyle Eckberg, Attorney at Law. The Town of Stillwater appeared by and through Gordon Moosbrugger, 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. That a joint resolution for orderly annexation was adopted by the City of Stillwater and the Township of Stillwater and duly filed with the Minnesota Municipal Board. This joint resolution was a product of more than one year of discussions between the various parties.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Stillwater, on October 28, 1975 requesting annexation of certain properties within the orderly annexation area. The resolution contained all the information required by statute including a description of the territory subject to annexation which is as follows:

#29400

1. 95302-2250 Oscar L. Kern  
Part of the Southeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) Section 32, Township 30, Range 20, being the South 660 feet of the East 330 feet, subject to an easement
2. 95032-2300 Oscar L. Kern  
Part of the Southeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of Section 32, Township 30, Range 20, being the North 660 feet of the East 330 Feet subject to an easement
3. 95033-2300 Independent School District No. 834  
Part of the Southwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at the Northeast Corner of said Quarter ( $\frac{1}{4}$ ) thence West along the North Line 828.7 feet to center line of County Highway 66 as same is located and traveled thence deflect to L at angle 93 degrees, 1 minute and on bearing 3 degrees, 1 minute East along center line of said road 250.2 feet thence East and parallel with North line of said Quarter ( $\frac{1}{4}$ ) 250 feet southerly therefrom for 819.72 feet to East line of said Quarter ( $\frac{1}{4}$ ), thence North 0 degrees 56 minutes West along said East line 250.03 feet to point of beginning
4. 95033-2350 Oasis Petroleum Co.  
Part of the Southwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20, being the South 200 feet of the North 550 feet lying between the West line of Section 33 and center line of County State Aid Highway #66 except the West 195.5 feet subject to easements
5. 95033-2400 Trust Property Company  
Part of the Southwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at the Northwest Corner of said Quarter ( $\frac{1}{4}$ ) thence easterly along the North line of said Quarter ( $\frac{1}{4}$ ) 486.3 feet to center line of County Road No. 66 thence South 3 degrees, 50 minutes East along said centerline of said road for 200.5 feet, thence Westerly and parallel with said North line of said Quarter ( $\frac{1}{4}$ ) for 501.6 feet to West line of said Section 33, thence North along said West line of Section 33 for 200 feet to point of beginning.
6. 95033-2450 George W. Olsen Construction Co.  
Part of the Southwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section 33, Township 30, Range 20, being the South 150 feet of the North 350 feet of that part of said Southwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) lying between the West line of said Section 33 and the centerline of County Road No. 66, subject to Highway easement.
7. 93033-2500 Oasis Petroleum Company  
Part of the Southwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section 33, Township 30, Range 20, commencing at the Northwest corner of said Quarter ( $\frac{1}{4}$ ), thence South along the West Line of said Quarter ( $\frac{1}{4}$ ) 350 feet to point of beginning of this description, thence East and parallel with the North line of said Quarter ( $\frac{1}{4}$ ) 195.5 feet, thence Southerly and parallel with said West line of said Quarter ( $\frac{1}{4}$ ) 200 feet then Westerly and parallel and 550 feet South of said North line of said Quarter ( $\frac{1}{4}$ ) 195.5 feet to its intersection with the West line of said Quarter ( $\frac{1}{4}$ ), thence Northerly along the West line of said Quarter ( $\frac{1}{4}$ ) 200 feet to point of beginning, subject to road easements

Part of the Southwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 commencing at the Northwest Corner of said Quarter ( $\frac{1}{4}$ ), thence Southerly along the West line of said Quarter ( $\frac{1}{4}$ ) 550 feet to point of beginning of this description, thence Easterly and parallel with the North line of said Quarter ( $\frac{1}{4}$ ) 510 feet to its intersection with the center line of County Road No. 66, thence Southerly along said center line of County Road No. 66 for 533 feet more or less to its intersection with the Northerly right-of-way line Minnesota Highway 212, thence Westerly along the Northerly right-of-way line with Highway 212 for 492 feet more or less to its intersection with the Westerly line of said Quarter ( $\frac{1}{4}$ ), thence Northerly along said West line of said Quarter ( $\frac{1}{4}$ ) to point of beginning.

9.

95033-2850

United Fabricators & Electronics, Inc.

Part of the Northwest Quarter ( $\frac{1}{4}$ ), of the Southwest Quarter ( $\frac{1}{4}$ ), Section 33, Township 30, Range 20 being the South 200 feet lying West of the centerline of County Highway No. 66 subject to an easement

10.

95033-2900

Beim Construction Company

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 being the North 122 feet of the South 322 feet lying West of the centerline of County Highway No. 66

11.

95033-2950

Joog Corporation

Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ), Section 33, Township 30, Range 20, being the North 130 feet of the Southerly 552 feet of said Quarter ( $\frac{1}{4}$ ) lying West of the centerline of County Highway No. 66, subject to an easement.

12.

95033-3000

Robert E. & Marion L. Eardley

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20, being the North 100 feet of the South 422 feet of said Quarter ( $\frac{1}{4}$ ) lying West of the centerline of County Highway 66, subject to easements.

13.

95033-3010

St. Croix Mold Co., Inc.

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 being the North 100 feet described as follows: The northerly 100' of the southerly 822' lying westerly of the centerline of County Highway #66.

14.

95033-3055

Swager Bros.

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section 33, Township 30 North, Range 20 West commencing at a point in the centerline of the travelled road running Northerly and Southerly across said tract at a point 302.7 feet Northerly from the South line of said tract; thence running East 835.3 feet, more or less, to the East line of said tract; thence running North along the East line of said tract for 654.7 feet to a point; thence running West for 661.16 feet to a point; thence running South at right angles 131.82 feet to a point; thence West at right angles for 151.02 feet (rec. 172.18') to said centerline of the travelled road; thence deflecting to the left an angle of 85 degrees 46 minutes 20 seconds and Southerly along said

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centerline of the travelled road for 60.16 feet to the point of beginning of this description; thence deflecting to the left an angle of 94 degrees 13 minutes 40 seconds and Easterly for 155.46 feet; thence deflecting to the left an angle of 13 degrees 47 minutes 14 seconds and Northeasterly for 95.00 feet; thence deflecting to the right an angle of 13 degrees 47 minutes 14 seconds and Easterly for 172.98 feet; thence South at right angles for 129.61 feet; thence deflecting to the right an angle of 114 degrees 38 minutes 46 seconds and Northwesterly for 72.88 feet; thence deflecting to the left an angle of 30 degrees 14 minutes and Southwesterly for 155.4 feet; thence deflecting to the left an angle 8 degrees 12 minutes and Southwesterly for 215.48 feet to said centerline of the travelled road; thence Northerly along said centerline of the travelled road for 143.38 feet, more or less, to the point of beginning, subject to the right-of-way of Oasis Avenue North and subject also to a utility easement.

15. 95033-3100 Olson Transfer Company

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at a point on the centerline of the Hospital Road at a point 455.98 feet north of the South line of said tract and running thence East on a line parallel to said South line of said tract 665 feet to an iron pipe monument, thence Northwesterly by a deflecting angle of 95 degrees 34 minutes to the left 97.85 feet to an iron pipe monument, thence by a deflection angle of 57 degrees 25 minutes to the left 115.6 feet to an iron pipe monument, thence by a deflection angle of 2 degrees 30 minutes to the left 97.8 feet to an iron pipe monument, thence by a deflection angle of 30 degrees 14 minutes to the left 155.4 feet to an iron pipe monument thence by a deflection angle of 8 degrees 12 minutes to the left 218.4 feet to the centerline of said road thence South along said centerline to the point of beginning.

16. 95033-3150 Olson Transfer Company

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at a point on the center line of the Hospital Road at a point of 302.7 feet North of the South line of said tract and running thence Easterly on a line parallel to said South line of said tract 672.9 feet to an iron pipe monument, thence Northwesterly by a deflection angle of 95 degrees 34 minutes to the left 153.9 feet to an iron pipe monument thence Westerly on a line parallel to said South line 665 feet to the center line of said road, thence Southerly along said center line of said road 153.28 feet to point of beginning.

17. 95033-3250 Stillwater Development Corp.

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at the Southeast Corner, thence North on the East line 303.76 feet to a point 26.72 feet South of the Centerline of Grove Street of Ramsey and Carters Addition, thence West Parallel with the center line of Grove Street 835.3 feet to center of road, thence Southerly along center of Road 302.7 feet to the South line, thence East on the South line 836.4 feet to beginning.

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

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Stillwater.
- b. The total area of the City of Stillwater is 2,520 acres. The total area of the territory subject to annexation is about 35 acres of approximately 12,000 acres within Stillwater Township.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows:  
10 - 20%.
- 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.

5. Population Data

- a. The City of Stillwater
  - 1) Past population growth: 1870 - 1970 4,123 to 10,191
  - 2) Present population: 11,692 (estimate)
  - 3) Projected population: By the year 2000, an estimated 16,000 population.
- b. The area subject to annexation is commercial/industrial properties
  - 1) Past population growth: 0
  - 2) Present population: 0
  - 3) Projected population: 0

6. Development Issues

- a. What, if any, are the comprehensive plans for the development of property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council. A joint agreement providing for joint land use control and planning has been executed between the Township of Stillwater and the City of Stillwater.

b. What land use controls are presently being employed.

1) In the City of Stillwater

- a) Zoning - Yes
- b) Subdivision regulations - Yes
- c) Housing and building codes - Yes
- d) Other - Minnesota Plumbing, Mechanical, and Fire Prevention Codes.

2) In the area to be annexed:

- a) Zoning - yes - the Washington County Zoning Ordinance; the area is zoned for commercial and industrial development.
- b) Subdivision regulations - certain restrictions contained in the orderly annexation agreement.
- c) Housing and building codes - Unknown
- d) Other - Unknown

c. Does the City require future growth space? Yes. If so, will the area subject to annexation provide the City of Stillwater with necessary growth space? Yes, although the area is not being relied upon to provide physical growth space, it will provide economic growth opportunities.

d. The present pattern of physical development is:

1) In the City of Stillwater:

a) Residential - Yes, further, a viable, residential area is nearby the area to be annexed, and these citizens have, justifiably, a very substantial interest in its eventual development.

- b) Industrial - Yes
- c) Commercial - Yes
- d) Institutional - Yes

2) In the area subject to annexation:

- a) Residential - No
- b) Industrial - Yes
- c) Commercial - Yes
- d) Institutional - No

7. Governmental Services

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

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

b. Presently, the City of Stillwater provides its citizens with the following services:

- 1) Water - Yes - 50 mile water main, 5 wells, 5 person department, Health Dept. rating: 92
- 2) Sewer - Yes - 36 miles sanitary sewer - 20 miles storm sewer-2 person dept.
- 3) Fire Protection - Fire rating 6, 6 full-time fire fighters - 8 emergency vehicles.
- 4) Police Protection - Yes - 12 sworn officers, 24 hour service
- 5) Street Improvements - Yes - 98% of the 55 miles are improved
- 6) Street Maintenance - Yes - 9 person department
- 7) Recreational - Yes - 120 acre park land, developed facilities, 4 person department
- 8) Other - Library - 40,000 books, Administrative Staff - 5 full-time persons

c. Presently the City of Stillwater provides the area subject to annexation with the following services:

- 1) Water - Yes - for approximately 20 years
- 2) Sewer - No, but the line terminates just north of Oasis Avenue.
- 3) Fire Protection - Yes, with certain limitations, by contract with the Township
- 4) Police Protection - Yes - Full service by contract with the Township
- 5) Street Improvements - Unknown
- 6) Street Maintenance - Unknown
- 7) Recreational - Unknown
- 8) Other - Unknown

d. Plans to extend municipal services to the area subject to annexation include the following: The orderly annexation agreement provides that all city services, including sewer, be provided within a reasonable time.

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: The City of Stillwater presently maintains this lake and city sewer will help preserve it.

f. That the City of Stillwater is capable of and it is practical for it to provide to the area proposed for annexation the listed municipal services within the next 5 years.

8. Fiscal Data

a. In the City of Stillwater, the assessed valuation trend as of 1975 is \$24,832,138 - steadily rising, the mill rate trend as of 1975 is \$27.76 - decreasing - stable over last three years and the present bonded indebtedness as of January 1, 1976 is \$6,310,000.

b. In the area subject to annexation, the assessed valuation trend as of 1975 is \$458,959 (approximately 12% of the Township's assessed value) and the present bonded indebtedness is unknown.

c. The mill rate trends in the following units of government are:

- |  |  |
|--|--|
| 1) State - Unknown   | 3) School Districts - as of 1975 - 63.47 - Decreasing - stable over last three years |
| 2) County - as of 1975, 25.89; Decreasing - stable over last three years | 4) Township - as of 1975 - 7.85  |

9. This annexation is within an area designated for orderly annexation, as described in the joint resolution, a copy of which is attached hereto.

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 now or is about to become urban or suburban in nature.

3. The City of Stillwater is capable of providing the services required by the area described herein within a reasonable time.

4. The mill levy of the annexing municipality on the area proposed for annexation should be increased in substantially equal proportions over a 5 year period.

5. This order incorporates by reference those applicable provisions of the orderly annexation agreement, a copy of which is attached hereto.

6. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

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

1. 95302-2250 Oscar L. Kern  
Part of the Southeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) Section 32, Township 30, Range 20, being the South 660 feet of the East 330 feet, subject to an easement
2. 95032-2300 Oscar L. Kern  
Part of the Southeast Quarter ( $\frac{1}{4}$ ) of the Southeast Quarter ( $\frac{1}{4}$ ) of Section 32, Township 30, Range 20, being the North 660 feet of the East 330 feet subject to an easement
3. 95033-2300 Independent School District No. 834  
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4. 95033-2350 Oasis Petroleum Co.  
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9. 95033-2850 United Fabricators & Electronics, Inc.

Part of the Northwest Quarter ( $\frac{1}{4}$ ), of the Southwest Quarter ( $\frac{1}{4}$ ), Section 33, Township 30, Range 20 being the South 200 feet lying West of the centerline of County Highway No. 66 subject to an easement

10. 95033-2900 Beim Construction Company

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 being the North 122 feet of the South 322 feet lying West of the centerline of County Highway No. 66

11. 95033-2950 Joog Corporation

Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ), Section 33, Township 30, Range 20, being the North 130 feet of the Southerly 552 feet of said Quarter ( $\frac{1}{4}$ ) lying West of the centerline of County Highway No. 66, subject to an easement.

12. 95033-3000 Robert E. & Marion L. Eardley

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20, being the North 100 feet of the South 422 feet of said Quarter ( $\frac{1}{4}$ ) lying West of the centerline of County Highway 66, subject to easements.

13. 95033-3010 St. Croix Mold Co., Inc.

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 being the North 100 feet described as follows: The northerly 100' of the southerly 822' lying westerly of the centerline of County Highway #66.

14. 95033-3055 Swager Bros.

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) of Section 33, Township 30 North, Range 20 West commencing at a point in the centerline of the travelled road running Northerly and Southerly across said tract at a point 302.7 feet Northerly from the South line of said tract; thence running East 835.3 feet, more or less, to the East line of said tract; thence running North along the East line of said tract for 654.7 feet to a point; thence running West for 661.16 feet to a point; thence running South at right angles 131.82 feet to a point; thence West at right angles for 151.02 feet (rec. 172.18') to said centerline of the travelled road; thence deflecting to the left an angle of 85 degrees 46 minutes 20 seconds and Southerly along said

centerline of the travelled road for 60.16 feet to the point of beginning of this description; thence deflecting to the left an angle of 94 degrees 13 minutes 40 seconds and Easterly for 155.46 feet; thence deflecting to the left an angle of 13 degrees 47 minutes 14 seconds and Northeasterly for 95.00 feet; thence deflecting to the right an angle of 13 degrees 47 minutes 14 seconds and Easterly for 172.98 feet; thence South at right angles for 129.61 feet; thence deflecting to the right an angle of 114 degrees 38 minutes 46 seconds and Northwesterly for 72.88 feet; thence deflecting to the left an angle of 30 degrees 14 minutes and Southwesterly for 155.4 feet; thence deflecting to the left an angle 8 degrees 12 minutes and Southwesterly for 215.48 feet to said centerline of the travelled road; thence Northerly along said centerline of the travelled road for 143.38 feet, more or less, to the point of beginning, subject to the right-of-way of Oasis Avenue North and subject also to a utility easement.

15. 95033-3100 Olson Transfer Company

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at a point on the centerline of the Hospital Road at a point 455.98 feet north of the South line of said tract and running thence East on a line parallel to said South line of said tract 665 feet to an iron pipe monument, thence Northwesterly by a deflecting angle of 95 degrees 34 minutes to the left 97.85 feet to an iron pipe monument, thence by a deflection angle of 57 degrees 25 minutes to the left 115.6 feet to an iron pipe monument, thence by a deflection angle of 2 degrees 30 minutes to the left 97.8 feet to an iron pipe monument, thence by a deflection angle of 30 degrees 14 minutes to the left 155.4 feet to an iron pipe monument thence by a deflection angle of 8 degrees 12 minutes to the left 218.4 feet to the centerline of said road thence South along said centerline to the point of beginning.

16. 95033-3150 Olson Transfer Company

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at a point on the center line of the Hospital Road at a point of 302.7 feet North of the South line of said tract and running thence Easterly on a line parallel to said South line of said tract 672.9 feet to an iron pipe monument, thence Northwesterly by a deflection angle of 95 degrees 34 minutes to the left 153.9 feet to an iron pipe monument thence Westerly on a line parallel to said South line 665 feet to the center line of said road, thence Southerly along said center line of said road 153.28 feet to point of beginning.

17. 95033-3250 Stillwater Development Corp.

Part of the Northwest Quarter ( $\frac{1}{4}$ ) of the Southwest Quarter ( $\frac{1}{4}$ ) Section 33, Township 30, Range 20 beginning at the Southeast Corner, thence North on the East line 303.76 feet to a point 26.72 feet South of the Centerline of Grove Street of Ramsey and Carters Addition, thence West Parallel with the center line of Grove Street 835.3 feet to center of road, thence Southerly along center of Road 302.7 feet to the South line, thence East on the South line 836.4 feet to beginning.

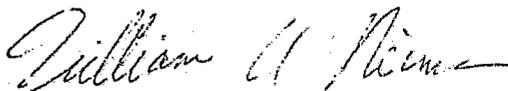
IT IS FURTHER ORDERED: That the mill levy of the City of Stillwater on the property herein ordered annexed shall be increased in substantially equal proportions over a period of 5 years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the population of both the City of Stillwater and the Township of Stillwater be and the same hereby is determined to be unchanged.

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 55101



William A. Neiman  
Executive Secretary

29400  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
APR 14 1976  
*James Andersson Howe*  
Secretary of State  
O.S.

AUG 22 1975  
Seventh Draft  
8-20-75

JOINT RESOLUTION AS TO ORDERLY ANNEXATION  
CITY AND TOWN OF STILLWATER

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Stillwater Township to the City of Stillwater; and,

WHEREAS, the Township and City of Stillwater are parties to said proceedings; and,

WHEREAS, there is a basis for agreement between the parties upon which the matters presently before the Minnesota Municipal Commission be settled, and the governmental parties hereto desire to set forth such terms of settlement by means of this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Township and City of Stillwater, as follows:

1. That the following described area in Stillwater Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032 and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statute:

All portions of Stillwater Township lying in Sections 32 and 33 and the East Half of Section 31, Township 30 North, Range 20 West, Washington County, Minnesota and Cochrane's Long Lake Addition according to the plat thereof on file and of record in the office of the Register of Deeds for Washington County.

That the Township of Stillwater does upon passage of this resolution and its adoption by the Council of the City of Stillwater, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. In that portion of the orderly annexation area located east of County Road No. 5, the City may annex all property now developed as zoned which is contiguous to the City; and property which is not now developed as zoned may be annexed as provided in paragraph 3 below. As an exception to this paragraph, no property developed as a single family residence on two acres or more of land shall be annexed, except upon petition of the owners.

3. Land within the orderly annexation area not subject to immediate annexation under paragraph 2 above may be annexed by the City when it is developed as zoned or about to be developed as zoned, and there is available municipal services such as water, sanitary sewer and storm sewer, etc., which will be extended to the property within two years, and if such land is contiguous to the City.

As an exception to this paragraph, no property developed as a single family residence on two acres or more of land which is situated in that part of the orderly annexation area west of County Road No. 5, shall be annexed except upon petition of the owners.

4. Notwithstanding any contrary provisions of paragraphs 2 and 3 above, the township will not oppose any unanimous petitions of the owners of any lands within the orderly annexation area which are contiguous to the City of Stillwater, regardless of whether those lands are developed or undeveloped.

The purpose of this agreement is to preserve the option of owners of single family residential properties situated on tracts of two acres or more to remain in the township during the term of this agreement, including existing residential properties and those which may be developed hereafter; and, to provide for the annexation of other property which is, or about to be, developed for other than single family residential purposes and which will require municipal water and sewer service; and, to grant the right to owners of any property which is contiguous to the City to petition for annexation without opposition by the township.

5. That any property annexed to the City pursuant to this agreement shall receive a graduated increase in mill rates from the town rate to the city rate over a three to five year period depending on the length of time necessary to provide full municipal services to the area annexed.

Both the city and township agree to apply for the maximum five year step-up in all such annexations, in accordance with the following schedule:

<u>Year After Actual Annexation</u>	<u>Maximum increase not to exceed % amount city and town levies</u>
1	20% of difference
2	25% of then existing difference
3	33% of then existing difference
4	50% of then existing difference
5	Full city mill rate

6. That all undeveloped non-urban lands annexed to the City shall be placed in the city's Rural Taxing District until such time as they are actually developed. In the Rural Taxing District, the city's property tax levy will be 100% of the bonded indebtedness levy and 10% of the general levy.

7. That in the case of annexation of developed property, the City agrees to compensate the township for lost tax revenue over a five year period to ease the financial adjustment burden on the remainder of the township. Cash payments will be made to the township based on the assessed value of the annexed properties as of the date of annexation as applied to the township's mill rate for the year of payment, in accordance with the following schedule:

Year After Actual Annexation	Percent of Above computed tax to be returned to the township
1	100%
2	80%
3	60%
4	40%
5	20%

8. That the city agrees not to approve the proposed plat of the Croixwood Seventh Addition, until traffic access is restricted from Croixwood to 72nd Street and drainage into Long Lake is approved by the Department of Natural Resources and Stillwater Township.
9. That the city agrees not to extend sanitary sewer into any other areas of the township without the permission of the town board. All extensions will be in accordance with the Metropolitan Waste Control Commission's approved Comprehensive Sewer Plan for the area. This section shall not apply if the city is ordered to extend sewer to abate a public health nuisance by an order of the Minnesota Pollution Control Agency or the State Health Department.
10. That the city agrees to assume the responsibility for the administration of the township sanitary sewer system and the maintenance of all sewer lines currently located in the area covered by this agreement. All customer revenues and Sewer Board services charges shall accrue to the city.
11. That the city agrees to assist the town board in petitioning the Metropolitan Sewer Board to restrict the size of the area in which the town board must collect SAC charges and if possible, to obtain rebates for those who have already paid SAC charges but who in all probability will never have sanitary sewer services available to them.
12. That the city agrees not to accept any annexations of territory outside the orderly annexation area for ten years from the date of signing this agreement, without township approval.

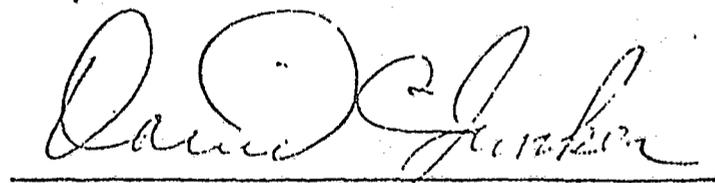
13. That the town board agrees not to approve any subdivisions with lots of, or building permits on lots of, less than 2½ acres in size, which are contiguous to the city without central sewer and water being available, except where approved by the city council.
14. That the City agrees to enter into a Fire Protection Contract with the Township for the period of May 1, 1976 to April 30, 1979, for the sum of \$7,000 per year. In determining charges for Fire Protection Contracts for subsequent years, the city shall calculate the loss of assessed valuation which the township has sustained due to annexation of property to the city and increases shall be adjusted downward accordingly.
15. That the city agrees to investigate the possibility of sharing facilities, equipment and manpower with the township to forestall the duplication of facilities and to reduce the overall costs of government in the area.
16. That both parties agree to the dismissal of all pending court appeals involving commission orders, relative to the City of Stillwater and Stillwater Township.
17. That it is agreed and understood by the parties that this agreement shall terminate after ten years and be renegotiated between the parties to better reflect the conditions of that time.
18. That it is agreed and understood by the parties that the terms of this Joint Resolution and those of the accompanying Joint Power Planning Agreement will not take effect until they have been approved by the Minnesota Municipal Commission in the format approved by the City and the Township.

CITY OF STILLWATER

Passed and adopted by the City of Stillwater this 21<sup>st</sup>  
day of AUGUST, 1975

ATTEST

  
City Clerk

  
By Its Mayor

TOWN OF STILLWATER

Passed and adopted by the town of Stillwater this 21<sup>ST</sup>  
day of AUGUST, 1975.

ATTEST:

Pat Barth

Town Clerk

A. M. Berghman

By Its Chairman

WASHINGTON COUNTY

Passed and adopted by the Washington County Board of  
Commissioners this \_\_\_\_\_ day of \_\_\_\_\_, 1975.

Attest:

\_\_\_\_\_  
By Its Chairman

"The foregoing statement has been duly adopted by  
the City of Stillwater, Washington County and the  
Town of Stillwater and certified copies of the  
resolutions adopting said agreement having been  
filed with the Commission, the Minnesota Municipal  
Commission does hereby approved the foregoing agreement."

MINNESOTA MUNICIPAL COMMISSION

BY

Thomas J. ...  
Chairman,

Minnesota Municipal Commission

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