

RESOLUTION NO. 2013-135C

**A RESOLUTION ANNEXING LAND TO THE CITY OF STILLWATER
PURSUANT TO THE JOINT RESOLUTION OF THE CITY AND TOWN OF
STILLWATER AS TO ORDERLY ANNEXATION DATED AUGUST 16, 1996**

CASE NO. 2013-12

WHEREAS, Midwest Real Estate Management, Greg Wallace, and Bill Krech have petitioned that land owned by Greg Wallace and Bill Krech in the Town of Stillwater (collectively, "the land") described in Exhibit A, as depicted on the maps in Exhibit B, be annexed to the City pursuant to the provisions of the Joint Resolutions as to Orderly Annexation of the City and Town of Stillwater, dated August 16, 1996; and

WHEREAS, the Land is included within Phase IV of the area designated for orderly annexation; and

WHEREAS, Section 3.05 of the Orderly Annexation Agreement identifies the Land as Phase IV property; and

WHEREAS, Section 4.05 of the Orderly Annexation Agreement provides that Phase IV land may be annexed to the City any time after January 1, 2015; and

WHEREAS, Section 4.09 of the Orderly Annexation Agreement provides that Phase IV land may be annexed to the City before January 1, 2015 if the annexation is petitioned for by 100% of the owners of the property to be annexed, and if the resulting annexation will not create a level of growth that exceeds one hundred twenty dwelling units per year and the if the property to be annexed is adjacent to property already located within the City of Stillwater; and

WHEREAS, the petitioned annexation satisfies all the criteria listed in Section 4.09 of the Orderly Annexation Agreement; and

WHEREAS, the Joint Planning Board approved the annexation petition at a public hearing conducted by it on May 16, 2013; and

WHEREAS, it appears to the City Council that the annexation does not conflict, in any way, with the Joint Resolution Agreement of the City and Town of Stillwater, relating to orderly annexation dated August 16, 1996.

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

1. That this Resolution be submitted, forthwith, by the City Clerk to the Executive Director of the Minnesota Municipal Board for the purpose of annexing the Land described in Exhibit A to the City of Stillwater, all as provided by Subdivision 1 of Section 414.0325 of the Minnesota Statutes relating to orderly annexations within a designated area.
2. For the purpose of this annexation proceeding, the City Council of the City of Stillwater hereby determines that the Land described in Exhibit A is now or about to become urban and the City is capable of providing the services required by the area within a reasonable time. It is further determined that the annexation to the City would be in the best interests of the Land.
3. After the annexation, the real estate taxes, if any, with respect to the Land will be divided as provided by Section 7.03 of the Joint Resolution.

BE IT FURTHER RESOLVED, that a map with the Land proposed for annexation designated thereon and marked as Exhibit B to this Resolution be submitted to the Minnesota Municipal Board along with a certified copy of this Resolution.


BE IT FURTHER RESOLVED, that the City Clerk submit copies of this Resolution with copies of the map to the Town Board of the Town of Stillwater and the Joint Powers Committee.

Enacted by the City Council of the City of Stillwater, Minnesota this 20th day of August, 2013.

CITY OF STILLWATER


Michael Polehna, Vice Mayor

ATTEST:


Diane F. Ward, Clerk

REC'D BY
MSA

SEP 06 2013

EXHIBIT A

All that part of the Northeast Quarter of the Southwest Quarter of Section (19) Nineteen, Township Thirty (30) North, Range Twenty (20) West, described as follows:

Commencing at the Northwest corner of said quarter-quarter; thence east along the north line of said quarter-quarter for Forty (40) feet; thence South and parallel with the west line of said Northeast Quarter of Southwest Quarter for One hundred thirteen and six-tenths (113.6) feet to its intersection with the southerly right-of-way line of the Northern Pacific Railroad Company, which is the point of beginning of this description: thence continuing South along said parallel line drawn Forty (40) feet East of the West line of said Northeast Quarter of Southwest Quarter for Six hundred twenty-six and one-tenth (626.1) feet; thence East and parallel with said southerly right-of-way line of the Northern Pacific Railroad Company for Four hundred seventeen and four-tenths (417.4) feet; thence North and parallel with the west line of said Northeast Quarter of Southwest Quarter for Six hundred twenty-six and one-tenth (626.1) feet to the southerly right-of-way line of the Northern Pacific Railroad Company; thence west along said southerly right-of-way line of said railroad company for Four hundred seventeen and four-tenths (417.4) feet to the point of beginning.

REC'D BY
MBA
SEP 06 2013

EXHIBIT B

