

RESOLUTION NO. 98-110

**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.**

WHEREAS, Trail Head Development Corporation, a corporation under the laws of the State of Minnesota ("Owner"), has petitioned that land owned by it, in the southeast quarter of Section 19 and the northeast quarter of Section 30, in the Town of Stillwater ("Town"), described in Exhibit "A" and shown on the map attached as Exhibit "B" (the "Land") be annexed to the City of Stillwater ("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 the area designated for orderly annexation; and

WHEREAS, the Land contains 19.92 acres and is contiguous to the City. The Land is unimproved. The Land is proposed for development for residential use. Municipal services such as water, sanitary sewer and storm sewer are available to the Land and the Land is subject to special assessments for such services as hereinafter described; and

WHEREAS, Section 4.01 of the Orderly Annexation Agreement provided that the Land is "Phase IV" land and may be annexed to the City pursuant to Section 4.09 provided that the annexation will not create a level of growth that will not exceed a one hundred twenty (120) dwelling unit per year limitation; and

WHEREAS, that as of the date of this Resolution, no building permits for dwelling units have been issued for the Orderly Annexation Area and the number of allowed dwelling units (to the extent not built) aggregates each year. That as of December 31, 1997, there was capacity for two hundred forty (240) dwelling units (one hundred twenty [120] for each of 1996 and 1997) in the Orderly Annexation Area, and that as of the date of this Resolution, there is capacity for three hundred sixty (360) dwelling units in the Orderly Annexation Area; and

WHEREAS, it further 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:

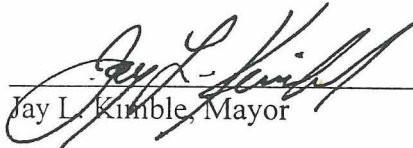
1. That this Resolution be submitted, forthwith, by the City Clerk to the Executive Director of the Minnesota Municipal Board for the purpose of annexing the land described in Exhibit "A" to the City all as provided by Subdivision 1 of Section 414.0325 of the Minnesota Statutes relating to orderly annexations within a designated area.
2. For the purpose of this annexation proceeding, the City Council 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 of the City would be in the best interests of the Land.
3. After the annexation, the real estate taxes with respect to the Land will be divided as provided by Section 7.03 of the Joint Resolution.

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

BE IF FURTHER RESOLVED, that the 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.

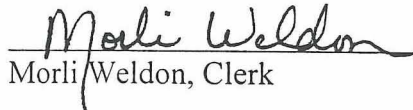
Adopted by the City Council of the City of Stillwater this 21st day of April, 1998.

CITY OF STILLWATER



Jay L. Kimble, Mayor

ATTEST:



Morli Weldon, Clerk

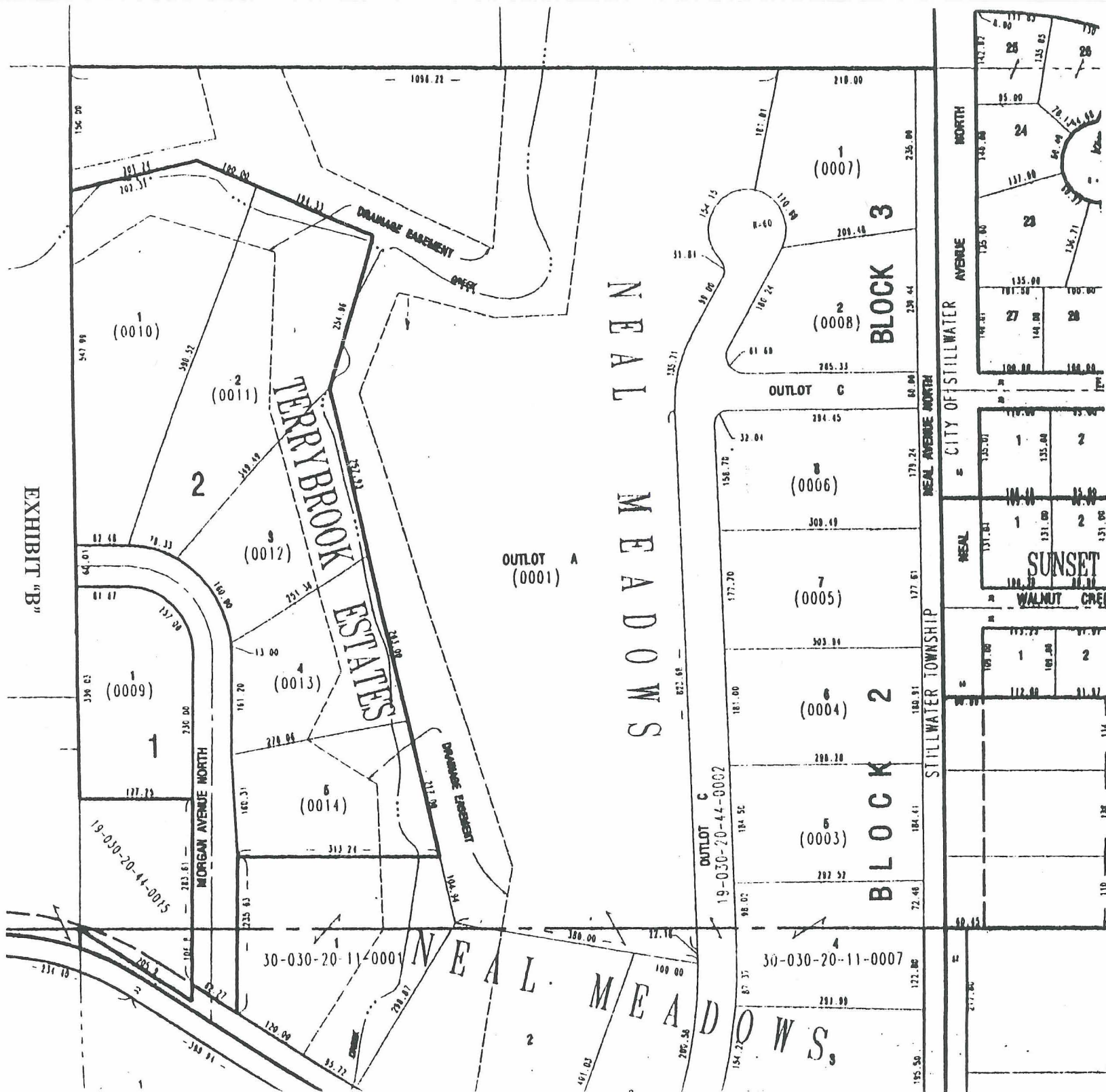
REC'D. BY MAY 21 1998
M 10:18

EXHIBIT "A"

Outlot "A" and Outlot "C", Neal Meadows, according to the plat thereof now on file in the office of the County Recorder for the County of Washington, State of Minnesota.

EXHIBIT "A"

EXHIBIT "B"



REC'D. BY MAY 21 1998
M/AB