

RESOLUTION NO. 2000-285

**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, the City of Stillwater, Minnesota, ("City"), has petitioned that land owned by it, in the south one-half of Section 19, Township 30 north, Range 20 west, in the Town of Stillwater ("Town"), and the right-of-way of Boutwell Road (collectively, the "Land") described on Exhibit "A", as depicted on the map attached hereto as 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, the Land, exclusive of the right-of-way of Boutwell Road, contains 27.5 acres, more or less, and is contiguous to the City. The Land is unimproved and is dedicated and used for public park and open space purposes, and the right-of-way of Boutwell Road contains a traveled right-of-way and rural ditches. The Land is not proposed for further development for residential use. Municipal services such as water, sanitary sewer and storm sewer are available to the Land; and

WHEREAS, Section 4.01 of the Orderly Annexation Agreement provides that "Phase IV" land and may be annexed to the City pursuant to Section 4.09 of the Agreement 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, 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, and has been approved by the Joint Board that was created by the Joint Resolution for administration for certain planning functions within the Orderly Annexation Area.

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, if any, 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 and marked as Exhibit "B" to this Resolution be 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.

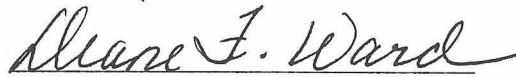
Adopted by the City Council of the City of Stillwater this 10th day of October, 2000.

CITY OF STILLWATER



Jay L. Kimble, Mayor

ATTEST:



Diane F. Ward, Clerk

LEGAL DESCRIPTION

That property in Section 19, T30N, R20W, lying east of the center line of Neal Avenue, south of the centerline of County Road 64 and north of the north right-of-way line of the Minnesota Zephyr Railroad, (formerly the Burlington Northern Railroad Company) continuing 27.5 acres more or less,

and

The right-of-way of Boutwell Road also known as 80th Street within Sections 29, 30 and 19, T30N, R20W, between the north line of C.S.A.H. 12 and the center line of Manning Avenue also known as C.S.A.H. 15, 10.0 acres more or less.

