

A-2056 Stillwater
(Feeley-Hooley)

BEFORE THE MUNICIPAL COMMISSION

OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Vice Chairman
Harold J. Dahl	Member
Peter E. Tibbetts	Ex-Officio Member
Don L. Cafferty	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR
THE ANNEXATION OF CERTAIN LAND TO
THE CITY OF STILLWATER A-2056

AMENDED
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

THIS PROCEEDING under Minnesota Statutes, Chapter 414, as amended, for annexation to the City of Stillwater of certain property located in the Township of Stillwater, Washington County, Minnesota, more particularly described in the Petition on file herein, came duly on for hearing before the Minnesota Municipal Commission in the City of Stillwater in the County Office Building on the 24th day of February, 1972, after due notice and service and publication of the same, at which time said proceeding was continued to March 21, 1972. In attendance at said continued hearing were Chairman Robert W. Johnson, and Commissioners Robert J. Ford, Harold J. Dahl, Peter E. Tibbetts and Don L. Cafferty.

Said Petition dated August 10, 1971 and a Resolution approving the same by the City Council of the City of Stillwater dated August 19, 1971 were received by the Commission and determined, with amendments to the same, to be regular and complete and in compliance with the Statutes of the State of Minnesota and the Rules of the Minnesota Municipal Commission.

At said hearing the Commission moved to expand the area and consideration of said Petition to include all of Township of Stillwater located in Township 30, Range 20, south of Minnesota thru Highway 96, Washington County, within the scope of the proceeding. Thereupon the proceeding was continued until May 24, 1972, at which time it was combined for purposes of hearing with Proceeding A-1985, and by stipulation of all parties, all evidence in that Proceeding and Proceeding A-1981 could be considered as evidence in this Proceeding.

Appearances were made by the City of Stillwater and the Town of Stillwater. The City of Stillwater was represented by Harold D. Kimmel and the Town of Stillwater was represented by James D. Gibbs.

The Commission, having considered the testimony of the witnesses, the exhibits received in evidence, and all of the evidence, files and records herein, being fully advised in the premises, makes the following Findings of Facts, Conclusions of Law and Order:

FINDINGS OF FACTS:

1. That due, timely and adequate legal notices of the Petition and subsequent amendments to the same, and hearings thereon and continuances of the same, were duly published and served in accordance with law.
2. That due, timely and adequate objections to the proposed annexation of property described in said objections was filed by the Town of Stillwater, Washington County, Minnesota by authority of its Town Board.
3. That the area proposed for annexation in the original Petition herein is located adjacent to and abuts the corporate limits of the City of Stillwater, Washington County, Minnesota, as does that portion of the Town of Stillwater lying south of Highway No. 96, which, by the terms of the Commission Order, were included in this proceeding as an amendment to the initial Petition.
4. That thirteen property owners, being all of the property owners in the area initially included in the Petition, joined in the petition for annexation.
5. That pursuant to the Order of this Commission dated October 30, 1972 the population of the City of Stillwater is 10,203 people; and that the property included in the original annexation petition in this proceeding contained a population of five persons.
6. That all of the property located in Stillwater Township lying south of Highway No. 96, and particularly those portions of Stillwater Township lying in the southerly and westerly sections thereof, that is, Sections 30, 31 and 32, are experiencing a great deal of pressure for urban development; that the Long

Lake area, which is located in Sections 30 and 31, while sparsely developed at present, is experiencing pressure for urban residential growth and is about to become and, to a limited extent, is urban and suburban in character; that a portion of the Long Lake area located within Section 31 has for a number of years been within the jurisdiction of the City of Stillwater and that an additional portion of Long Lake was, by order of this Commission dated October 30, 1972, annexed to the City of Stillwater; and that Long Lake is a natural resource, the protection of which is required, and that this protection can be better achieved if development around the perimeter is controlled by one municipality. That such control is required to protect the public health, safety and welfare in reference to plat control and land development and construction which may be reasonably expected to occur within a reasonable time. That the property included in the original petition which commenced this proceeding, hereinafter referred to as Hooley-Feely property, is owned primarily by persons who are actively seeking to develop the same or sell the same for development for urban purposes and is about to become urban in character and that municipal government of the property is required to protect the public health, safety and welfare in reference to plat control or land development and construction which may be reasonably expected to occur within a reasonable time. That the Hooley-Feely property is, to a large extent, devoted to industrial zoning. The assessed valuation per capita of the City of Stillwater indicates that new industrial, commercial and residential growth is required if the City is to continue to function effectively.

7. That the municipal services available through the City of Stillwater, including sewer, water, fire, police and recreational facilities are adequate to provide services to the area in question and that a comprehensive sewer plan has been approved by the Metropolitan Sewer Board for the whole area.

8. That the zoning of the area in Stillwater Township lying south of

Highway 96 is presently controlled by Washington County and the pattern of development of property located within the City of Stillwater is consistent with that zoning, the Hooley-Feely area being primarily industrial and the Long Lake area being residential.

9. That the City of Stillwater has adequate zoning, housing and building codes and subdivision regulations which would be operational if any portion of the property in question were annexed to the City of Stillwater, and under the terms of that ordinance the zoning would remain unchanged.

10. That the 1971 valuation of the City of Stillwater was \$5,315,660.00 and the municipal mill rate for the City of Stillwater for that year was 120.23.

11. That the 1971 mill rate for the Town of Stillwater was 29.22.

12. That all of that portion of Stillwater Township located south of Highway No. 96, as well as all of the City of Stillwater, is located within School District No. 834 and, assuming normal patterns of development and no substantial change in zoning, the annexation to the City of Stillwater and development within the City of Stillwater would have the same impact as development of the property in Stillwater Township.

13. That it is to the best interests of the annexing municipality and the property hereinafter described that said property be annexed to the City of Stillwater, to-wit:

Hooley-Feely Area

Parcel No. 1:

The South Half of the Northeast Quarter of the Southeast Quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Thirty-two (32), Township Thirty (30) North, Range Twenty (20) West, and Blocks Three (3), Four (4), Seven (7) and Eight (8) of Ramsey & Carter's Addition to Stillwater, as surveyed and platted and now on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota.

Parcel No. 2:

The Southerly 1045 feet of the Easterly 990 feet of the Southeast Quarter of the Southwest Quarter of Section 32, Township 30 North, Range 20 West, except that part thereof conveyed to Glenn M. Bell and Lucile M. Bell, husband and wife, by warranty deed dated August 24, 1964, recorded September 4, 1964 in Book 271 of Deeds, page 233, and except that part thereof conveyed to Glenn M. Bell and Lucile M. Bell, husband and wife, by deed dated January 23, 1956, recorded February 7, 1956 in Book 198 of Deeds, page 635-636, subject to the right of way of Minnesota Highway 212 as the same now exists.

The Southerly 1045 feet of the Southwest Quarter of the Southeast Quarter of Section 32, Township 30 North, Range 20 West, subject to the right of way of Minnesota Highway 212 as the same now exists.

The Southerly 645 feet of the Southeast Quarter of the Southeast Quarter except the East 10 acres of said Southeast Quarter of the Southeast Quarter of Section 32, Township 30 North, Range 20 West, subject to the right of way of Minnesota Highway 212 as the same now exists, except Parcel No. 4.

Parcel No. 3:

The Easterly 990 feet of the Southwest Quarter of Section 32, Township 30 North, Range 20 West, except the Southerly 1045 feet thereof, and the West Half of the Southeast Quarter of Section 32, Township 30 North, Range 20 West, except the Southerly 1045 feet thereof.

Parcel No. 4:

All that part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 30 North of Range 20 West, Stillwater Township, Washington County, Minnesota described as follows: Commence at the south quarter corner of Section 32, Township 30, Range 20; thence east along the south line of said Section 32 for 2310 feet more or less to the southeast corner of a tract of land conveyed by Warranty Deed from Moelter to Hooley dated May 2, 1966 and recorded May 11, 1966 in Book 288 of Deeds, page 641, in the office of the Register of Deeds in and for Washington County, Minnesota; thence north 245 feet more or less to the north right-of-way line of Minnesota Highway No. 212, also being the point of beginning of this description; thence continuing north 400 feet more or less; thence west and parallel with the said north right-of-way line of Minnesota Highway No. 212 for 95 feet, more or less; thence south for 400 feet to said north right-of-way line of Minnesota Highway No. 212; thence east along said north right-of-way line of Minnesota Highway No. 212 for 95 feet more or less to the point of beginning; according to the United States Government survey thereof.

Long Lake Area

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 29;
The North Half of the Southeast Quarter (N $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section 30;
The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 30;
The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 30;
The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 30;
The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 31;
The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 31;
The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 31;
The Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 31;
The North Half of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 31; and
~~The North Half of the Northwest Quarter of the Southwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 32;~~
The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 31; and
That part of the North Half of the North $\frac{1}{2}$ of the Southwest Quarter (N $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section 32 which is not included in the above described "Feely-Hooley Area";

all of the foregoing being located in Stillwater Township, Township 30 North, Range 20 West, Washington County, Minnesota.

14. That precise data as to population, assessed valuation and property ownership within the Long Lake Area are not available in evidence and that a supplementary hearing will be necessary to gather this information only.

15. That the remainder of Stillwater Township can continue to carry on the functions of government after annexation of the above described property without undue hardship.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction of this annexation proceeding.

2. That the boundaries of the area proposed for annexation in the original petition should be increased to include additional property which is or is about to become urban or suburban in character and in order to improve the symmetry of the area.

3. The area proposed for annexation is so conditioned and so located as to be properly subject to the municipal government of the City of Stillwater, Washington County, Minnesota.

4. There is no need for the continuance of any township government within the area proposed for annexation.

5. The City of Stillwater, Washington County, Minnesota is capable and is best situated to provide the governmental services presently needed and those services which will become necessary in the future in the area proposed for annexation.

6. The proposed annexation to the City of Stillwater, Washington County, Minnesota will not materially affect the capability of the Township of Stillwater to continue its normal operation.

7. The annexation of the area to the City of Stillwater, Washington County, Minnesota would be in the best interests of the area affected.

8. An Order should be issued by the Minnesota Municipal Commission annexing to the City of Stillwater the real estate located in Washington County, Minnesota and described herein.

ORDER

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

Hooley-Feely Area

Parcel No. 1:

The South Half of the Northeast Quarter of the Southeast Quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Thirty-two (32), Township Thirty (30) North, Range Twenty (20) West, and Blocks Three (3), Four (4), Seven (7) and Eight (8) of Ramsey & Carter's Addition to Stillwater, as surveyed and platted and now on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota.

Parcel No. 2:

The Southerly 1045 feet of the Easterly 990 feet of the Southeast Quarter of the Southwest Quarter of Section 32, Township 30 North, Range 20 West, except that part thereof conveyed to Glenn M. Bell and Lucile M. Bell, husband and wife, by warranty deed dated August 24, 1964, recorded September 4, 1964 in Book 271 of Deeds, page 233, and except that part thereof conveyed to Glenn M. Bell and Lucile M. Bell, husband and wife, by deed

dated January 23, 1956, recorded February 7, 1956 in Book 198 of Deeds, page 6350636, subject to the right of way of Minnesota Highway 212 as the same now exists.

The Southerly 1045 feet of the Southwest Quarter of the Southeast Quarter of Section 32, Township 30 North, Range 20 West, subject to the right of way of Minnesota Highway 212 as the same now exists.

The Southerly 645 feet of the Southeast Quarter of the Southeast Quarter except the East 10 acres of said Southeast Quarter of the Southeast Quarter of Section 32, Township 30 North Range 20 West, subject to the right of way of Minnesota Highway 212 as the same now exists, except Parcel No. 4.

Parcel No. 3:

The Easterly 990 feet of the Southwest Quarter of Section 32, Township 30 North, Range 20 West, except the Southerly 1045 feet thereof, and the West Half of the Southeast Quarter of Section 32, Township 30 North, Range 20 West, except the Southerly 1045 feet thereof.

Parcel No. 4:

All that part of the Southeast Quarter of the Southeast Quarter of Section 32, Township 30 North of Range 20 West, Stillwater Township, Washington County, Minnesota described as follows: Commence at the south quarter corner of Section 32, Township 30, Range 20; thence east along the south line of said Section 32 for 2310 feet more or less to the southeast corner of a tract of land conveyed by Warranty Deed from Moelter to Hooley dated May 2, 1966 and recorded May 11, 1966 in Book 288 of Deeds, page 641, in the office of the Register of Deeds in and for Washington County, Minnesota; thence north 245 feet more or less to the north right-of-way line of Minnesota Highway No. 212, also being the point of beginning of this description; thence continuing north 400 feet more or less; thence west and parallel with the said north right-of-way line of Minnesota Highway No. 212 for 95 feet, more or less; thence south for 400 feet to said north right-of-way line of Minnesota Highway No. 212; thence east along said north right-of-way line of Minnesota Highway No. 212 for 95 feet more or less to the point of beginning; according to the United States Government survey thereof.

Long Lake Area

The Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 29;
The North Half of the Southeast Quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) of Section 30;
The Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 30;
The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 30;
The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 30;
The Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ of $NW\frac{1}{4}$) of Section 31;
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The Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 31;
The North Half of the Northeast Quarter of the Southeast Quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section 31; and
~~The North Half of the Northwest Quarter of the Southwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section 32;~~

The Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ of $NE\frac{1}{4}$) of Section 31; and
That part of the North Half of the North $\frac{1}{2}$ of the Southwest Quarter ($N\frac{1}{2}$ of $N\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 32 which is not included in the above described "Feely-Hooley Area";


all of the foregoing being located in Stillwater Township, Township 30 North, Range 20 West, Washington County, Minnesota.

IT IS FURTHER ORDERED: That the Secretary of the Commission shall designate a time and place for a supplementary hearing in accordance with Minnesota Statutes Section 414.09, subdivision 1 within 30 days which hearing shall be limited to evidence as to the population, assessed valuation and property ownership of the Long Lake Area. A supplementary order shall be issued establishing these facts and fixing a day for an election if it is shown that this proceeding was not initiated by a majority of the property owners annexed.

IT IS FURTHER ORDERED: That all other assets and obligations of the Town of Stillwater shall remain the property and responsibility of the Township.


Dated this 5th day of January 1973

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


Howard L. Kaibel, Jr.
Executive Secretary

Amended Order dated this 30th day of January 1973

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


Howard L. Kaibel, Jr.
Executive Secretary

A-1985 Stillwater (Wild Pines)
A-2056 Stillwater (Feely-Hooley)

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Robert W. Johnson	Chairman
Robert J. Ford	Member
Thomas J. Simmons	Member
Peter E. Tibbetts	Ex-Officio Member
Don L. Cafferty	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF STILLWATER A-2056)
)
IN THE MATTER OF THE PETITION)
TO ANNEX CERTAIN LAND TO THE)
CITY OF STILLWATER A-1985)

MEMORANDUM ACCOMPANYING
AMENDED ORDER
IN A-2056

The purpose of this memorandum is to clarify for the record two problems with property descriptions in the above-entitled matters. There was no attempt to call these ministerial errors to the attention of the commission until a map was presented to the courts in an attempt to enjoin further proceedings. They are remedied by the amended order which accompanies this memorandum.

The first property description problem involves the status of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 31, Township 30, Range 20. This quarter-quarter section was unintentionally omitted from the property description in the "Wild Pines" A-1985 Order dated October 30, 1972.

It is clear from all of the records, testimony and arguments received by the commission in the various hearings that all parties and the full commission assumed that the area proposed for annexation in A-1985 included this quarter-quarter section. Maps submitted by both the Township and the City included this 40 acres.

A further examination, however, clearly confirms that the quarter-quarter section was not included in the annexation order and remained a part of the township. This became an island completely surrounded by the City of Stillwater pursuant to the Order in "Feely-Hooley" A-2056 which squares out the city boundaries. The amended order corrects this error by annexing this property, a result which both the parties and the commission thought had already been

achieved in A-1985.

The second property description problem appears in the original "Feely-Hooley" A-2056 Order issued January 5, 1973, which left a small sliver of property separating the petitioned "Feely-Hooley" property from the expanded "Long Lake Area". The amended order corrects this defect and squares out the boundaries of the city improving their symmetry as was originally intended. The amendment is not an attempt to add new property but is merely an attempt to accurately describe what the commission originally intended.