

BEFORE THE MUNICIPAL COMMISSION
OF THE STATE OF MINNESOTA

Thomas J. Simmons
Robert W. Johnson
Gerald J. Isaacs

Chairman
Vice Chairman
Member

IN THE MATTER OF THE PETITION FOR)
ANNEXATION OF CERTAIN LAND TO THE)
CITY OF STILLWATER)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-described 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 herein, came on for hearing before the Minnesota Municipal Commission in the City of Stillwater in the County Office Building on the 31st day of December, 1974 at 10:00 a.m. Thomas Simmons, Chairman of the Minnesota Municipal Commission, presided at the hearing. Also in attendance were Commissioners Robert W. Johnson and Gerald Isaacs, as well as Idor A. Pederson, County Commissioner, and Don L. Cafferty, County Commissioner, as Ex-Officio Members. Idor A. Pederson and Don L. Cafferty withdrew from the hearing after the roll had been called and all of the parties stipulated for the matter to be heard by the remaining members of the Commission.

The Petition herein had been received by the Minnesota Municipal Commission on September 30, 1974 and objections to said annexation were received from the Township on October 30, 1974. The Petitioners were represented by John C. McNulty and Harvey F. Kaplan of Maslon, Kaplan, Edelman, Borman, Brand & McNulty; The City of Stillwater

was represented by its City Attorney, Harold D. Kimmel and the Township was represented by Gordon C. Moosbrugger. The hearing was continued to January 21, 1975.

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

FINDINGS OF FACT

1. That due, timely and adequate legal notice of the hearing ordered by the Minnesota Municipal Commission was served and filed.

2. That due, timely and adequate objection to the proposed annexation of the property herein described was filed by the Town of Stillwater, Washington County, Minnesota, by its Town Board.

3. That the area proposed for annexation is hereafter fully described, is located adjacent to and abuts the corporate limits of the City of Stillwater, County of Washington, Minnesota, and consists of 58.38 acres of land; and that the present area of the City of Stillwater is 2700 acres.

4. That all of the property owners in the area proposed for annexation have joined in or consented to the proposed annexation.

5. That the City of Stillwater, according to the 1970 United States Census, had a population of 10,191 and that by Order of the Minnesota Municipal Commission dated March 22, 1973 said population was increased to 10,208; that the estimated population of the City of Stillwater in 1974 was 11,439; that the property proposed for annexation in this proceeding, hereafter referred to as the Jackson Property, has a population of zero; that the Jackson Property, if developed in accordance with the proposed plans for the same submitted in this Proceeding, would

have a projected population of 347 people; and that the projected population of the City of Stillwater in 1980 is 12,200.

6. That the present zoning of the Jackson Property is for single family residential development, the pattern of development of property located within the City of Stillwater adjacent to the same is consistent with that zoning, and such development is consistent with comprehensive plans for the development of the property developed by the Metropolitan Council; that the ultimate zoning control of said property is presently under the jurisdiction of Washington County, and that the Town of Stillwater has zoning, housing, building codes and sub-division regulations; that adequate ordinances covering the same subjects are in existence and would be operable within the limits of the City of Stillwater; and that development of the Jackson Property in accordance with the codes, ordinances, and regulations of either the City of Stillwater or the Town of Stillwater will not materially adversely affect the ecology or environment of the area of which the Jackson Property is a part.

7. That the Jackson Property is within the watershed of Long Lake, a portion of which lake is located within the City of Stillwater and a portion of which is located within the Town of Stillwater; and that the natural drainage of a portion of the Jackson Property is to the South and Southwest which is served by a storm sewer system flowing into Long Lake and the natural drainage of the balance of the Jackson Property is to the West (property owned by the Minnesota Department of Natural Resources), to the East (unimproved privately owned property) and to the North (unimproved privately owned property).

8. That municipal services of the City of Stillwater or proposed improvements, including water and sewer service, fire and police protection, street improvements and maintenance, and recreational

facilities, are and will be adequate to provide such services to the Jackson Property; and that such services can best be provided to the Jackson Property through annexation to the City of Stillwater.

9. That the existing road system in the City of Stillwater and the proposed road system for the Jackson Property will be sufficient to accommodate the proposed development for the Jackson Property whether or not County State Aid Road 12 is constructed along the North boundary of the Jackson Property.

10. That the 1974 assessed valuation of the City of Stillwater was \$21,365,816.00 and the municipal mill rate for the City of Stillwater for that year was 29.81; that the assessed valuation of the Jackson Property is \$20,000.00; and that the bonded indebtedness of the City of Stillwater for the year 1974 of all types was \$6,466,000.00.

11. That the proposed annexation of the Jackson Property and the development of the same can be adequately provided for by School District 834, the school district within which all of said property is located.

12. That the Jackson Property is about to become urban or suburban in character.

13. That the annexation of the Jackson Property will not place an undue hardship upon the Town of Stillwater relative to its ability to continue to carry on its functions of government.

14. That it is to the best interests of the City of Stillwater and of the Jackson property that said property be annexed to the City of Stillwater.

15. That the areas proposed for annexation are described as follows:

The Northwest quarter of the Southwest quarter of Section 29, Township 30, Range 20, Washington County Minnesota and that part of the Northeast quarter of the Southeast quarter of Section 30, Township 30, Range 20, Washington County, Minnesota lying East of the following described line: Commencing at the

Northeast corner of said Northeast quarter of Southeast quarter; thence North $88^{\circ} 13' 48''$ West (assumed bearing) along the North line of said Northeast quarter of Southeast quarter 904.55 feet; thence South $17^{\circ} 54' 26''$ West 1377.65 feet to the South line of said Northeast quarter of Southeast quarter; thence South $88^{\circ} 10' 45''$ East along the South line of said Northeast quarter of Southeast quarter 504.44 feet to the actual point of beginning of the line to be hereafter described; thence North $17^{\circ} 54' 26''$ East 1378.11 feet to a point on the North line of said Northeast quarter of Southeast quarter distant 399.98 feet West from the Northeast corner of said Northeast quarter of Southeast quarter and there terminating, except the following described tract: Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of said Section 29, and running thence South on the West line thereof, five (5) rods; thence East one (1) rod; thence North on a line parallel with the West line of said tract, five (5) rods to the North line thereof; thence West one (1) rod to the place of beginning.

CONCLUSIONS OF LAW

1. The Minnesota Municipal Commission duly acquired and now has jurisdiction on this annexation proceeding and authority to grant the annexation described without an election.
2. The area proposed for annexation is or is about to become urban or suburban in character and is so conditioned and so located as to be properly subject to the municipal government of the City of Stillwater, Washington County, Minnesota.
3. 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.
4. 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.

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

6. 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.

O R D E R

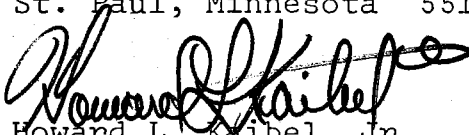
IT IS HEREBY ORDERED: That the real estate situated in the County of Washington, State of Minnesota, described as follows be and the same is hereby annexed to the City of Stillwater, Minnesota, the same as if it had been originally made a part thereof:

The Northwest quarter of the Southwest quarter of Section 29, Township 30, Range 20, Washington County, Minnesota and that part of the Northeast quarter of the Southeast quarter of Section 30, Township 30, Range 20, Washington County, Minnesota lying East of the following described line: Commencing at the Northeast corner of said Northeast quarter of Southeast quarter; thence North $88^{\circ} 13' 48''$ West (assumed bearing) along the North line of said Northeast quarter of Southeast quarter 904.55 feet; thence South $17^{\circ} 54' 26''$ West 1377.65 feet to the South line of said Northeast quarter of Southeast quarter; thence South $88^{\circ} 10' 45''$ East along the South line of said Northeast quarter of Southeast quarter 504.44 feet to the actual point of beginning of the line to be hereafter described; thence North $17^{\circ} 54' 26''$ East 1378.11 feet to a point on the North line of said Northeast quarter of Southeast quarter distant 399.98 feet West from the Northeast corner of said Northeast quarter of Southeast quarter and there terminating, except the following described tract: Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of said Section 29, and running thence South on the West line thereof, five (5) rods; thence East one (1) rod; thence North on a line parallel with the West line of said tract, five (5) rods to the North line thereof; thence West one (1) rod to the place of beginning.

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 10th day of April, 1975

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


Howard L. Kaibel, Jr.
Executive Secretary

MEMORANDUM

In the latest appeal of a Municipal Commission order in Stillwater, the Supreme Court summarized the recent history of boundary adjustment disputes in this area:

"It should be noted that the commission had repeatedly encouraged the town and the city to cooperate in establishing an orderly long-range annexation plan concerning annexation of township property lying adjacent to the City of Stillwater. Despite such efforts, the town has consistently refused to engage in such a voluntary comprehensive annexation plan, which is authorized, with attendant tax adjustment advantages, by Minn. Statutes 414.032. As a result, the commission, with evident reluctance, has been forced to deal with the annexation of the township property on a piecemeal basis."

With continuing reluctance, we have today decided to approve the herein ordered annexation of 58 acres - the first such approval in more than two years.

We have carefully analyzed and deliberated over the evidence and arguments presented, particularly the testimony regarding schools, traffic and ecology. As the accompanying findings and conclusions indicate, after careful consideration of all of the factors contained in Minnesota Statutes 414.031, Subdivision 4, applying our experience gained in such proceedings here and elsewhere, it is our unanimous considered judgment that this petition should be approved.

The approval leaves a parcel one rod by five rods on the north boundary in the township. The parcel was omitted from the petition because of questionable ownership. We considered expanding the petitioned area to include this area "in order to preserve or improve the symmetry of the area" as provided in Minnesota Statutes 414.031, Subdivision 4. With due consideration of the legal complexities such an expansion might introduce into these proceedings, based on past experience, we rejected this alternative. The area is more than 60% surrounded by city boundaries and can be annexed by ordinance if there is some difficulty presented, pursuant to M.S. 414.033, Subd. 3.

The township attorney and officials should be commended for presenting an exceptionally sound, constructive case at the two days of hearings conducted on this petition. We are encouraged by the ample evidence that local citizens are moving towards some sort of joint orderly annexation solution, which may eliminate the need for further contested proceedings in the future. If this dispute were solely between the city and township, we would be inclined to grant the township request for a delay of our final decision to accommodate negotiations. We conclude that in this case such action would be unfair to petitioners.