

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Peter Tibbetts	Ex-Officio Member
Wesley Scheel	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)
 BETWEEN STILLWATER TOWNSHIP AND THE)
 CITY OF STILLWATER FOR THE ORDERLY)
 ANNEXATION OF CERTAIN LAND TO THE)
 CITY OF STILLWATER)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on July 22, 1976, at the Washington County Courthouse, Stillwater, Minnesota. The hearing was conducted by William A. Neiman, Executive Secretary, and Gerald J. Isaacs pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Peter Tibbetts and Wesley Scheel, ex-officio members of the Board. The City of Stillwater appeared by and through Harold Kimmel and the Town of Stillwater appeared by and through Gordon Moosbrugger, Attorney at Law. Testimony was heard and records and exhibits were received. A hearing to determine whether or not the area should be expanded was conducted on November 1, 1976, by Vice Chairman Robert W. Johnson. Gerald Isaacs and County Commissioners Peter Tibbetts and Wesley Scheel were also present.

After due and careful consideration of all evidence, together with all records, files and proceedings the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. That a joint resolution for orderly annexation was adopted by the City of Stillwater and the Township of Stillwater and duly filed with the Minnesota Municipal Board.
2. A resolution was filed by one of the signatories to the joint resolution, the City of Stillwater on April 20, 1976, (accompanied by a petition by all of the property owners), requesting annexation of certain properties within the orderly annexation area. The resolution contained

all the information required by statute including a description of the territory subject to annexation which is as follows:

West 1,665.3 feet of the Southwest Quarter of Section 32 Township 30, Range 20, excepting that part lying Northwest of the center of the St. Paul and Stillwater Road and excepting therefrom the real estate conveyed to the County of Washington for Highway easement, dated April 29, 1966, recorded August 15, 1966 in Book 291 of Deeds, page 434. Containing 74.13 acres, more or less.

All that part of the East Half of the Southeast Quarter of Section 31, Township 30, Range 20 lying southeasterly of the center of the St. Paul and Stillwater Road and northerly of the center line of State Highway 212.

Part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 30, Range 20 described as follows: Commencing at the southwest corner of Section 32; thence East along the South line of said Section 32 for 1663.2 feet; thence north $0^{\circ} 42'$ West for 245 feet to the north line of proposed new Highway 212 right-of-way, this being the point of beginning of this description; thence North $0^{\circ} 42'$ West for 330 feet; thence East and parallel with said South line of Section 32 for 132 feet; thence South $0^{\circ} 42'$ East for 330 feet to said North line of proposed new Highway 212 right-of-way; thence West along said North line of said right-of-way 132 feet to the point of beginning.

Part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 30, Range 20 described as follows: Commencing at a point on the East line of said Southeast Quarter of the Southwest Quarter where said East line intersects the northerly right-of-way of Minnesota Highway 212; from said point run West along said North line of Minnesota Highway 212 a distance of 858.06 feet to the point of beginning of this description; run thence North $0^{\circ} 50' 38''$ West for 332.18 feet, which line is the west line of the tract hereby conveyed; run thence South $89^{\circ} 32' 10''$ East to a line which is 100 feet East and parallel to the West line of the tract hereby conveyed; run thence South along said East line of the tract hereby conveyed to the northerly right-of-way line of Minnesota Highway 212; run then West along said Northerly right-of-way line to the point of beginning.

3. Due, timely and adequate legal notice of the hearing was published, served and filed.

4. Geographic Features

- a. The area subject to annexation is unincorporated and abuts the City of Stillwater.
- b. The total area of the City of Stillwater is 2,555 acres. The total area of the territory subject to annexation is about 80 acres of approximately 12,000 acres within Stillwater Township.
- c. The degree of contiguity of the boundaries between the annexing municipality and the proposed annexed property is as follows: approximately 33%.
- d. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is as follows: predominantly agricultural land, grove of trees in the southwest corner.

5. Population Data

a. The City of Stillwater

- 1) Past population growth: 1870 - 1970 - 4,123 to 10,191
- 2) Present population: 11,692 (estimate)
- 3) Projected population: By the year 2000, an estimated 16,000 population.

b. The area subject to annexation is residential/commercial

- 1) Past population growth - Unknown
- 2) Present population: 6
- 3) Projected population: Unknown, however there is proposed a 74+ acre planned unit development which will consist of a community shopping center, free standing commercial or light industrial uses and 13.4 acres of specialized housing.

6. Development Issues

a. What, if any, are the comprehensive plans for the development of the property proposed for annexation and/or the annexing municipality, including development projected by the metropolitan council. A joint agreement^{pro} providing for joint land use control and planning has been executed between the City of Stillwater, the Township of Stillwater and Washington County.

b. What land use controls are presently being employed.

1) In the City of Stillwater

- a) Zoning - Yes
- b) Subdivision regulations - Yes
- c) Housing and building codes - Yes
- d) Other - Minnesota Plumbing, Mechanical, and Fire Prevention Codes

2) In the area to be annexed

- a) Zoning - Yes, Washington County Zoning Ordinance
- b) Subdivision regulations - Certain restrictions contained in the orderly annexation agreement.
- c) Housing and building codes - Unknown
- d) Other - Unknown

c. The present pattern of physical development is:

1) In the City of Stillwater

- a) Residential - Yes
- b) Industrial - Yes
- c) Commercial - Yes
- d) Institutional - Yes

2) In the area subject to annexation:

- a) Residential - Yes, 2 residents
- b) Industrial - No
- c) Commercial - Yes, (lumber company)
- d) Institutional - No

7. Governmental Services

a. Presently, the Township of Stillwater provides the area subject to annexation with the following services:

- 1) Water - Unknown
- 2) Sewer - Unknown
- 3) Fire Protection - No, contracts with the City of Stillwater
- 4) Police Protection - Unknown
- 5) Street Improvements - Unknown
- 6) Street Maintenance - Unknown
- 7) Recreational - Unknown
- 8) Other - Unknown

b. Presently, the City of Stillwater provides its citizens with the following services:

- 1) Water - Yes, 50 miles of water main, 5 wells, chlorine/floride treatment 5-man department, Health Department rating 92
- 2) Sewer - Yes, 36 miles sanitary sewer, 20 miles storm sewer - two person department
- 3) Fire Protection - Six full time fire fighters, fire rating 5; 31 volunteer firefighters; nine vehicles
- 4) Police Protection - 12 sworn, 2 unsworn officers, 5 vehicles, 15-man Police Reserve Unit, 24 hour protection
- 5) Street Improvements - Yes, 98% of the 55 miles are improved
- 6) Street Maintenance - Yes, 7 person department
- 7) Recreational - Yes, 120 acre park land developed facilities, 4 person department
- 8) Other - Library (40,000 books); administrative staff, 4 full-time persons

- c. Plans to extend municipal services to the area subject to annexation include the following: The orderly annexation agreement provides that all city services including sewer, be provided within a reasonable time.
- d. The proposed development will have little or no impact on environment. The development has carefully provided for actions to minimize or eliminate the undesirable effects and these actions are practical.
- e. That the City of Stillwater is capable of and it is practical for it to provide to the area proposed for annexation municipal services within the next five years.

8. Fiscal Data

- a. In the City of Stillwater, the assessed valuation trend as of 1976 is \$27,943,365-steadily rising, the mill rate trend as of 1976 is 112.23-an increase over the last three years and the present bonded indebtedness as of January 1, 1976 is \$6,310,000.
- b. In the area subject to annexation, the assessed valuation as of 1976 is \$29,191 (approximately .006% of the township's assessed value) and the present bonded indebtedness is unknown.
- c. The mill rate trends in the following units of government are:
 - 1) County - as of 1975, 25.89; decreasing - stable over the last 3 years.
 - 2) School Districts - as of 1975 - 63.47 - decreasing and stable over the last 3 years.
 - 3) Township - as of 1975 - 7.85.

- 9. The area subject to annexation should not be increased.

CONCLUSIONS OF LAW

- 1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- 2. The area subject to annexation is now or is about to become urban or suburban in nature.
- 3. The City of Stillwater is capable of providing the services required by the area described herein within a reasonable time.
- 4. The mill levy of the annexing municipality on the area proposed

for annexation should be increased in substantially equal proportions over a five-year period.

5. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

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

West 1,665.3 feet of the Southwest Quarter of Section 32, Township 30, Range 20, excepting that part lying Northwest of the center of the St. Paul and Stillwater Road and excepting therefrom the real estate conveyed to the County of Washington for Highway easement, dated April 29, 1966, recorded August 15, 1966 in Book 291 of Deeds, page 434. Containing 74.13 acres, more or less.

All that part of the East Half of the Southeast Quarter of Section 31, Township 30, Range 20 lying southeasterly of the center of the St. Paul and Stillwater Road and northerly of the center line of State Highway 212.

Part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 30, Range 20 described as follows: Commencing at the southwest corner of Section 32; thence East along the South line of said Section 32 for 1663.2 feet; thence north $0^{\circ} 42'$ West for 245 feet to the north line of proposed new Highway 212 right-of-way, this being the point of beginning of this description; thence North $0^{\circ} 42'$ West for 330 feet; thence East and parallel with said South line of Section 32 for 132 feet; thence South $0^{\circ} 42'$ East for 330 feet to said North line of proposed new Highway 212 right-of-way; thence West along said North line of said right-of-way 132 feet to the point of beginning.

Part of the Southeast Quarter of the Southwest Quarter of Section 32, Township 30, Range 20 described as follows: Commencing at a point on the East line of said Southeast Quarter of the Southwest Quarter where said East line intersects the northerly right of way of Minnesota Highway 212; from said point run West along said North line of Minnesota Highway 212 a distance of 858.06 feet to the point of beginning of this description; run thence North $0^{\circ} 50' 38''$ West for 332.18 feet, which line is the west line of the tract hereby conveyed; run thence South $89^{\circ} 32' 10''$ East to a line which is 100 feet East and parallel to the West line of the tract hereby conveyed; run thence South along said East line of the tract hereby conveyed to the northerly right-of-way line of Minnesota Highway 212; run then West along said Northerly right-of-way line to the point of beginning.

IT IS FURTHER ORDERED: That the mill levy of the City of Stillwater on the property herein ordered annexed shall be increased in substantially equal proportions over a period of 5 years to equality with the mill levy of the property already within the City.

IT IS FURTHER ORDERED: That the population of the City of Stillwater be and the same hereby is increased by six (6) for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the population of the Town of Stillwater be and the same hereby is decreased by six (6) for all purposes until the next Federal Census.

IT IS FURTHER ORDERED: That the effective date of this order is December 15, 1976.

Dated this 15th day of December, 1976

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
Saint Paul, Minnesota 55101


William A. Neiman
Executive Secretary.