

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Joseph Fogarty	Ex-Officio Member
Wesley Scheel	Ex-Officio Member

IN THE MATTER OF THE JOINT RESOLUTION)	
OF THE CITY OF STILLWATER AND THE TOWN)	
OF STILLWATER FOR THE ORDERLY ANNEXATION)	<u>FINDINGS OF FACT,</u>
OF CERTAIN LAND TO THE CITY OF STILLWATER)	<u>CONCLUSIONS OF LAW,</u>
PURSUANT TO MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414 as amended on January 6, 1982 at Stillwater, Minnesota. The hearing was conducted by Robert J. Ferderer, Chairman, pursuant to Minnesota Statutes 414.01 subd. 12. Also in attendance were County Commissioners Joseph Fogarty and Wesley Scheel, ex-officio members of the board. The City of Stillwater appeared by and through David Magnuson and the Town of Stillwater appeared by and through William Jepsen. Testimony was heard and records and exhibits were received.

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

- I. The joint resolution for orderly annexation was adopted by the City of Stillwater and the Town of Stillwater and duly accepted by the Municipal Board.
- II. A resolution was filed by one of the signatories to the joint resolution, the City of Stillwater, on November 12th, 1981 requesting annexation of certain property within the orderly annexation area. The resolution contained all the information required by statute including a description of the proposed area for annexation which is as follows:

Segment One

All that part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Number Thirty three (33), in Township Number Thirty (30) North of Range Number Twenty (20) West, Washington County, Minnesota, described as follows, to wit: Beginning at a point in the North line of said tract Six hundred sixty-one and nine one-hundredths (661.09) feet West of the Northeast corner of said tract; thence South Three hundred sixty-two and sixty-four one-hundredths (362.64) feet to a point; thence East at right angles Three hundred eighty and seventy-two one-hundredths (380.72) feet to a point; thence North at right angles to the north line of said tract, and thence west along the north line of said tract to the place of

beginning, subject to an easement for utilities over the west 10 feet to Stillwater Twp., except the following:

Exception No. 1, Segment One,

Beginning at a point in the north line of said tract six hundred sixty one and nine one-hundredths (661.09) feet west of the northeast corner of said tract; thence southerly interior angle to the southwest of eighty nine degrees, thirteen minutes, eight seconds ($89^{\circ}13'08''$) two hundred forty six and ninety three one hundredths (246.93) feet to a point; thence easterly, interior angle seventy eight degrees, fourteen minutes, forty-six seconds ($78^{\circ}14'46''$), a distance of three hundred eighty-eight and eighty-three one-hundredths (388.83) feet, more or less, to a point; thence northerly, interior angle one hundred one degrees, forty-five minutes, fourteen seconds ($101^{\circ}45'14''$), a distance of one hundred sixty two and fifty four one-hundredths (162.54) feet to a point on the north line of said tract; thence west along the north line of said tract, interior angle ninety degrees, forty-six minutes, fifty two seconds ($90^{\circ}46'52''$), a distance of three hundred eighty and seventy two one-hundredths (380.72) feet to the place of beginning, and there terminating.

Segment Two

All that part of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Number Thirty-three (33), in Township Number Thirty (30) North, of Range Number Twenty (20) West, Washington County, Minnesota, described as follows, to-wit: Beginning at a point in the centerline of the traveled road running Northerly and Southerly across said tract at a point Three hundred two and seventy one-hundredths (302.70) feet Northerly from the South line of said tract; thence running East Eight hundred thirty five and three-tenths (835.3) feet, more or less, to the East line of said tract; thence running north along the east line of said tract, Six hundred fifty four and seven-tenths (654.7) feet to a point; thence running west Six hundred sixty one and sixteen one-hundredths (661.16) feet to a point; thence running South at right angles One Hundred thirty one and eighty two one-hundredths (131.82) feet to a point; thence west One hundred seventy two and eighteen one-hundredths (172.18) feet to the centerline of the said traveled road; thence southerly along the centerline of the said traveled road Five hundred twenty and eighty-five one-hundredths (520.85) feet, more or less, to the place of beginning, subject to County Road 66 and a utility easement to Stillwater Twp. described in Torrnes Doc. No. 37519. Excepting therefrom those parts thereof described as follows as Exceptions 1 and 2, Segment Two.

Exception No. 1, Segment 2

All that part of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Thirty-three (33), Township Thirty (30) North, Range Twenty (20) West, Washington County, Minnesota described as follows, to-wit: Beginning at a point on the centerline of the traveled road locally known as the Hospital Road at a point Three hundred two and seven-tenths (302.7) feet north of the south line of said tract, and running thence east on a line parallel to said south line of said tract Six hundred seventy-two and nine tenths (672.9) feet to an iron pipe monument; thence northwesterly by a deflection angle of $95^{\circ}34'$ to the left One Hundred fifty-three and nine-tenths (153.9) feet to an iron pipe monument; thence west on a line parallel to said south line Six hundred sixty-five (665) feet to the center-

line of said road; thence southerly along said centerline of said road One hundred fifty-three and twenty-eight hundredths (153.28) feet to the point of beginning, containing 2.26 acres, more or less.

Exception No. 2, Segment Two

All that part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty-three (33), Township Thirty (30) North, Range Twenty (20) West, Washington County, Minnesota, described as follows, to-wit: Beginning at a point on the centerline of the traveled road locally known as the Hospital Road at a point Four hundred fifty-five and ninety-eight hundredths (455.98) feet north of the south line of said tract, and running thence east on a line parallel to said south line of said tract Six hundred sixty-five (665) feet to an iron pipe monument; thence Northwesterly by a deflection angle of 95 $^{\circ}$ 34' to the left ninety-seven and eighty-five hundredths (97.85) feet to an iron pipe monument; thence by a deflection angle of 57 $^{\circ}$ 25' to the left One hundred fifteen and six-tenths (115.6) feet to an iron pipe monument; thence by a deflection angle of 2 $^{\circ}$ 30' to the left One hundred ninety-seven and eight-tenths (197.8) feet to an iron pipe monument; thence by a deflection angle of 30 $^{\circ}$ 14' to the left One hundred fifty-five and four-tenths (155.4) feet to an iron pipe monument; thence by a deflection angle of 8 $^{\circ}$ 12' to the left Two hundred eighteen and four-tenths (218.4) feet to the centerline of said road; thence south along said centerline to the point of beginning.

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

IV. The area subject to annexation is unincorporated, approximately 7.8 acres in size, abuts the City of Stillwater by 100% of its border. The City of Stillwater is approximately 4,109.41 acres in size.

V. The general topography of the area subject to annexation is hilly with approximately 30 feet of relief. The drainage patterns of the area are to the north and west into the City of Stillwater and towards the St. Croix River. There are no rivers, lakes, or major bluffs within the area subject to annexation. There are no natural features of peculiar or extraordinary significance. The drainage is into Brick Pond and Lilly Lake which drainage area is protected by the Minnesota Department of Natural Resources. The area proposed for annexation contains no prime agricultural land.

VI. The population of the City of Stillwater in the year 1980 was 12,290 people. The present estimated population of the City of Stillwater according to the April 1st, 1980 estimates provided by the Metropolitan Council is 12,150 persons. In 1990 the projected population of the City of Stillwater is 13,900 persons according to Metropolitan Council forecasts.

VII. The area subject to annexation is vacant land and has no population presently.

VIII. The population of the Town of Stillwater in the 1980 Census was 1,599 persons.

IX. The City of Stillwater is approximately 16 acres in apartment and nursing home use, 14 acres in duplex use, 3.9 acres in three to four residential unit use, 1,408.21 acres in single family use, approximately 139 acres in commercial use, approximately 161.4 acres in industrial use, 1.3 acres in utility use, 30 acres in railroad use, 161.9 acres in school related use, approximately 14.2 acres in county related use, approximately 1.2 acres in federal land use, approximately 21.7 acres in state land use, approximately 275.39 acres in city related use, approximately 327.75 acres in semi-public land use, approximately 822.05 acres in use for public streets, approximately 584 acres categorized as waterbody land use, and approximately 127.41 acres categorized as institutional type land use.

X. In the residential total, all acreage is included that is already developed and that is zoned residential but not developed. All but 64 acres is either developed, or in the process of having the full range of municipal services extended to it. A 39 acre parcel has had a preliminary plat approved, (Reliance Development Co.) for development as single-family residences but the developer has not requested the extension of services. The remaining 25 acres (Emerson property) is zoned Residential but has not had a plat approved nor services extended to it because the Owner has not requested it.

XI. Of the total of commercial and industrial acreage shown, 208 acres is within the orderly annexation area and is being developed as a mixed area of commercial and industrial uses.

XII. In the area subject to annexation, the land use is presently zoned residential by the township. The land is presently vacant.

XIII. The Town of Stillwater which contains approximately 18 square miles of land is primarily used as residential property with most of its land being zoned for residential or agricultural use.

XIV. The City of Stillwater currently has in effect zoning and subdivision regulations, a zoning map, a city comprehensive sewer plan, city water main base map, a graphic of the city policy on expansion, city neighborhood structure plan map, a graphic showing potential future boundaries of the city, general city plan and neighborhood map, city comprehensive plan, and a comprehensive city code. The City of Stillwater has adopted the uniform building code.

XV. The City of Stillwater currently provides its residents with the following services, all of which is is willing and able to provide to the area subject to annexation; there is a complete municipal water department that is operated independently as a branch of the municipal government of the City of Stillwater. The City of Stillwater is the owner of laterals and interceptors providing complete sanitary sewer service and storm sewer service to the City of Stillwater. The laterals and interceptors owned by the City empty into a Metropolitan Waste Control Commission Sewer Plant located in the City of Stillwater. The sewer plant was constructed by the City of Stillwater in 1959 and has subsequently been expanded and its capacity increased and acquired by the Metropolitan Waste Control Commission. This system has adequate capacity to serve the area subject to annexation. The City of Stillwater has a Class 5 Fire Rating. It has a Fire Department that is comprised of full-time and part-time help, with two men on duty 24 hours a day. The reserve capacity of the Fire Department is complemented by approximately 30 volunteers. The Fire Department has 4 pumpers, a ladder truck, a rescue truck, a tanker truck and pickup trucks for the handling of small grass fires. The Police Department of the City of Stillwater is comprised of 16 full-time policemen along with 12 part-time officers. The Police Department has five marked squad cars and two unmarked cars and is connected to the Washington County Emergency Communications System which is a central clearing house for radio messages operated by the Washington County Sheriff's Office. There is a regular street improvement plan for the City of Stillwater wherein streets are sealcoated on a regular basis and needed improvements are made according to a street maintenance and improvements plan. Recreational facilities of the City of Stillwater include many and varied parks including Lowell Park adjacent to the St. Croix River in downtown Stillwater and Pioneer Park located on the North Hill of Stillwater; a large ice arena which provides indoor ice facilities to various hockey teams and figure skating groups throughout the Washington County area. These facilities are managed by a Parks and Recreation Department. A public library is provided by the City of Stillwater and recently it has undergone a large renovation to provide library facilities to the people of the City. The City has a full-time Public Safety Director which position has supervisory capability over both the police and the fire departments. The city employs a full-time Coordinator/Financial Director. The city clerk's office provides administrative support and the city supplements its staff by

employing a consulting engineer, a consulting planner, and by using the services from time to time of the Washington County Planning Department.

XVI. Stillwater is served by the Metropolitan Transit buses. There is a local bus and local taxi company with radio equipped vehicles.

The City is bounded on the southern boundary for the most part by Minnesota State Trunk Highway No. 212/36 and is also served by State Highway No. 95 and State Highway No. 96. The City currently has 3.87 miles of highways, 5.40 miles of county road and 50.45 miles of streets.

XVII. The area subject to annexation has no existing or potential transportation problems. It has access to County Road 66 on its westerly boundary.

XVIII. The Town of Stillwater presently provides the area subject to annexation with fire protection through a contract with the City of Stillwater. Police protection is provided by the Washington County Sheriff's Office.

XIX. There are no existing or potential environmental problems in the area subject to annexation.

XX. The City of Stillwater will provide the area proposed for annexation all of the enumerated services it presently provides its residents, if the property is annexed, as the area needs these services.

XXI. In the City of Stillwater the tax base includes the following present valuation (assessed valuation):

1. Residential property assessed 1981 payable in 1982 was established at \$41,154,231.
2. Commercial property assessed in 1981 payable in 1982 was established at \$9,313,866.
3. Industrial property assessed in 1981 payable in 1982 was established at \$757,782.
4. Agricultural property assessed in 1981 payable in 1982 was established at \$170,747.
5. Personal property assessed in 1981 payable in 1982 was established at \$1,509,696.

XXII. In the Township of Stillwater the tax base includes the following present valuation (assessed values used):

1. Residential property assessed in 1981 payable in 1982 was established at \$8,288,606.

2. Personal property assessed in 1981 payable in 1982 was established at \$19,522.

3. Commercial property assessed in 1981 payable in 1982 was established at \$182,754.

5. Agricultural property assessed in 1981 payable in 1982 was established at \$1,125,010.

XXIII. The area subject to annexation, the tax base includes industrial property assessed in 1981 payable in 1982 was established at \$7,480. The market value is \$18,700.

XXIV. The total assessed value of the area subject to annexation, including real and personal property assessed in 1981 payable in 1982 was established at \$7,480.

XXV. Tax Data:

(1) Mill Rate Trends:

	<u>Payable 1976</u>	<u>Payable 1977</u>	<u>Payable 1978</u>	<u>Payable 1979</u>	<u>Payable 1980</u>	<u>Payable 1981</u>
City of Urban:	23.24	24.80	32.45	31.44	27.92	25.160
Stillwater Rural:	4.74	7.51	11.50	10.71	9.25	9.019
"B" Annex:		11.23	17.32	21.42	23.57	22.100
"C" Annex:			12.31	16.42		14.776
	<u>Payable 1976</u>	<u>Payable 1977</u>	<u>Payable 1978</u>	<u>Payable 1979</u>	<u>Payable 1980</u>	<u>Payable 1981</u>
Stillwater Township	7.26	7.58	7.28	6.40	6.18	7.452
School District 834	59.40	59.93	58.09	54.24	51.31	42.226
Washington City:	24.85	23.82	23.08	23.92	25.05	24.725
County Township:	26.08	25.15	24.50	25.32	26.72	26.330

XXVI. The annexation of the area subject to annexation to the City of Stillwater is in the best interests of the land included within the area subject to annexation.

XXVII. The area subject to annexation is in the general area planned for expansion of the City of Stillwater under existing regional and local plans.

XXVIII. The City of Stillwater is ready and willing to accept the responsibility of extending municipal services to the area subject to annexation.

XXIX. The annexation to the City of Stillwater of the area subject to annexation will have no significant adverse affect on the town or any of its residents.

XXX. The land within the area subject to annexation is suitable for development.

XXXI. The City of Stillwater is the only municipality adjacent to the area subject to annexation and therefore there are no adjacent municipalities to be affected by the annexation.

XXXII. The Town of Stillwater can continue to function without the area subject to annexation.

XXXIII. There is no evidence that the annexation to the City of Stillwater of the area subject to annexation will have any adverse effect on Independent School District No. 834, which is the only school district within the area.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. The existing township form of government is not adequate to protect the public safety and welfare of the area proposed for annexation.

IV. The annexation would be in the best interests to the area proposed for annexation.

V. The annexation is consistent with the terms of the joint resolution for orderly annexation.

VI. Five years will be required to effectively provide full municipal services to the extended area and to comply with the terms and conditions of the orderly annexation agreement as it relates to the mill levy step up.

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

O R D E R

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact II of this Findings of Fact, Conclusions of Law and Order is hereby annexed to the City of Stillwater, Minnesota the same as if it had originally been made a part thereof.

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

III. IT IS FURTHER ORDERED: That the effective date of this order is April 2nd, 1982.

Dated This 2nd day of April, 1982

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101



Terrence A. Merritt
Executive Director