

**RESOLUTION NO. 2004-235****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 Town of Stillwater ("Town"), (collectively, the "Land") described on Exhibits "A-1" and "A-2", as depicted on the maps attached hereto as Exhibits "B-1" and "B-2", 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, Parcel A-1 is owned by the City, is known as the Boutwell Cemetery property and contains 15.6 acres more or less and Parcel A-2 is owned by the City, was recently purchased for park purposes and contains 3.01 acres and is contiguous to the City. The Land is unimproved and is dedicated and used for public park and open space purposes. 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; and for a period of 30 days, as provided by Section 2.01 of the Orderly Annexation Agreement, the Minnesota Municipal Board may review and comment only before ordering the annexation.

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 Exhibits "A-1" and "A-2" 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; and for a period of 30 days, as provided for by Section

2.01 of the Orderly Annexation Agreement, the Minnesota Municipal Board may review and comment only before ordering the annexation.

2. For the purpose of this annexation proceeding, the City Council hereby determines that the Land described in Exhibits "A-1" and "A-2" 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, with respect to the land, will be zero since the land is held by the City for a public purpose and the land is, therefore, exempt from taxation.

BE IF FURTHER RESOLVED, that a map with the Land proposed for annexation designated thereon and marked as Exhibits "B-1" and "B-2" 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 16<sup>th</sup> day of November, 2004

**CITY OF STILLWATER**

  
Jay L. Kinable, Mayor

ATTEST:

  
Diane F. Ward, Clerk

EXHIBIT A-1

REC'D BY  
MMB

DEC 06 2004

All that part of the North Seven Hundred Forty-one and Thirty-six Hundredths (741.36) feet of the West Eight Hundred Seventy-three and Eighty-eight Hundredths (873.88) feet of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section Thirty (30) and all that part of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Nineteen (19) all in Township Thirty (30) North, of Range Twenty (20) West, Stillwater Township, Washington County, Minnesota, which lies Southerly of the centerline of Boutwell Road North as the same is presently located and travelled. Containing 15.6 acres, more or less, subject to the right-of-way of said Boutwell Road.

According to the United States Government Survey thereof.

EXHIBIT A-2

REC'D BY  
MAM

DEC 06 2004

PARCEL B

All that part of the the South 11.00 Acres of the West Half of the Southeast Quarter of Section 19, and all that part of the West Half of the Northeast Quarter of Section 30, all in Township 30 North, Range 20 West, Washington County, Minnesota, described as follows:

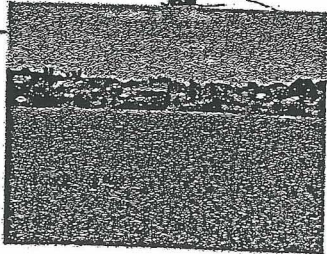
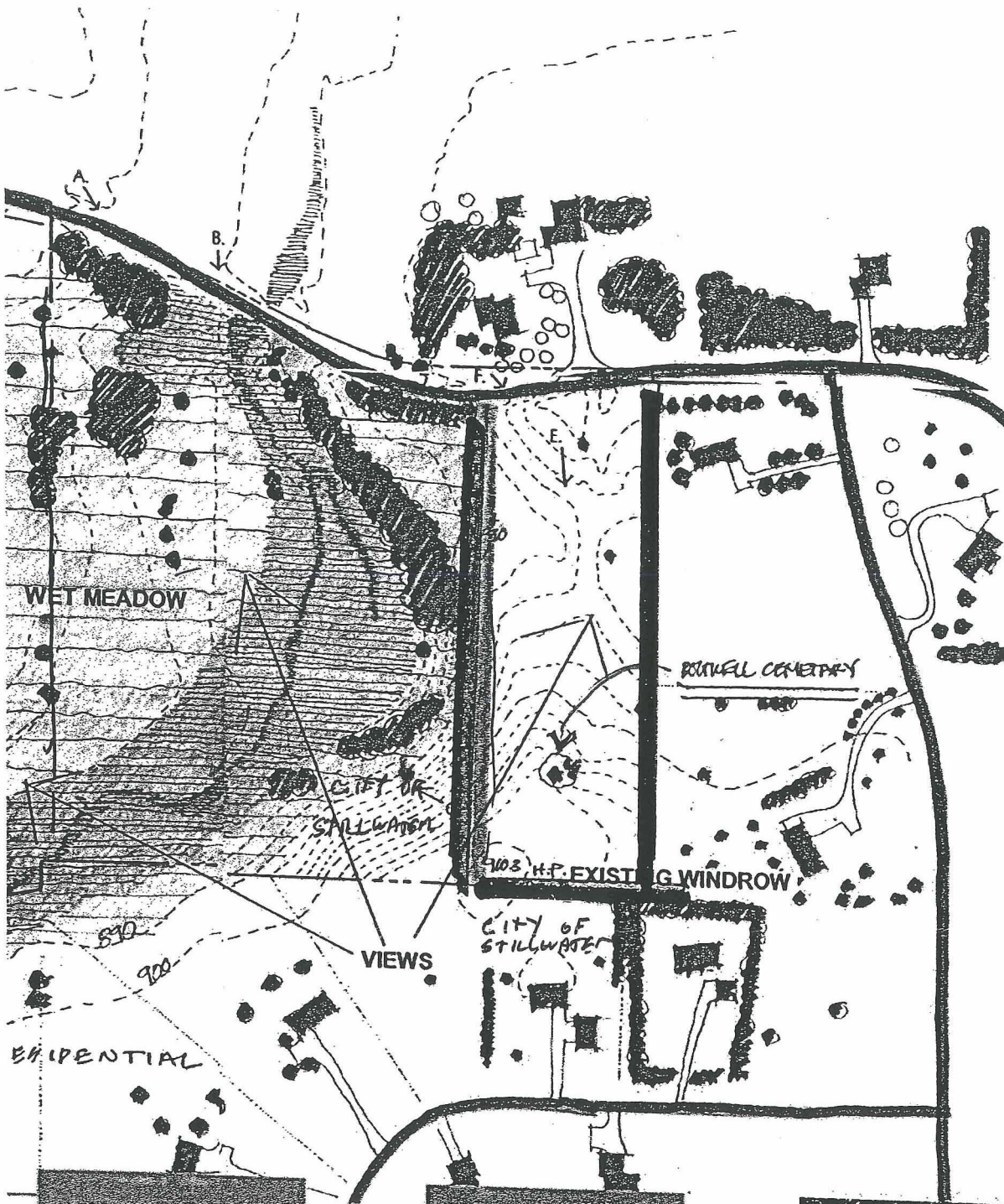
COMMENCING at the southwest corner of the Southeast Quarter of said Section 19; thence on an assumed bearing of North 00 degrees 44 minutes 52 seconds West along the west line of said Southeast Quarter a distance of 174.92 feet to the centerline of Boutwell Road North and the POINT OF BEGINNING; thence continuing North 00 degrees 44 minutes 52 seconds West a distance of 183.13 feet to the northwest corner of the South 11.00 acres of the West Half of the Southeast Quarter; thence South 89 degrees 59 minutes 50 seconds East along the north line of said South 11.00 acres a distance of 509.66 feet; thence South 16 degrees 46 minutes 37 seconds West a distance of 63.02 feet; thence South 09 degrees 56 minutes 47 seconds West a distance of 237.26 feet; thence South 26 degrees 36 minutes 37 seconds West a distance of 82.97 feet to the centerline of Boutwell Road North; thence westerly along said centerline to the POINT OF BEGINNING.



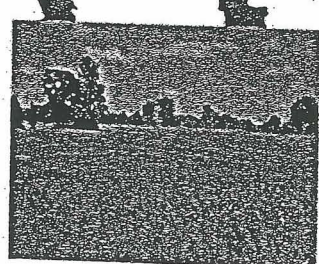
EXHIBIT B-1

REC'D BY  
M.M.B.

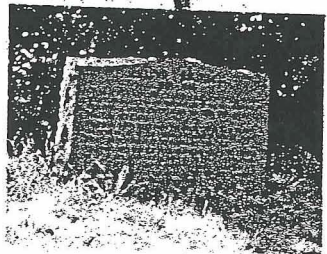
DEC 06 2004



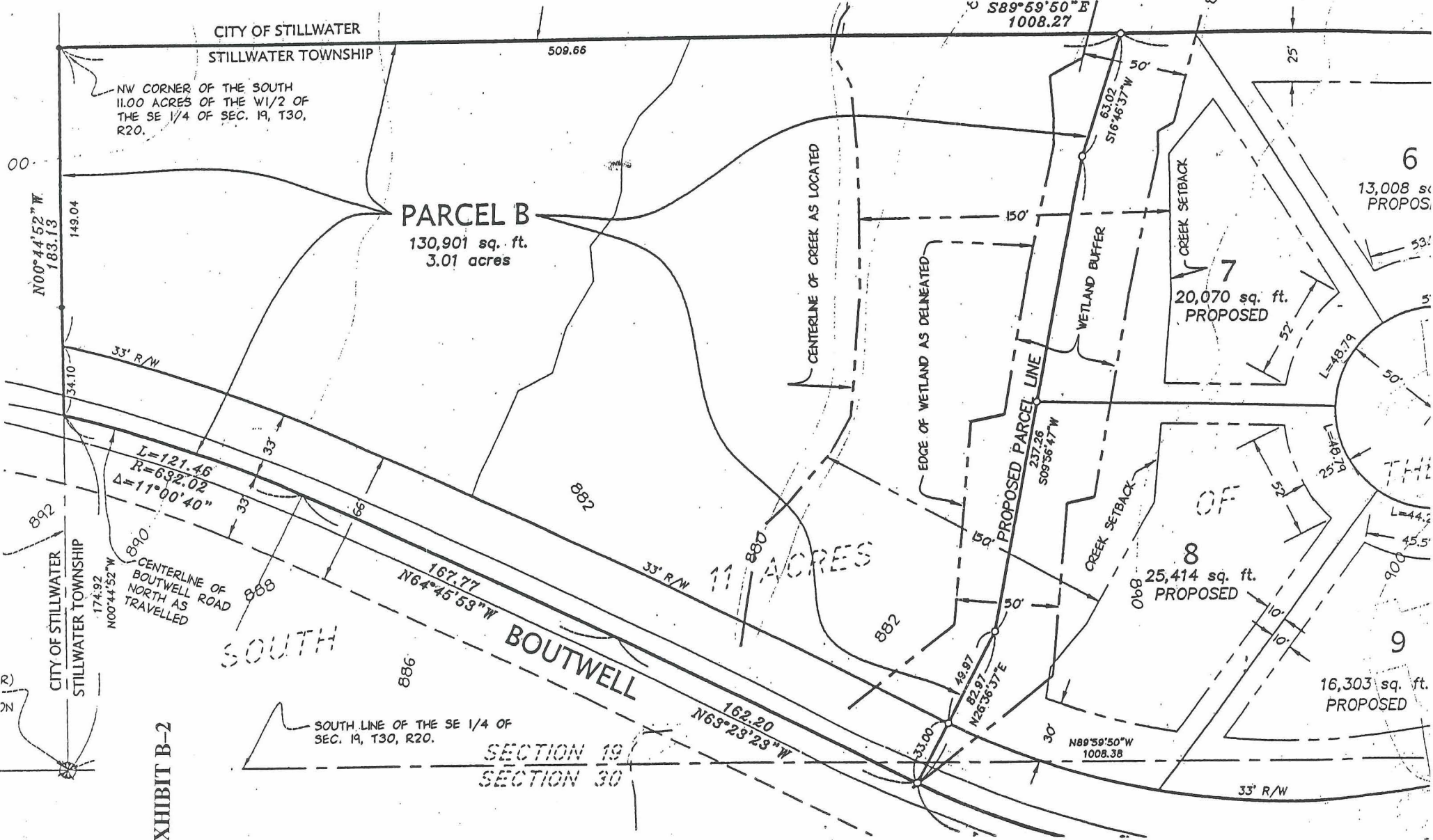
D. NEIGHBORING RESIDENCES



E. BOUTWELL CEMETARY



F. BOUTWELL HISTORICAL MARKER



00

212

CITY OF STILLWATER  
STILLWATER TOWNSHIP

CITY OF STILLWATER  
STILLWATER TOWNSHIP

EXHIBIT B-2

NW CORNER OF THE SOUTH  
11.00 ACRES OF THE W1/2 OF  
THE SE 1/4 OF SEC. 19, T30,  
R20.

**PARCEL B**  
130,901 sq. ft.  
3.01 acres

CENTERLINE OF CREEK AS LOCATED

EDGE OF WETLAND AS DELINEATED

WETLAND BUFFER

CREEK SETBACK

PROPOSED PARCEL LINE

CREEK SETBACK

CREEK SETBACK

SOUTH LINE OF THE SE 1/4 OF  
SEC. 19, T30, R20.

SECTION 19  
SECTION 30

11 ACRES

6  
13,008 sq. ft.  
PROPOSED

7  
20,070 sq. ft.  
PROPOSED

8  
25,414 sq. ft.  
PROPOSED

9  
16,303 sq. ft.  
PROPOSED

33' R/W

509.66

S89°59'50"E  
1008.27

N00°44'52"W  
183.13

149.04

33' R/W

L=121.46  
R=632.02  
Δ=11°00'40"

CENTERLINE OF  
BOUTWELL ROAD  
NORTH AS  
TRAVELLED

SOUTH

167.77  
N64°45'53"W

BOUTWELL

162.20  
N63°23'23"W

237.26  
S09°56'47"W

48.97  
82.97  
N28°36'37"E

N89°58'50"W  
1008.38

50'

516'46'37"W

50'

50'

50'

50'

50'

30'

25'

52'

L=48.79

L=48.79

L=44.2

45.5'

90'

33' R/W