

RESOLUTION NO. 2006-107

**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, Washington County, Minnesota ("City"), has petitioned that land used as the right-of-way of Neal Avenue in Section 30, Township 30 North, Range 20 West, in the Town of Stillwater ("Town"), described on Exhibit "A" and shown on the map attached as Exhibit "B" (the "Land") be annexed to the City of Stillwater ("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 includes only the right-of-way within Neal Avenue North between Boutwell Road and County Road 12, that is not within the City, but is contiguous to the City. The Land is unimproved and is not proposed for further development; and

WHEREAS, Section 4.01 of the Orderly Annexation Agreement provides that the Land is "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, that as of the date of this Resolution, 1,019 building permits for dwelling units have been issued for the Orderly Annexation Area since 1996 and the number of allowed dwelling units (to the extent not built) aggregates each year. That as of the date of this Resolution, there was capacity for 301 dwelling units in the Orderly Annexation Area without exceeding the growth limitations in the Orderly Annexation Agreement and because no units will be yielded on the Land, the annexation will not cause conflict with growth limitations contained in the Orderly Annexation Agreement.

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:

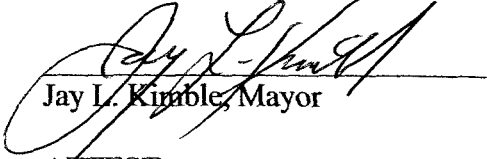
1. That this Resolution be submitted, forthwith, by the City Clerk to the Executive Director of the Minnesota Municipal Board for the purpose of annexing the Land described in Exhibit "A" to the City, all as provided by Subdivision 1 of Section 414.0325 of the Minnesota Statutes relating to orderly annexations 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" is now or about to become urban and the City. 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, if any, with respect to the land, will be divided as provided by Section 7.03 of the Joint Resolution, however, the Land has an exempt status since it is used as a Town road and the land will continue as a roadway in the City and should not yield real estate taxes because it will continue to have exempt status.

BE IF FURTHER RESOLVED, that a map with the Land proposed for annexation designated thereon and marked as Exhibit "B" to this Resolution be submitted to the Minnesota Municipal Board along with a certified copy of this Resolution.

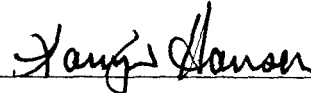
BE IF FURTHER RESOLVED, that the Clerk submit copies of this Resolution with copies of the map to the Town Board of the Town of Stillwater and the Joint Powers Committee.

Adopted by the City Council of the City of Stillwater this 16 day of May, 2006.

CITY OF STILLWATER


Jay L. Kimble, Mayor

ATTEST:


Larry D. Hansen, Acting City Clerk

Larry D. Hansen, Acting City Clerk

REC'D BY
MMB

JUN 12 2006

EXHIBIT A

That part of the Neal Avenue right-of-way between Boutwell Road and County Road 12 that is within the Town of Stillwater.

and

That portion of the Minnesota Zephyr Limited proeprty within the Stillwater Township lying within the Neal Avenue east and west right-of-way lines.

