

AMENDED RESOLUTION NO. 2006-207**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, Rick Carlson of C3 Land Development, LLC has petitioned that land 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 the City of Stillwater, Washington County, Minnesota ("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 9.5 acres that is not within the City, but is contiguous to the City. The Land is unimproved and is proposed for further development into 15 larager lot single family home sites; and

WHEREAS, Section 4.01 of the Orderly Annexation Agreement provides that the Land is "Phasc 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, 1,050 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 275 dwelling units in the Orderly Annexation Area without exceeding the growth limitations in the Orderly Annexation Agreement and because 15 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:

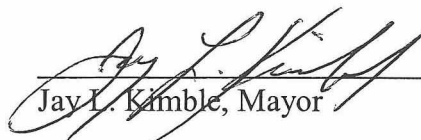
1. That this Resolution be submitted, forthwith, by the City Clerk to the Executive Director of the Minnesota Municipal Board for the purpose of annexing the Land described in Exhibit A to the City of Stillwater, all as provided by Subdivision 1 of Section 414.0325 of the Minnesota Statutes relating to orderly annexations within a designated area.
2. For the purpose of this annexation proceeding, the City Council of the City of Stillwater hereby determines that the Land described in Exhibit A 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 to 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.

BE IT 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 IT FURTHER RESOLVED, that the City 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.

Enacted by the City Council of the City of Stillwater, Minnesota this 19th day of September, 2006.

CITY OF STILLWATER


Jay L. Kimble, Mayor

ATTEST:


Diane F. Ward, Clerk

LEGAL DESCRIPTION

Doc. No 3562941

All that part of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 19, Township 30 North, Range 20 West, Washington County, Minnesota, that is encompassed by the following described line, to-wit: Commencing at the Southeast corner of said East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, thence North 01 degrees 24 minutes 01 seconds West along the East line of said East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ for 343.74 feet to the point of beginning of the line to be described; thence continuing North 01 degrees 24 minutes 01 seconds West along said East line of said East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ for 309.50 feet; thence South 89 degrees 37 minutes 52 seconds West and parallel with the North line of said East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ for 492.60 feet; thence South 01 degrees 24 minutes 01 seconds East and parallel with said East line of said East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ for 309.50 feet; North 89 degrees 37 minutes 52 seconds East and parallel with said North line of said East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ for 492.60 feet to the point of beginning, subject to the right-of-way of Neal Ave. North.

Doc. No 3562940

All that part of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 19, Township 30 North, Range 20 West, Washington County, Minnesota, that is encompassed by the following described line: Beginning at the Southeast corner of said Northeast $\frac{1}{4}$, thence North 01 degrees 24 minutes 01 seconds West along the East line of Northeast $\frac{1}{4}$ for 343.74 feet; thence South 89 degrees 37 minutes 52 seconds West parallel with the North line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ for 492.60 feet; thence North 01 degrees 24 minutes 01 seconds West and parallel with said East line of the Northeast $\frac{1}{4}$ for 309.5 feet; thence South 89 degrees 37 minutes 52 seconds West and parallel to said North line of Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ for 176.14 feet to the West line of said East $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$; thence South 01 degrees 17 minutes 30 seconds East along said West line of East $\frac{1}{2}$ of Southeast $\frac{1}{4}$ of Northeast $\frac{1}{4}$ for 388.04 feet; thence North 88 degrees 42 minutes 30 seconds East for 82.50 feet; thence South 01 degrees 17 minutes 30 seconds East for 265.47 feet to the South line of said Northeast $\frac{1}{4}$; thence North 89 degrees 43 minutes 58 seconds East along said South line of Northeast $\frac{1}{4}$ for 587.50 feet to the point of beginning.

EXCEPT:

Parcel No. 5 of Washington County Highway Right of Way Plat No. 84, said parcel being within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Township 30 North, Range 20 West, Washington County, Minnesota. Said plat No. 84 is filed and recorded in the Washington County Recorder's Office as Document No. 714184.



Exhibit B Location Map

