

JUL 09 2013

CITY OF CHASKA RESOLUTION NO. 13-40

TOWNSHIP OF LAKETOWN RESOLUTION NO. 2013-08

**JOINT RESOLUTION STIPULATING TO THE AMENDMENT
OF THE ORDERLY ANNEXATION AGREEMENT NO. 76-47 AND THE ORDERLY
ANNEXATION OF PROPERTY**

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed to an orderly annexation agreement (the "Agreement") pursuant to Minnesota Statutes Chapter 414 for the annexation of certain unincorporated territory in the Township of Laketown; and

WHEREAS, the Office of Administrative Hearings, Municipal Boundary Adjustments ("MBA"), formerly the Municipal Board and Municipal Commission of the State of Minnesota, accepted said Joint Resolution pursuant to Resolution Number 76-47 and designated such proceedings as Docket No. A-2205(OA); and

WHEREAS, the City of Chaska (the "City") has received a request for the annexation of three separate properties the first totaling 4.65 acres, the second totaling 4.55 acres and the third totaling 15.32 acres to a total of approximately 24.52 acres of real property shown in **Exhibit A** and legally described on **Exhibit B** (the "Property"), which Property lies within the area designated in the Agreement for orderly annexation by the City but which was specifically exempted from annexation pursuant to the terms of the Agreement; and

WHEREAS, the Property is about to become urban and suburban in character; and

WHEREAS, the City and the Township of Laketown (the "Township") hereby intend to amend the Agreement relating to the rights, duties and responsibilities of the Township and the City in regard to the Property.

NOW, THEREFORE, be it resolved by the City Council of Chaska, Minnesota and the Town Board of the Township of Laketown:

1. **The Property.** The terms of this Amendment shall only apply to the Property graphically depicted on attached **Exhibit A** and legally described on attached **Exhibit B**. This Amendment does not affect the terms of the Agreement in regard to any other real property subject to the Agreement.
2. **Jurisdiction.** Upon approval of this Joint Resolution by the Township and the City, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments, or its successor, so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.
3. **No Alteration of Boundaries.** The Township and the City agree that the Property is in need of orderly annexation and that no alteration of the stated boundaries as described in this

Joint Resolution is appropriate. No consideration by the Chief Administrative Law Judge is necessary, Therefore, the Chief Administrative Law Judge may review and comment, but shall within 30 days, order the annexation of the Property in accordance with the terms of this Joint Resolution.

4. **Annexation.** The Township and the City agree that the conditions of annexation shall be governed by this Joint Resolution and pursuant to Resolution Number 76-47 paragraph 26 which states that the mill levy of the City of Chaska on any area annexed shall be increased in substantially equal proportions over a period of three (3) years such that in the fourth year following annexation the mill rate on such property shall be the same as the City of Chaska.
5. **Tax Reimbursement.** The Township and City agree there will be no tax reimbursement for the Property.
6. **Corporate Boundaries.** Minnesota Boundary Adjustments shall amend the corporate boundaries for Chaska consistent with this Joint Resolution.
7. **Authorization.** The appropriate officers of the City and Township are hereby authorized to carry the terms of this Joint Resolution into effect.
8. **Severability and Repealer.** A determination that a provision of this Joint Resolution is unlawful or enforceable shall not affect the validity or enforceability of the other provisions herein.
9. **Costs Associated with the Orderly Annexation Agreement.** Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement.
10. **Venue.** The venue for all actions concerning this Agreement shall be Carver County, Minnesota.
11. **Entire Agreement.** With respect to the Property only, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.
12. **Notice.** Any notices required under the provisions of this Joint Resolution shall be in writing and deemed sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, to the City Administrator or to the Township Clerk at their official addresses.
13. **Legal Description and Mapping.** The Township and City agree that in the event there are errors, omissions or any other problems with the mapping provided in **Exhibit A** or the legal description provided in **Exhibit B**, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional documentation, including new **Exhibits A or B** making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Property in accordance with the terms of this Joint Resolution.

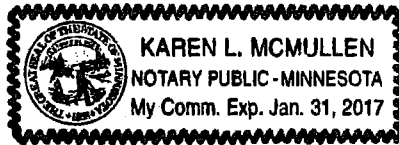
This Joint Resolution shall be effective solely upon approval by both the Laketown Township Board and the Chaska City Council.

APPROVED BY THE TOWNSHIP OF LAKETOWN THIS 24th DAY OF June, 2013.

Charles Held
Chairman

ATTEST:

Karen McMullen
Clerk/Treasurer



APPROVED BY THE CITY COUNCIL OF THE CITY OF CHASKA THIS 20th DAY OF MAY, 2013.

By: Mark W. Schmitt
Mayor

ATTEST:

By: Matt Ballwood
City Clerk

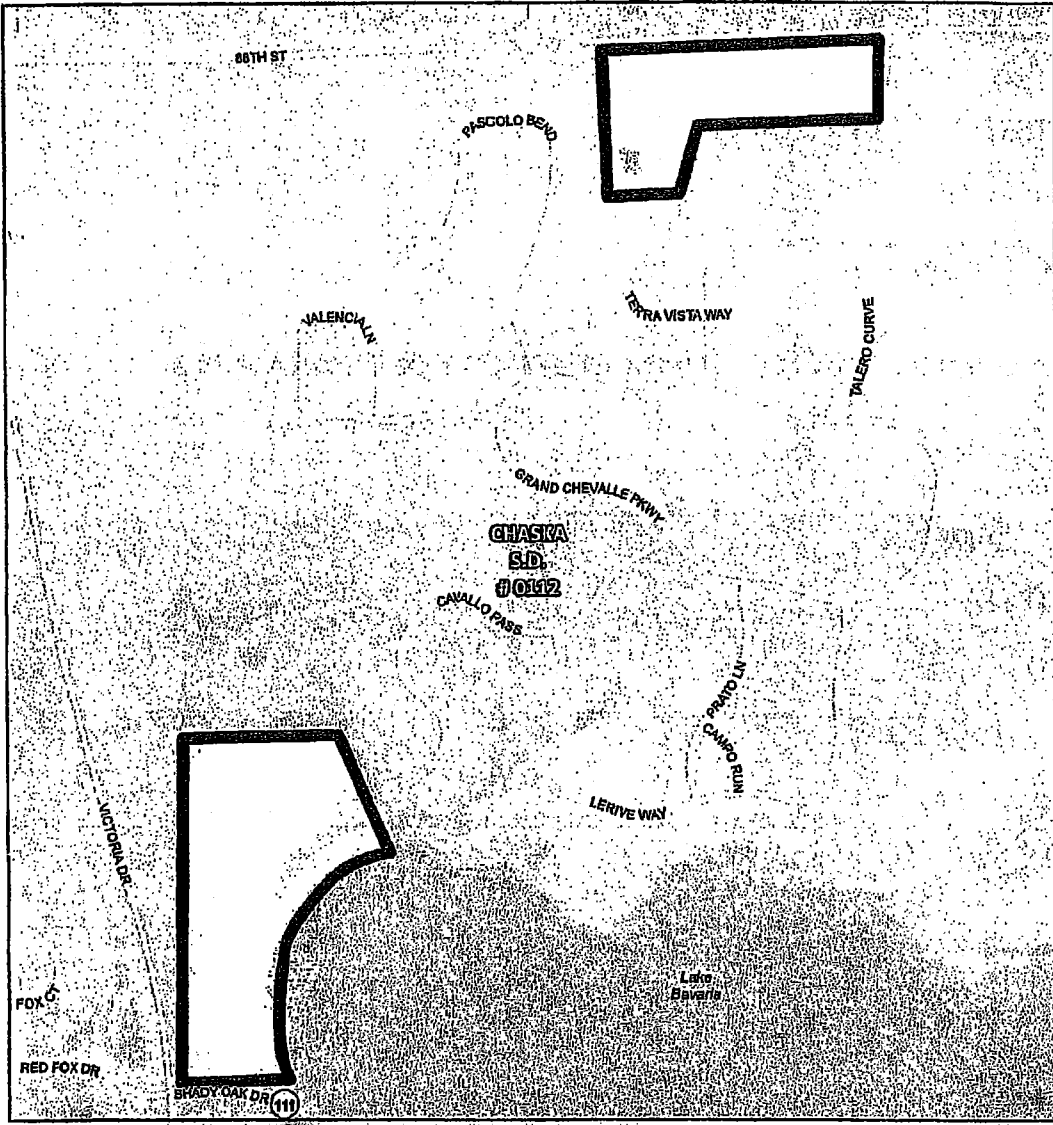
EXHIBIT A

REC'D BY
MBA

JUL 09 2013

Graphic of Property

LAKETOWN TOWNSHIP PRECINCT 2



School District	0278	Voting Poll Locations Voting Precincts/Wards	2010 Population: 5
0008	0424		
0110	0746		
0111	2887		
0112	2858		

Source: Cass County, Tennessee, Voters' Office
 Minnesota Secretary of State's Office, Community Development Committee, Map 2010 8/2/2012

REC'D BY
MBA

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EXHIBIT B

Legal Description of Property

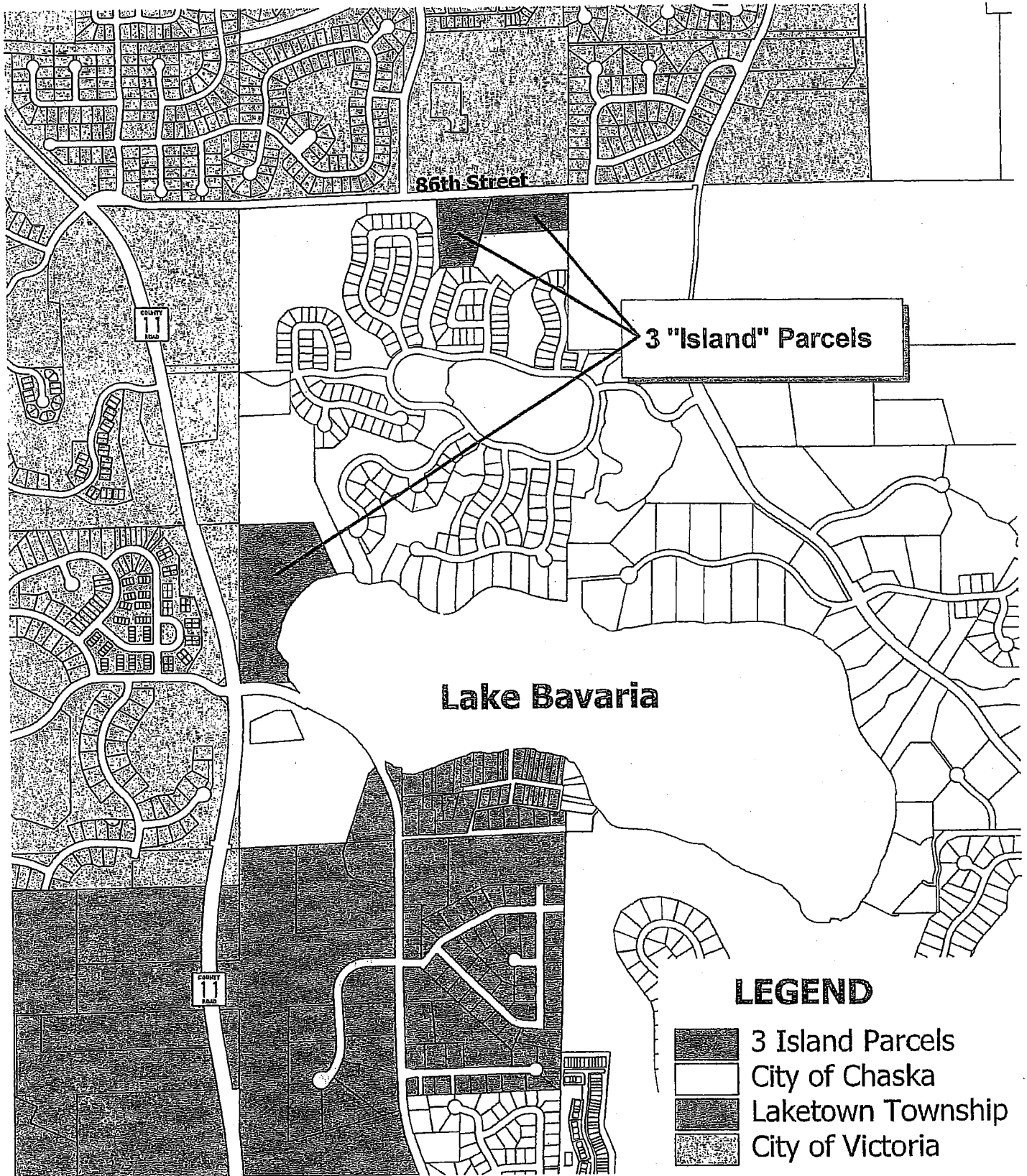
That part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 116 North, Range 24 East, Carver County, Minnesota lying south of the southerly right-of-way of 86th Street. Except therefrom that part lying within the boundary of the plat of CHEVALLE, on file and of record in the office of the Carver County Recorder.

AND

That part of Government Lot 3, Section 24, Township 116 North, Range 24 East, Carver County, Minnesota, lying east of the north-south quarter line of said Section 24 and southwesterly of the following described line:

Commencing at a point 13.5 feet directly south, on the north-south quarter line, of the center of Section 24, Township 116, Range 24, Carver County, Minnesota and thence running in a southeasterly direction for a distance of 610 feet to a point which is 18.5 feet south of the east-west quarter line of the above described section, and thence running diagonally in a southeasterly direction at an angle of 113 degrees (reading from west to south) for a distance of approximately 519.8 feet into Lake Bavaria.

Three Island Parcel for Annexation







86th Street

3 "Island" Parcels

Lake Bavaria

LEGEND

-  3 Island Parcels
-  City of Chaska
-  Laketown Township
-  City of Victoria

0.25 0 0.25 0.5 0.75 Miles

