

JAN 11 1977

RESOLUTION NO. 77-1

WHEREAS, by joint Resolution the City of Victoria and the Township of Laketown have agreed that Sections 11, 12 (except that part east of Schutz Lake) 13 and 14 should be immediately annexed to the City of Victoria, and

WHEREAS, by the same resolution the Township and the City have agreed that Sections 1, 2 and that part of 3 not within the Hennepin County Park Reserve District should be annexed to the City as of December 1, 1981,

THEREFORE BE IT RESOLVED that the Victoria Council hereby petitions that the Minnesota Municipal Board hold hearings on the following annexations:

✓ A-2205(04)-2
Immediate annexation area: Sections 11, 12 (except that part east of Schutz Lake), 13 and 14 containing approximately 2,040 acres of which approximately 920 acres are contained in the Hennepin County Park Reserve District.

A-2205(04)-3
To be annexed December 1, 1981: Sections 1, 2, 12 east of Schutz, and that part of 3 not within the Hennepin County Park Reserve District in all containing approximately 1,340 acres of which approximately 540 is within the Hennepin County Park Reserve District.

Adopted by the Victoria Council this 6th day of January, 1977.

Attest:

Daniel L. Work
Daniel Work, Mayor

Germaine Jesberg
Germaine Jesberg
Deputy Clerk

DEC 10 1976

A-2205(OA)

-CERTIFICATION-

I, Esther Zellmann, duly appointed and acting Clerk of the City of Waconia, that as such Clerk I am the custodian of the minute books and records of the City of Waconia; do hereby Certify that the attached copy of the Extract of Minutes is a true and correct copy of said minutes as same as was recorded by me at the City Council meeting on the 7th. day of December, 1976.

Esther Zellmann
Esther Zellmann, City Clerk

-Extract of Minutes -

Laketown Annexation Resolution:

The City Administrator reviewed a stipulation by Joint Resolution as to Orderly Annexation with the City Council. He indicated to the Council that the provisions governing those sections of the agreement that relate to the City of Waconia were identical to a document submitted by the City to the Laketown Town Board, with 2 exceptions:

The Addition of Paragraph #33 - This paragraph deals with the period of Step-up in taxes on annexed property. A 3 year Step-up was included. The Council had no objection to this addition.

The Addition of Paragraph #34 - This paragraph deals with an Urban and Rural Service Taxing District Ordinance previously adopted and published by the City. No objection to this addition was voiced.

Councilmember Terese Miller moved that the City of Waconia adopt the Stipulation by Joint Resolution of the City of Waconia, Chaska and Victoria and the Township of Laketown, Designating the Entire Township of Laketown as in Need of Orderly Annexation Pursuant to M.S.414. Councilmember Dale Rock seconded the motion. Aye: Rock, Messina, Miller, Otto and Rief.

Nay: None.

Motion carried.

1. That each of the parties hereto agree that any annexations to a particular city now or in the future shall occur only within the boundaries of the orderly annexation area specified for such city under the further provisions of this agreement.

2. That within the boundaries of each orderly annexation area hereinafter specified for each city, annexations shall be governed by the provisions as hereinafter set forth for the particular area. Except with respect to boundaries, any changes, modifications, or amendments of the provisions governing annexations in a particular area shall be by agreement between the Town of Laketown and the City designated for the particular area, and shall not require the agreement or approval of other parties hereto.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF VICTORIA

3. That any annexations now or in the future in the following described areas would be most properly made to the City of Victoria and the parties hereto designate said areas for orderly annexation to said City of Victoria:

All that property located in Sections 1, 2, 3, 4, 5, 8, except the southwest quarter, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, and in the northeast quarter of Section 17, the westerly half of Section 24, the westerly half of Section 25, and the westerly half of Section 36, containing approximately 16,120 acres.

4. That the following described area abutting upon the City of Victoria are urban or suburban in character, or are about to become so and the City of Victoria is capable of providing services to said area within a reasonable time; therefore, said areas should be immediately annexed to the City of Victoria: ✓

That part of Sections 11, 12, 13, and 14 not presently located within the Victoria limits, except that part of said Section 12 lying easterly of Schutz Lake.

5. That the following described areas abutting on the City of Victoria are suburban, or will become so within the next five years, and the City of Victoria will be capable of providing services to said areas within a reasonable time; therefore, said area should be annexed to the City of Victoria effective December 1, 1981: ✓

All that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not then included within the Hennepin County Park Reserve District.

6. That the areas designated for orderly annexation to the City of Victoria in paragraph 3 hereof, except those areas specifically enumerated and provided for in paragraphs 4 and 5, are not urban or suburban in character and are not about to become so; therefore, said areas shall not be subject to annexation to the City of Victoria for a period of at least five years from and after the effective date of this resolution. In the event owners of parcels of land located in areas other than areas specified in paragraphs 4 and 5 desire to be annexed during said five year period, it is agreed that the City of Victoria will not by resolution or otherwise consent to any such annexation unless there is a petition of 80% of the owners of the property proposed to be annexed and the Town of Laketown consents thereto.

7. That in an effort to forestall an overlap or duplication in the provision of governmental services and facilities, and to reduce, if possible, the costs of government in the orderly annexation area, the City of Victoria and the Town of Laketown agree to investigate possibilities for the sharing of facilities, equipment and personnel, insofar as the same apply to the orderly annexation area.

8. That City of Victoria and Town of Laketown representatives will meet at least semi-annually to discuss problems and means of cooperation for the provision of governmental services within the orderly annexation area.

9. That beginning after the effective date of this agreement the City of Victoria shall undertake and be responsible for the performance of general road maintenance and snow removal on the following streets: on Iris between State Trunk Highway 7 and the City boundary and on Iris Circle. Such maintenance will be performed only at the direction of the Town Board and the cost thereof shall be paid by the Town, but without allowance for any administrative costs or profit to the City of Victoria.

10. That if the Town and the City of Victoria believe that mutual benefit may be derived from the performance of general road maintenance and snow removal by the City of Victoria upon other Town roads located in Sections 1 and 2, then discussions will be held for the purpose of negotiating a contract for the performance thereof. In any event the Town shall seal coat the blacktopping on such roads at least once during the five year interim period.

11. That if a party shall find it necessary to employ extra personnel in order to perform maintenance or administrative tasks, prior to contracting with an outside agency, such party shall first contact the other in an effort to have said services performed by the other party. If services are then performed, the party receiving such services shall pay the actual cost thereof but without allowance for any administrative costs or profit to the party supplying the services.

12. That if the Town shall find it necessary to contract for clerical services for the issuance and collection of sewer bills, it shall contract with the City of Victoria for such services; provided, that the City shall not charge therefor a sum greater than the Town would be required to pay an outside agency for such services.

13. That the transfer of the presently existing Laketown sanitary sewer system to the City of Victoria as of December 1, 1981 will necessitate mutual effort to effect an orderly transition in the provision of care and maintenance of the system; therefore, beginning in August, 1978, the Town Board of Supervisors, or its representative, will interview the City of Victoria sewer maintenance man and examine his qualifications to perform maintenance work on the sanitary sewer system. If the Board finds him qualified, the Town will contract with the City of Victoria for the performance of such maintenance work during the remainder of the five year interim period. If the Board does not find said individual qualified, then it shall re-interview and examine his qualifications on an annual basis thereafter until such time as it finds said individual qualified or until the expiration of the five year period. It is agreed that any contract for the performance of such sewer maintenance will provide for payment by the Town of the actual cost of such maintenance, but without any allowance for administrative costs or profit to the City of Victoria.

14. That planning, zoning and subdivision in the orderly annexation area shall be governed by the following provisions:

- A. For all that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not included within the Hennepin County Park Reserve District:
 - 1. The Town will adopt an ordinance creating a Lake Minnetonka Zoning District for the area north of T.H. 7 and the regulations therein shall be adopted by the City of Victoria such that continuity will be preserved when annexation occurs.
 - 2. City of Victoria zoning and subdivision regulations may be extended to such areas.
 - 3. The City of Victoria Planning Commission and Laketown Town Board will hold joint public hearings on zoning and subdivision matters.
 - 4. Approval of any zoning or subdivision matters shall require a majority vote of the Town Board and a 4/5 vote of the City Council.
- B. In the balance of the area designated for orderly annexation:
 - 1. Carver County zoning and subdivision ordinances will apply.
 - 2. All hearings on requests for subdivision rezoning, conditional uses and variances will be held jointly by the City, Town and County.
 - 3. The County will retain jurisdiction until the time of annexation.

- C. Sections 1, 2 and that part of Section 12 lying easterly of Schutz Lake will be included in the City of Victoria Comprehensive Plan.
- D. The Town and the City will cooperate in a joint transportation plan for the area in the City and Town which borders State Trunk Highway 7.

15. That any property annexed to the City of Victoria pursuant to this agreement shall receive a graduated increase in mill rates from the Town rate to the City of Victoria rate in substantially equal portions such that in the fourth year following annexation the annexed property shall pay the same mill rate as is applied in the City for the particular type of property.

A. In the first levy year immediately after annexation the annexed property urban mill rate shall be equal to the rate established and applied by the Town generally in such first levy year. In the event that the dates of annexation are such that the County Auditor cannot include annexed areas with the City of Victoria levy spread for such first levy year, the Town shall collect the taxes levied against the annexed property areas and remit amounts so collected to the City of Victoria.

B. In the second year following annexation the annexed property urban mill rate shall be equal to the annexed property rate applied in the first year following annexation plus one-third of the differential between:

the City of Victoria urban rate in
the first year following annexation

and

the annexed property urban rate applied
in the first year following annexation.

C. In the third year following annexation the annexed property urban mill rate shall be equal to the annexed property urban rate applied in the second year following annexation plus two-thirds of the differential between:

the City of Victoria urban rate in the
second year following annexation

and

the annexed property urban rate
applied in the second year following
annexation.

- D. In the fourth year the annexed property rate and the City of Victoria urban rate shall be equal.
- E. Any properties which, at the date of annexation, meet the criteria of Minnesota Statutes 272.67, for inclusion within the City's "rural service district" shall be included within such district. The City of Victoria shall adopt a "rural service district" taxation ordinance pursuant to said statute which shall be applied to such properties. For any such properties annexed between the date of this stipulation and December, 1981, there shall be no graduated increase from the Town rate to the City of Victoria rate, and such properties shall be subject to the City "rural service district" rate in the first levy year following annexation. For any such properties annexed after December 1, 1981, the computation of the mill rate shall be made under the formula specified in subparagraphs A, B, C, and D hereof, except that as applied to such properties the term "City of Victoria rural service district rate" shall be substituted in such formula for the term "City of Victoria urban rate".

16. That in the event lands which have been specially assessed by the Town of Laketown are annexed to the City of Victoria, the City shall remit any assessments collected from the owners of said lands to the Town within ten days after the receipt thereof so as to enable the Town to meet obligations upon its improvement bonds. At such time as the City assumes the obligation of payment on said improvement bonds the City shall no longer be required to remit assessments collected to the Town.

17. That it is understood and acknowledged by the Town and the City of Victoria that state and federal financial aids which are allocated to the Town on the basis of population may be effected or altered by annexations occurring hereunder. In the event that the Town shall receive any such aids without the allocating agency having considered or made an adjustment for an annexation which has occurred, the Town shall remit to the City such percentage of any such aids so allocated which is attributable to the population of the territory annexed. The sums to be remitted shall be determined in accordance with the following:

- A. For annexations occurring immediately upon the adoption of this stipulation, the Town and City agree that 1970 census population figures shall be used, that the population of the Town in 1970 was 1750, and that for purposes of this stipulation the population of the area to be immediately annexed was 192.

1. Because State Local Government Aids and Federal Revenue Sharing cannot be redistributed by the allocating agencies in 1977 to reflect the impact of such immediate annexations, the Town shall remit to the City a sum equal to

the amount of such aids received subsequent to said annexations but prior to adjustment by the allocating agencies times 1950 divided by 192.

2. Said method to be utilized until the State and Federal allocating agencies adjust their records and payments to reflect such annexation.

B. For any annexations occurring in the future the Town and City shall mutually agree on a population figure based on the best available data.

C. Any disagreements concerning the sums to be remitted shall be referred to the Municipal Board for resolution.

18. That both parties agree to work jointly to secure any federal grants-in-aid which might be available, and to their mutual benefit.

19. That the parties hereby agree to review the area described as in need of orderly annexation every five years from the execution of this resolution.

20. That anything above to the contrary notwithstanding, the City of Victoria shall be required at any time to annex all of the lands described in paragraph 3 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

21. That the parties hereby agree that the Town of Laketown will dismiss its appeal of the decision of the Minnesota Municipal Board with the respect to the so-called "Batzli property", Carver County Court File No. 14769.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF CHASKA

22. That the following described area in Laketown Township is subject to orderly annexation pursuant to Minnesota Statutes 414.032 and the parties hereto designate this area for orderly annexation to the City of Chaska:

East one half of Section 24, Township 116, Range 24 --
East one half of Section 25, Township 116, Range 24 --
East one half of Section 36, Township 116, Range 24.

23. That the Town of Laketown does, upon adoption of this stipulation and its adoption by the City Council of the City of Chaska, Minnesota, confer jurisdiction upon the Minnesota Municipal Board to assist the signatories in the execution of this agreement.

24. That no annexation in the orderly annexation area described in Paragraph 22, shall take place (unless agreed to in writing by the City of Chaska and Laketown Township) within five (5) years from the effective date of this joint resolution, except that the hereinafter described area shall be annexed to the City of Chaska upon the City of Chaska ordering the installation and construction of a sanitary sewer project which benefits

all of said area or at least that portion thereof known as the Oakwood Terrace and Shady Point area; and, upon the ordering of such sanitary sewer improvement, the City of Chaska shall submit to the Municipal Board its petition to annex said hereinafter described area to which petition Laketown Township agrees it will not object. Said area being described as follows, to-wit:

That portion of Sections 24 and 25, Township 116, Range 24 lying southerly of Lake Bavaria and easterly and northerly of County Road No. 11.

25. That anything above to the contrary notwithstanding, the City of Chaska shall be required at any time to annex all of the lands described in paragraph 22 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

26. That the mill levy of the City of Chaska on any area so annexed as described above, and upon the occurrence of an annexation proceeding, 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 annexed property shall be the same as the City of Chaska generally; and, that any alteration of mill levies on any other annexed portions shall be as determined by agreement of the parties at that time and if there is a failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

27. Notwithstanding any further provisions of this agreement any lands annexed to the City of Chaska which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Chaska's Rural and Urban Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

28. That both parties to this resolution agree to dismiss the pending action before the Minnesota Municipal Board, same being File Docket A-2205(OA) Laketown.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF WACONIA

29. That those portions of the Town of Laketown, Carver County, Minnesota, described as:

All of Sections 6, 7, 18, 19, 20, 29, 30, 31, and 32, and the Southwest Quarter of Section 8, and the Northwest Quarter and the South Half of Section 17, all being in Township 116, North, Range 24 West.

shall be designated for orderly annexation to the City of Waconia as provided by Minnesota Statutes 414, said boundary to be established forthwith by Order of the Municipal Board, ~~subject only to future revision thereof by subsequent Order of the Municipal Board in the event that future development in the present Town~~

~~of Laketown would indicate an adjustment of such boundary would be in the best interests of the portion of Laketown Township affected.~~

30. That for a period of five (5) years after execution of this Stipulation by the parties hereto the City of Waconia will not initiate nor be a party to any action through the Municipal Board for final annexation to Waconia of any portions of Laketown Township designated above for orderly annexation to the City of Waconia except that any part of those portions of Laketown Township described as:

The South Half of Section 7; the Southwest Quarter of Section 8; the West Half of Section 17; all of Sections 18 and 19; and the West Half of Section 20.

may be annexed to the City of Waconia during said five year period from and after January 1, 1978 if such annexation is the result of any of the following:

- A. A petition for annexation signed by 100% of the owners of the property proposed to be annexed.
- B. The City of Waconia determines that portions thereof are in need of sewer service, but then only if the Municipal Board concurs in such determination, and the City of Waconia has approved a preliminary report as to such service and commits itself to order such improvement and to advertise for bids for the provision of such sewer service pursuant to Minnesota Statutes Chapter 429 immediately upon the completion of such annexation.
- C. Joint resolution of the Town of Laketown and the City of Waconia.

31. That anything in paragraph 28 above to the contrary notwithstanding, the City of Waconia shall be required at any time to annex all of the lands described in paragraph 27 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

32. That the Town of Laketown will not change the zoning of any lands described in paragraph 27 above, nor permit the establishment of any nonconforming use, nor subject same to any further special assessments or indebtedness, without having first obtained the approval thereof by the City of Waconia, or, in the alternative, the approval of the Municipal Board after reasonable notice to the City of Waconia.

33. That the mill levy of the City of Waconia on any area so annexed as described above, and upon the occurrence of an annexation proceeding, shall be increased in substantially equal portions over a period of three (3) years such that in the fourth year following annexation the mill rate on such annexed property shall be the same as the City of Waconia generally.

34. Notwithstanding any further provisions of this agreement any lands annexed to the City of Waconia which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Waconia's Rural and Urban

Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

35. That this Stipulation and Agreement shall be in full force and effect only in the event that the provisions hereof are incorporated in an Order of the Municipal Board of the State of Minnesota.

Stipulated and agreed to by the Town of Laketown this ____ day of _____, 1976.

TOWN OF LAKETOWN

By _____
Its Chairman

Attest: _____
Town Clerk

Stipulated and agreed to by the City of Waconia this 7 day of December, 1976.

CITY OF WACONIA

By Wallace Otto
Its Mayor

Attest: Ether Zellmann
City Clerk

Stipulated and agreed to by the City of Chaska this ____ day of _____, 1976.

CITY OF CHASKA

By _____
Its Mayor

Attest: _____
City Clerk

Stipulated and agreed to by the City of Victoria this ____ day of _____, 1976.

CITY OF VICTORIA

By _____
Its Mayor

Attest: _____
City Clerk

2205(09)

RESOLUTION NO. _____

WHEREAS, the Cities of Chaska, Victoria and Waconia, and the Township of Laketown agreed by Joint Resolution, adopted by the respective Cities and the Township in March of 1972, that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes 414.032 and did by Joint Resolution designate the entire Township of Laketown as an area in need of orderly annexation as provided by statute, and

WHEREAS, the time for the establishment of boundaries of orderly annexation areas as set forth in said resolution has elapsed without boundaries being established, and

WHEREAS, the Municipal Board has resumed hearings in proceedings for the orderly annexation of the Township of Laketown for the purpose of making a final determination as to the boundaries of portions of the Township which would be designated for orderly annexation to each of the Cities of Chaska, Victoria and Waconia, and for the purpose of determining whether any immediate annexations ought to occur in said area, and

WHEREAS, the Cities of Chaska, Victoria and Waconia and the Township of Laketown have met, discussed and reached tentative agreement on a new Stipulation by Joint Resolution as to Orderly Annexation establishing boundaries of the orderly annexation areas and provisions governing annexations in the areas affected, and

WHEREAS, the Town Board believes it is in the best interests of the Town to conclude the orderly annexation proceedings through the mutual agreement so as to avoid protracted litigation, to secure the maximum benefit to the territory affected, and to ensure good planning, orderly development, and efficient government for the people of Laketown Township.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Township of Laketown:

1. That the proposed joint resolution annexed hereto be and hereby is adopted by the Township of Laketown, and the Board Chairman and the Clerk are authorized to execute

said joint resolution on behalf of the Township of
Laketown.

2. That the joint resolution be in full force and effect
only in the event that the provisions thereof are mutually
adopted by the Cities of Chaska, Victoria and Waconia,
and are incorporated in an Order of the Municipal Board of
the State of Minnesota.

ADOPTED by the Town Board this 20TH day of December, 1976.

ATTEST:

Clerk

Board Chairman

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons
Robert W. Johnson
Gerald J. Isaacs
Two County Commissioners

Chairman
Vice Chairman
Member
Ex-Officio Members

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITIES OF WACONIA, CHASKA, AND
VICTORIA AND THE TOWNSHIP OF LAKETOWN
DESIGNATING THE ENTIRE TOWNSHIP OF
LAKETOWN AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO M.S. 414

}
}
}
} STIPULATION BY JOINT
RESOLUTION AS TO
ORDERLY ANNEXATION

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed by prior Joint Resolution adopted by the respective municipalities and the Township in March of 1972 that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes 414.032 and have by said Joint Resolution designated the entire Township of Laketown as in need of orderly annexation as provided by said statute; and

WHEREAS, the Municipal Board of the State of Minnesota, formerly the Municipal Commission of the State of Minnesota, accepted said Joint Resolution in its proceeding designated as Docket No. A-2205(OA) and did on June 13, 1972 declare and designate the entire Township of Laketown, Carver County, Minnesota to be in need of orderly annexation pursuant to the provisions of Minnesota Statutes, Chapter 414; and

WHEREAS, the time provided for the establishment of boundaries as set forth in said Joint Resolution of the Municipalities of Chaska, Victoria and Waconia, and the Township of Laketown and in said order of the Municipal Board has elapsed without boundaries being established; and

WHEREAS, the Municipal Board has resumed hearings in said proceeding designated as Docket No. A-2205(OA) in order that there may be a final determination as to the boundaries of which portions of the Township of Laketown shall be designated by the Municipal Board for orderly annexation to each of the Cities of Chaska, Victoria, and Waconia and in order that said Joint Resolution of the affected municipalities and said Order of the Municipal Board may be implemented; and

WHEREAS, the parties desire to avoid further protracted litigation and to begin implementation of such orderly annexation Order of the Municipal Board in a manner which would appear to be consistent with good planning and order development and in the best interests of the affected territory and the parties to this proceeding.

NOW, THEREFORE, BE IT RESOLVED by the Town of Laketown, the City of Victoria, the City of Chaska, and the City of Waconia as follows:

1. That each of the parties hereto agree that any annexations to a particular city now or in the future shall occur only within the boundaries of the orderly annexation area specified for such city under the further provisions of this agreement.

2. That within the boundaries of each orderly annexation area hereinafter specified for each city, annexations shall be governed by the provisions as hereinafter set forth for the particular area. Except with respect to boundaries, any changes, modifications, or amendments of the provisions governing annexations in a particular area shall be by agreement between the Town of Laketown and the City designated for the particular area, and shall not require the agreement or approval of other parties hereto.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF VICTORIA

3. That any annexations now or in the future in the following described areas would be most properly made to the City of Victoria and the parties hereto ^{shall} designate said areas for orderly annexation to said City of Victoria:

All that property located in Sections 1, 2, 3, 4, 5, 8, except the southwest quarter, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, and in the northeast quarter of Section 17, the westerly half of Section 24, the westerly half of Section 25, and the westerly half of Section 36, containing approximately 16,120 acres.

4. That the following described area abutting upon the City of Victoria are urban or suburban in character, or are about to become so and the City of Victoria is capable of providing services to said area within a reasonable time; therefore, said areas should be immediately annexed to the City of Victoria:

That part of Sections 11, 12, 13, and 14 not presently located within the Victoria limits, except that part of said Section 12 lying easterly of Schutz Lake.

⑤ That the following described areas abutting on the City of Victoria are suburban, or will become so within the next five years, and the City of Victoria will be capable of providing services to said areas within a reasonable time; therefore, said area should be annexed to the City of Victoria effective December 1, 1981:

^N
^{Ben} All that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not then included within the Hennepin County Park Reserve District.

6. That the areas designated for orderly annexation to the City of Victoria in paragraph 3 hereof, except those areas specifically enumerated and provided for in paragraphs 4 and 5, are not urban or suburban in character and are not about to become so; therefore, said areas shall not be subject to annexation to the City of Victoria for a period of at least five years from and after the effective date of this resolution. In the event owners of parcels of land located in areas other than areas specified in paragraphs 4 and 5 desire to be annexed during said five year period, it is agreed that the City of Victoria will not by resolution or otherwise consent to any such annexation unless there is a petition of 80% of the owners of the property proposed to be annexed and the Town of Laketown consents thereto.

7. That in an effort to forestall an overlap or duplication in the provision of governmental services and facilities, and to reduce, if possible, the costs of government in the orderly annexation area, the City of Victoria and the Town of Laketown agree to investigate possibilities for the sharing of facilities, equipment and personnel, insofar as the same apply to the orderly annexation area.

8. That City of Victoria and Town of Laketown representatives will meet at least semi-annually to discuss problems and means of cooperation for the provision of governmental services within the orderly annexation area.

9. That beginning after the effective date of this agreement the City of Victoria shall undertake and be responsible for the performance of general road maintenance and snow removal on the following streets: on Iris between State Trunk Highway 7 and the City boundary and on Iris Circle. Such maintenance will be performed only at the direction of the Town Board and the cost thereof shall be paid by the Town, but without allowance for any administrative costs or profit to the City of Victoria.

10. That if the Town and the City of Victoria believe that mutual benefit may be derived from the performance of general road maintenance and snow removal by the City of Victoria upon other Town roads located in Sections 1 and 2, then discussions will be held for the purpose of negotiating a contract for the performance thereof. In any event the Town shall seal coat the blacktopping on such roads at least once during the five year interim period.

11. That if a party shall find it necessary to employ extra personnel in order to perform maintenance or administrative tasks, prior to contracting with an outside agency, such party shall first contact the other in an effort to have said services performed by the other party. If services are then performed, the party receiving such services shall pay the actual cost thereof but without allowance for any administrative costs or profit to the party supplying the services.

12. That if the Town shall find it necessary to contract for clerical services for the issuance and collection of sewer bills, it shall contract with the City of Victoria for such services; provided, that the City shall not charge therefor a sum greater than the Town would be required to pay an outside agency for such services.

13. That the transfer of the presently existing Laketown sanitary sewer system to the City of Victoria as of December 1, 1981 will necessitate mutual effort to effect an orderly transition in the provision of care and maintenance of the system; therefore, beginning in August, 1978, the Town Board of Supervisors, or its representative, will interview the City of Victoria sewer maintenance man and examine his qualifications to perform maintenance work on the sanitary sewer system. If the Board finds him qualified, the Town will contract with the City of Victoria for the performance of such maintenance work during the remainder of the five year interim period. If the Board does not find said individual qualified, then it shall re-interview and examine his qualifications on an annual basis thereafter until such time as it finds said individual qualified or until the expiration of the five year period. It is agreed that any contract for the performance of such sewer maintenance will provide for payment by the Town of the actual cost of such maintenance, but without any allowance for administrative costs or profit to the City of Victoria.

14. That planning, zoning and subdivision in the orderly annexation area shall be governed by the following provisions:

- A. For all that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not included within the Hennepin County Park Reserve District:
 - 1. The Town will adopt an ordinance creating a Lake Minnetonka Zoning District for the area north of T.H. 7 and the regulations therein shall be adopted by the City of Victoria such that continuity will be preserved when annexation occurs.
 - 2. City of Victoria zoning and subdivision regulations may be extended to such areas.
 - 3. The City of Victoria Planning Commission and Laketown Town Board will hold joint public hearings on zoning and subdivision matters.
 - 4. Approval of any zoning or subdivision matters shall require a majority vote of the Town Board and a 4/5 vote of the City Council.
- B. In the balance of the area designated for orderly annexation:
 - 1. Carver County zoning and subdivision ordinances will apply.
 - 2. All hearings on requests for subdivision rezoning, conditional uses and variances will be held jointly by the City, Town and County.
 - 3. The County will retain jurisdiction until the time of annexation.

- C. Sections 1, 2 and that part of Section 12 lying easterly of Schutz Lake will be included in the City of Victoria Comprehensive Plan.
- D. The Town and the City will cooperate in a joint transportation plan for the area in the City and Town which borders State Trunk Highway 7.

15. That any property annexed to the City of Victoria pursuant to this agreement shall receive a graduated increase in mill rates from the Town rate to the City of Victoria rate in substantially equal portions such that in the fourth year following annexation the annexed property shall pay the same mill rate as is applied in the City for the particular type of property.

- A. In the first levy year immediately after annexation the annexed property urban mill rate shall be equal to the rate established and applied by the Town generally in such first levy year. In the event that the dates of annexation are such that the County Auditor cannot include annexed areas with the City of Victoria levy spread for such first levy year, the Town shall collect the taxes levied against the annexed property areas and remit amounts so collected to the City of Victoria.

- B. In the second year following annexation the annexed property urban mill rate shall be equal to the annexed property rate applied in the first year following annexation plus one-third of the differential between:

the City of Victoria urban rate in
the first year following annexation

and

the annexed property urban rate applied
in the first year following annexation.

- C. In the third year following annexation the annexed property urban mill rate shall be equal to the annexed property urban rate applied in the second year following annexation plus two-thirds of the differential between:

the City of Victoria urban rate in the
second year following annexation

and

the annexed property urban rate
applied in the second year following
annexation.

- D. In the fourth year the annexed property rate and the City of Victoria urban rate shall be equal.
- E. Any properties which, at the date of annexation, meet the criteria of Minnesota Statutes 272.67, for inclusion within the City's "rural service district" shall be included within such district. The City of Victoria shall adopt a "rural service district" taxation ordinance pursuant to said statute which shall be applied to such properties. For any such properties annexed between the date of this stipulation and December, 1981, there shall be no graduated increase from the Town rate to the City of Victoria rate, and such properties shall be subject to the City "rural service district" rate in the first levy year following annexation. For any such properties annexed after December 1, 1981, the computation of the mill rate shall be made under the formula specified in subparagraphs A, B, C, and D hereof, except that as applied to such properties the term "City of Victoria rural service district rate" shall be substituted in such formula for the term "City of Victoria urban rate".

16. That in the event lands which have been specially assessed by the Town of Laketown are annexed to the City of Victoria, the City shall remit any assessments collected from the owners of said lands to the Town within ten days after the receipt thereof so as to enable the Town to meet obligations upon its improvement bonds. At such time as the City assumes the obligation of payment on said improvement bonds the City shall no longer be required to remit assessments collected to the Town.

17. That it is understood and acknowledged by the Town and the City of Victoria that state and federal financial aids which are allocated to the Town on the basis of population may be effected or altered by annexations occurring hereunder. In the event that the Town shall receive any such aids without the allocating agency having considered or made an adjustment for an annexation which has occurred, the Town shall remit to the City such percentage of any such aids so allocated which is attributable to the population of the territory annexed. The sums to be remitted shall be determined in accordance with the following:

- A. For annexations occurring immediately upon the adoption of this stipulation, the Town and City agree that 1970 census population figures shall be used, that the population of the Town in 1970 was 1750, and that for purposes of this stipulation the population of the area to be immediately annexed was 192.
 - 1. Because State Local Government Aids and Federal Revenue Sharing cannot be redistributed by the allocating agencies in 1977 to reflect the impact of such immediate annexations, the Town shall remit to the City a sum equal to

the amount of such aids received subsequent to said annexations but prior to adjustment by the allocating agencies times 1950 divided by 192.

2. Said method to be utilized until the State and Federal allocating agencies adjust their records and payments to reflect such annexation.

B. For any annexations occurring in the future the Town and City shall mutually agree on a population figure based on the best available data.

C. Any disagreements concerning the sums to be remitted shall be referred to the Municipal Board for resolution.

18. That both parties agree to work jointly to secure any federal grants-in-aid which might be available, and to their mutual benefit.

19. That the parties hereby agree to review the area described as in need of orderly annexation every five years from the execution of this resolution.

20. That anything above to the contrary notwithstanding, the City of Victoria shall be required at any time to annex all of the lands described in paragraph 3 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

21. That the parties hereby agree that the Town of Laketown will dismiss its appeal of the decision of the Minnesota Municipal Board with the respect to the so-called "Batzli property", Carver County Court File No. 14769.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF CHASKA

22. That the following described area in Laketown Township is subject to orderly annexation pursuant to Minnesota Statutes 414.032 and the parties hereto designate this area for orderly annexation to the City of Chaska:

East one half of Section 24, Township 116, Range 24
East one half of Section 25, Township 116, Range 24
East one half of Section 36, Township 116, Range 24.

23. That the Town of Laketown does, upon adoption of this stipulation and its adoption by the City Council of the City of Chaska, Minnesota, confer jurisdiction upon the Minnesota Municipal Board to assist the signatories in the execution of this agreement.

24. That no annexation in the orderly annexation area described in Paragraph 21, shall take place (unless agreed to in writing by the City of Chaska and Laketown Township) within five (5) years from the effective date of this joint resolution, except that the hereinafter described area shall be annexed to the City of Chaska upon the City of Chaska ordering the installation and construction of a sanitary sewer project which benefits

all of said area or at least that portion thereof known as the Oakwood Terrace and Shady Point area; and, upon the ordering of such sanitary sewer improvement, the City of Chaska shall submit to the Municipal Board its petition to annex said hereinafter described area to which petition Laketown Township agrees it will not object. Said area being described as follows, to-wit:

That portion of Sections 24 and 25, Township 116, Range 24 lying southerly of Lake Bavaria and easterly and northerly of County Road No. 11.

25. That anything above to the contrary notwithstanding, the City of Chaska shall be required at any time to annex all of the lands described in paragraph 22 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

26. That the mill levy of the City of Chaska on any area so annexed as described above, and upon the occurrence of an annexation proceeding, 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 annexed property shall be the same as the City of Chaska generally; and, that any alteration of mill levies on any other annexed portions shall be as determined by agreement of the parties at that time and if there is a failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

27. Notwithstanding any further provisions of this agreement, any lands annexed to the City of Chaska which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Chaska's Rural and Urban Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

28. That both parties to this resolution agree to dismiss the pending action before the Minnesota Municipal Board, same being File Docket A-2205(OA) Laketown.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF WACONIA

29. That those portions of the Town of Laketown, Carver County, Minnesota, described as:

All of Sections 6, 7, 18, 19, 20, 29, 30, 31, and 32, and the Southwest Quarter of Section 8, and the Northwest Quarter and the South Half of Section 17, all being in Township 116, North, Range 24 West.

shall be designated for orderly annexation to the City of Waconia as provided by Minnesota Statutes 414, said boundary to be established forthwith by Order of the Municipal Board, ~~subject only to future revision thereof by subsequent Order of the Municipal Board in the event that future development in the present Town~~

~~of Laketown would indicate an adjustment of such boundary would be in the best interests of the portion of Laketown Township affected.~~

30. That for a period of five (5) years after execution of this Stipulation by the parties hereto the City of Waconia will not initiate nor be a party to any action through the Municipal Board for final annexation to Waconia of any portions of Laketown Township designated above for orderly annexation to the City of Waconia except that any part of those portions of Laketown Township described as:

The South Half of Section 7; the Southwest Quarter of Section 8; the West Half of Section 17; all of Sections 18 and 19; and the West Half of Section 20.

may be annexed to the City of Waconia during said five year period from and after January 1, 1978 if such annexation is the result of any of the following:

- A. A petition for annexation signed by 100% of the owners of the property proposed to be annexed.
- B. The City of Waconia determines that portions thereof are in need of sewer service, but then only if the Municipal Board concurs in such determination, and the City of Waconia has approved a preliminary report as to such service and commits itself to order such improvement and to advertise for bids for the provision of such sewer service pursuant to Minnesota Statutes Chapter 429 immediately upon the completion of such annexation.
- C. Joint resolution of the Town of Laketown and the City of Waconia.

31. That anything in paragraph 28 above to the contrary notwithstanding, the City of Waconia shall be required at any time to annex all of the lands described in paragraph 27 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

32. That the Town of Laketown will not change the zoning of any lands described in paragraph 27 above, nor permit the establishment of any nonconforming use, nor subject same to any further special assessments or indebtedness, without having first obtained the approval thereof by the City of Waconia, or, in the alternative, the approval of the Municipal Board after reasonable notice to the City of Waconia.

33. That the mill levy of the City of Waconia on any area so annexed as described above, and upon the occurrence of an annexation proceeding, shall be increased in substantially equal portions over a period of three (3) years such that in the fourth year following annexation the mill rate on such annexed property shall be the same as the City of Waconia generally.

34. Notwithstanding any further provisions of this agreement any lands annexed to the City of Waconia which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Waconia's Rural and Urban

Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

35. That this Stipulation and Agreement shall be in full force and effect only in the event that the provisions hereof are incorporated in an Order of the Municipal Board of the State of Minnesota.

Stipulated and agreed to by the Town of Laketown this 20 day of December, 1976.

TOWN OF LAKETOWN

By

Its Chairman

Attest:

Town Clerk

Stipulated and agreed to by the City of Waconia this ____ day of _____, 1976.

CITY OF WACONIA

By

Its Mayor

Attest:

City Clerk

Stipulated and agreed to by the City of Chaska this ____ day of _____, 1976.

CITY OF CHASKA

By

Its Mayor

Attest:

City Clerk

Stipulated and agreed to by the City of Victoria this ____ day of _____, 1976.

CITY OF VICTORIA

By

Its Mayor

Attest:

City Clerk



DEC 13 1976

A-2205(OA)

VICTORIA VILLAGE HALL
VICTORIA, MINN. 55386
TELEPHONE 612-443-2363

December 9, 1976

MAYOR
Jerome Aretz

Mr. William Nieman
Minnesota Municipal Board
Capitol Square Bldg.
St. Paul, Minn. 55155

COUNCIL
Kenneth Diethelm
Donald Fuller
Dr. Richard Soderberg
Daniel Vork

Dear Mr. Nieman:

PLANNING COMMISSION
Walter Burry, Chairman
Dennis Gregory
Marvin Hartman
Gerald Schmieg
Jean Strohm

Enclosed is a copy of the minutes of the December 2, 1976 Victoria council meeting at which the Council adopted the joint resolution for orderly annexation of Laketown Township and authorized the mayor and clerk to sign the agreement.

PARK AND RECREATION
COMMITTEE
Charles Hanson, Chairman
Douglas Braunworth
Math Hartmann
Mary Moore
Raymond Notermann Jr.
Nancy Sohns

Enclosed also is Resolution No. 76-47.

ATTORNEY
Robert Nicklaus

Sincerely,

Virginia R. Harris
Clerk/Administrator

ENGINEER
Lawrence Gardner

CLERK-ADMINISTRATOR
Virginia Harris

VRH:gj
Enc. 2

VILLAGE OF VICTORIA

REGULAR COUNCIL MEETING

DECEMBER 2, 1976

Pursuant to due call and notice thereof the December 2, 1976 Regular meeting of the Victoria Village Council was called to order by Mayor Jerome Aretz at 7:30 p.m. in the Council Chambers at 1600 Arboretum Blvd. Members present were: Jerome Aretz, Dan Vork, Dr. Richard Soderberg, Don Fuller and Ken Diethelm.

MINUTES: A motion was made by Diethelm and seconded by Fuller to correct the minutes of November 18 to read as follows: ORDERLY ANNEXATION BOUNDARY, Paragraph 4, add to the last sentence, to be in the Victoria annexation area. And after the last sentence in the ASTER TRAIL AGREEMENT, add vacating old Aster Trail. All voted aye. Minutes approved as corrected.

ASTER TRAIL AGREEMENT: Vork made a motion and Diethelm seconded authorizing the mayor to enter into the agreement with Warren McLaughlin stipulating that Mr. McLaughlin cannot plow up old Aster Trail until Nov. 1, 1977 and that he would post a \$5000 bond guaranteeing the new road for this period. All voted aye. The motion was adopted. (12276E-1)

LAKETOWN AGREEMENT: (12276E-5) A motion was made by Soderberg and seconded by Fuller to:

1. adopt Resolution No. 76-47, "Stipulation By Joint Resolution As To Orderly Annexation", deleting everything after "Board" in Article No. 29
2. correct typographical errors as follows: #22, Section 14 should read Section 24 and #24, Paragraph 21 should be paragraph 22.
3. authorize the mayor and clerk to sign the Resolution.

All voted aye. The Resolution was adopted.

DUPLICATE CHECK NO. 2391: Diethelm made a motion and Vork seconded authorizing issuance of duplicate check #2391 and authorization to dispense with bonding requirement in regard to \$120 check that was issued to the Fire Department which they did not receive. All voted aye. Motion carried.

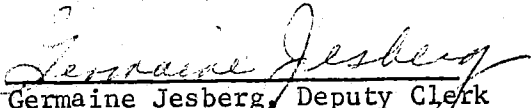
1977 LEVY RESOLUTION: (12276E-6) Diethelm made a motion to adopt resolution #76-46 approving the tax levy at 20 mills. There was no second. Vork made a motion and Diethelm seconded to set the 1977 Property Tax Levy at \$64,637. Aretz, Diethelm and Vork voted aye. Fuller and Soderberg voted no. Resolution #76-46 adopted.

RESOLUTION ESTABLISHING LAND STUDY COMMITTEE: (12276E-3) Fuller made a motion and Vork seconded to adopt Res. 76-45 for the council to appoint the following citizens to serve on the Land Study Committee: Wilbert Schmieg, Wilfred Plocher, Kenneth Diethelm, and Marvin Hartman. Also one representative of the Park and Recreation Committee to be named later. All voted aye. Resolution adopted.

METRO SYSTEMS STATEMENT: The clerk was instructed to get out a draft by the next meeting on the city's objections to the Metro Systems Statement (12276E-4).

PURCHASE OF METAL DETECTOR: Fuller made a motion and Soderberg seconded the purchase of a metal detector at a cost of \$450.00. All voted aye. Motion carried.

The meeting was adjourned at 10:10 p.m.


 Germaine Jesberg, Deputy Clerk

DEC 13 1976

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Thomas J. Simmons
Robert W. Johnson
Gerald J. Isaacs
Two County Commissioners

Chairman
Vice Chairman
Member
Ex-Officio Members

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITIES OF WACONIA, CHASKA, AND
VICTORIA AND THE TOWNSHIP OF LAKETOWN
DESIGNATING THE ENTIRE TOWNSHIP OF
LAKETOWN AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO M.S. 414

RESOLUTION NO. 76-47

STIPULATION BY JOINT
RESOLUTION AS TO
ORDERLY ANNEXATION

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed by prior Joint Resolution adopted by the respective municipalities and the Township in March of 1972 that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes 414.032 and have by said Joint Resolution designated the entire Township of Laketown as in need of orderly annexation as provided by said statute; and

WHEREAS, the Municipal Board of the State of Minnesota, formerly the Municipal Commission of the State of Minnesota, accepted said Joint Resolution in its proceeding designated as Docket No. A-2205(OA) and did on June 13, 1972 declare and designate the entire Township of Laketown, Carver County, Minnesota to be in need of orderly annexation pursuant to the provisions of Minnesota Statutes, Chapter 414; and

WHEREAS, the time provided for the establishment of boundaries as set forth in said Joint Resolution of the Municipalities of Chaska, Victoria and Waconia, and the Township of Laketown and in said order of the Municipal Board has elapsed without boundaries being established; and

WHEREAS, the Municipal Board has resumed hearings in said proceeding designated as Docket No. A-2205(OA) in order that there may be a final determination as to the boundaries of which portions of the Township of Laketown shall be designated by the Municipal Board for orderly annexation to each of the Cities of Chaska, Victoria, and Waconia and in order that said Joint Resolution of the affected municipalities and said Order of the Municipal Board may be implemented; and

WHEREAS, the parties desire to avoid further protracted litigation and to begin implementation of such orderly annexation Order of the Municipal Board in a manner which would appear to be consistent with good planning and order development and in the best interests of the affected territory and the parties to this proceeding.

NOW, THEREFORE, BE IT RESOLVED by the Town of Laketown, the City of Victoria, the City of Chaska, and the City of Waconia as follows:

1. That each of the parties hereto agree that any annexations to a particular city now or in the future shall occur only within the boundaries of the orderly annexation area specified for such city under the further provisions of this agreement.

2. That within the boundaries of each orderly annexation area hereinafter specified for each city, annexations shall be governed by the provisions as hereinafter set forth for the particular area. Except with respect to boundaries, any changes, modifications, or amendments of the provisions governing annexations in a particular area shall be by agreement between the Town of Laketown and the City designated for the particular area, and shall not require the agreement or approval of other parties hereto.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF VICTORIA

3. That any annexations now or in the future in the following described areas would be most properly made to the City of Victoria and the parties hereto designate said areas for orderly annexation to said City of Victoria:

All that property located in Sections 1, 2, 3, 4, 5, 8, except the southwest quarter, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, and in the northeast quarter of Section 17, the westerly half of Section 24, the westerly half of Section 25, and the westerly half of Section 36, containing approximately 16,120 acres.

4. That the following described area abutting upon the City of Victoria are urban or suburban in character, or are about to become so and the City of Victoria is capable of providing services to said area within a reasonable time; therefore, said areas should be immediately annexed to the City of Victoria:

That part of Sections 11, 12, 13, and 14 not presently located within the Victoria limits, except that part of said Section 12 lying easterly of Schutz Lake.

5. That the following described areas abutting on the City of Victoria are suburban, or will become so within the next five years, and the City of Victoria will be capable of providing services to said areas within a reasonable time; therefore, said area should be annexed to the City of Victoria effective December 1, 1981:

All that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not then included within the Hennepin County Park Reserve District.

6. That the areas designated for orderly annexation to the City of Victoria in paragraph 3 hereof, except those areas specifically enumerated and provided for in paragraphs 4 and 5, are not urban or suburban in character and are not about to become so; therefore, said areas shall not be subject to annexation to the City of Victoria for a period of at least five years from and after the effective date of this resolution. In the event owners of parcels of land located in areas other than areas specified in paragraphs 4 and 5 desire to be annexed during said five year period, it is agreed that the City of Victoria will not by resolution or otherwise consent to any such annexation unless there is a petition of 80% of the owners of the property proposed to be annexed and the Town of Laketown consents thereto.

7. That in an effort to forestall an overlap or duplication in the provision of governmental services and facilities, and to reduce, if possible, the costs of government in the orderly annexation area, the City of Victoria and the Town of Laketown agree to investigate possibilities for the sharing of facilities, equipment and personnel, insofar as the same apply to the orderly annexation area.

8. That City of Victoria and Town of Laketown representatives will meet at least semi-annually to discuss problems and means of cooperation for the provision of governmental services within the orderly annexation area.

9. That beginning after the effective date of this agreement the City of Victoria shall undertake and be responsible for the performance of general road maintenance and snow removal on the following streets: on Iris between State Trunk Highway 7 and the City boundary and on Iris Circle. Such maintenance will be performed only at the direction of the Town Board and the cost thereof shall be paid by the Town, but without allowance for any administrative costs or profit to the City of Victoria.

10. That if the Town and the City of Victoria believe that mutual benefit may be derived from the performance of general road maintenance and snow removal by the City of Victoria upon other Town roads located in Sections 1 and 2, then discussions will be held for the purpose of negotiating a contract for the performance thereof. In any event the Town shall seal coat the blacktopping on such roads at least once during the five year interim period.

11. That if a party shall find it necessary to employ extra personnel in order to perform maintenance or administrative tasks, prior to contracting with an outside agency, such party shall first contact the other in an effort to have said services performed by the other party. If services are then performed, the party receiving such services shall pay the actual cost thereof but without allowance for any administrative costs or profit to the party supplying the services.

12. That if the Town shall find it necessary to contract for clerical services for the issuance and collection of sewer bills, it shall contract with the City of Victoria for such services; provided, that the City shall not charge therefor a sum greater than the Town would be required to pay an outside agency for such services.

13. That the transfer of the presently existing Laketown sanitary sewer system to the City of Victoria as of December 1, 1981 will necessitate mutual effort to effect an orderly transition in the provision of care and maintenance of the system; therefore, beginning in August, 1978, the Town Board of Supervisors, or its representative, will interview the City of Victoria sewer maintenance man and examine his qualifications to perform maintenance work on the sanitary sewer system. If the Board finds him qualified, the Town will contract with the City of Victoria for the performance of such maintenance work during the remainder of the five year interim period. If the Board does not find said individual qualified, then it shall re-interview and examine his qualifications on an annual basis thereafter until such time as it finds said individual qualified or until the expiration of the five year period. It is agreed that any contract for the performance of such sewer maintenance will provide for payment by the Town of the actual cost of such maintenance, but without any allowance for administrative costs or profit to the City of Victoria.

14. That planning, zoning and subdivision in the orderly annexation area shall be governed by the following provisions:

- A. For all that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not included within the Hennepin County Park Reserve District:
 - 1. The Town will adopt an ordinance creating a Lake Minnetonka Zoning District for the area north of T.H. 7 and the regulations therein shall be adopted by the City of Victoria such that continuity will be preserved when annexation occurs.
 - 2. City of Victoria zoning and subdivision regulations may be extended to such areas.
 - 3. The City of Victoria Planning Commission and Laketown Town Board will hold joint public hearings on zoning and subdivision matters.
 - 4. Approval of any zoning or subdivision matters shall require a majority vote of the Town Board and a 4/5 vote of the City Council.
- B. In the balance of the area designated for orderly annexation:
 - 1. Carver County zoning and subdivision ordinances will apply.
 - 2. All hearings on requests for subdivision rezoning, conditional uses and variances will be held jointly by the City, Town and County.
 - 3. The County will retain jurisdiction until the time of annexation.

- C. Sections 1, 2 and that part of Section 12 lying easterly of Schutz Lake will be included in the City of Victoria Comprehensive Plan.
- D. The Town and the City will cooperate in a joint transportation plan for the area in the City and Town which borders State Trunk Highway 7.

15. That any property annexed to the City of Victoria pursuant to this agreement shall receive a graduated increase in mill rates from the Town rate to the City of Victoria rate in substantially equal portions such that in the fourth year following annexation the annexed property shall pay the same mill rate as is applied in the City for the particular type of property.

A. In the first levy year immediately after annexation the annexed property urban mill rate shall be equal to the rate established and applied by the Town generally in such first levy year. In the event that the dates of annexation are such that the County Auditor cannot include annexed areas with the City of Victoria levy spread for such first levy year, the Town shall collect the taxes levied against the annexed property areas and remit amounts so collected to the City of Victoria.

B. In the second year following annexation the annexed property urban mill rate shall be equal to the annexed property rate applied in the first year following annexation plus one-third of the differential between:

the City of Victoria urban rate in
the first year following annexation

and

the annexed property urban rate applied
in the first year following annexation.

C. In the third year following annexation the annexed property urban mill rate shall be equal to the annexed property urban rate applied in the second year following annexation plus two-thirds of the differential between:

the City of Victoria urban rate in the
second year following annexation

and

the annexed property urban rate
applied in the second year following
annexation.

- D. In the fourth year the annexed property rate and the City of Victoria urban rate shall be equal.
- E. Any properties which, at the date of annexation, meet the criteria of Minnesota Statutes 272.67, for inclusion within the City's "rural service district" shall be included within such district. The City of Victoria shall adopt a "rural service district" taxation ordinance pursuant to said statute which shall be applied to such properties. For any such properties annexed between the date of this stipulation and December, 1981, there shall be no graduated increase from the Town rate to the City of Victoria rate, and such properties shall be subject to the City "rural service district" rate in the first levy year following annexation. For any such properties annexed after December 1, 1981, the computation of the mill rate shall be made under the formula specified in subparagraphs A, B, C, and D hereof, except that as applied to such properties the term "City of Victoria rural service district rate" shall be substituted in such formula for the term "City of Victoria urban rate".

16. That in the event lands which have been specially assessed by the Town of Laketown are annexed to the City of Victoria, the City shall remit any assessments collected from the owners of said lands to the Town within ten days after the receipt thereof so as to enable the Town to meet obligations upon its improvement bonds. At such time as the City assumes the obligation of payment on said improvement bonds the City shall no longer be required to remit assessments collected to the Town.

17. That it is understood and acknowledged by the Town and the City of Victoria that state and federal financial aids which are allocated to the Town on the basis of population may be effected or altered by annexations occurring hereunder. In the event that the Town shall receive any such aids without the allocating agency having considered or made an adjustment for an annexation which has occurred, the Town shall remit to the City such percentage of any such aids so allocated which is attributable to the population of the territory annexed. The sums to be remitted shall be determined in accordance with the following:

- A. For annexations occurring immediately upon the adoption of this stipulation, the Town and City agree that 1970 census population figures shall be used, that the population of the Town in 1970 was 1750, and that for purposes of this stipulation the population of the area to be immediately annexed was 192.
 - 1. Because State Local Government Aids and Federal Revenue Sharing cannot be redistributed by the allocating agencies in 1977 to reflect the impact of such immediate annexations, the Town shall remit to the City a sum equal to

the amount of such aids received subsequent to said annexations but prior to adjustment by the allocating agencies times 1950 divided by 192.

2. Said method to be utilized until the State and Federal allocating agencies adjust their records and payments to reflect such annexation.

B. For any annexations occurring in the future the Town and City shall mutually agree on a population figure based on the best available data.

C. Any disagreements concerning the sums to be remitted shall be referred to the Municipal Board for resolution.

18. That both parties agree to work jointly to secure any federal grants-in-aid which might be available, and to their mutual benefit.

19. That the parties hereby agree to review the area described as in need of orderly annexation every five years from the execution of this resolution.

20. That anything above to the contrary notwithstanding, the City of Victoria shall be required at any time to annex all of the lands described in paragraph 3 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

21. That the parties hereby agree that the Town of Laketown will dismiss its appeal of the decision of the Minnesota Municipal Board with the respect to the so-called "Batzli property", Carver County Court File No. 14769.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF CHASKA

22. That the following described area in Laketown Township is subject to orderly annexation pursuant to Minnesota Statutes 414.032 and the parties hereto designate this area for orderly annexation to the City of Chaska:

East one half of Section ~~24~~²⁴, Township 116, Range 24
East one half of Section 25, Township 116, Range 24
East one half of Section 36, Township 116, Range 24.

23. That the Town of Laketown does, upon adoption of this stipulation and its adoption by the City Council of the City of Chaska, Minnesota, confer jurisdiction upon the Minnesota Municipal Board to assist the signatories in the execution of this agreement.

24. That no annexation in the orderly annexation area described in Paragraph 22, shall take place (unless agreed to in writing by the City of Chaska and Laketown Township) within five (5) years from the effective date of this joint resolution, except that the hereinafter described area shall be annexed to the City of Chaska upon the City of Chaska ordering the installation and construction of a sanitary sewer project which benefits

all of said area or at least that portion thereof known as the Oakwood Terrace and Shady Point area; and, upon the ordering of such sanitary sewer improvement, the City of Chaska shall submit to the Municipal Board its petition to annex said hereinafter described area to which petition Laketown Township agrees it will not object. Said area being described as follows, to-wit:

That portion of Sections 24 and 25, Township 116, Range 24 lying southerly of Lake Bavaria and easterly and northerly of County Road No. 11.

25. That anything above to the contrary notwithstanding, the City of Chaska shall be required at any time to annex all of the lands described in paragraph 22 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

26. That the mill levy of the City of Chaska on any area so annexed as described above, and upon the occurrence of an annexation proceeding, 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 annexed property shall be the same as the City of Chaska generally; and, that any alteration of mill levies on any other annexed portions shall be as determined by agreement of the parties at that time and if there is a failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

27. Notwithstanding any further provisions of this agreement any lands annexed to the City of Chaska which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Chaska's Rural and Urban Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

28. That both parties to this resolution agree to dismiss the pending action before the Minnesota Municipal Board, same being File Docket A-2205(OA) Laketown.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF WACONIA

29. That those portions of the Town of Laketown, Carver County, Minnesota, described as:

All of Sections 6, 7, 18, 19, 20, 29, 30, 31, and 32, and the Southwest Quarter of Section 8, and the Northwest Quarter and the South Half of Section 17, all being in Township 116, North, Range 24 West.

shall be designated for orderly annexation to the City of Waconia as provided by Minnesota Statutes 414, said boundary to be established forthwith by Order of the Municipal Board, ~~subject only to future revision thereof by subsequent Order of the Municipal Board in the event that future development in the present Town~~

~~of Laketown would indicate an adjustment of such boundary would be in the best interests of the portion of Laketown Township affected.~~

30. That for a period of five (5) years after execution of this Stipulation by the parties hereto the City of Waconia will not initiate nor be a party to any action through the Municipal Board for final annexation to Waconia of any portions of Laketown Township designated above for orderly annexation to the City of Waconia except that any part of those portions of Laketown Township described as:

The South Half of Section 7; the Southwest Quarter of Section 8; the West Half of Section 17; all of Sections 18 and 19; and the West Half of Section 20.

may be annexed to the City of Waconia during said five year period from and after January 1, 1978 if such annexation is the result of any of the following:

- A. A petition for annexation signed by 100% of the owners of the property proposed to be annexed.
- B. The City of Waconia determines that portions thereof are in need of sewer service, but then only if the Municipal Board concurs in such determination, and the City of Waconia has approved a preliminary report as to such service and commits itself to order such improvement and to advertise for bids for the provision of such sewer service pursuant to Minnesota Statutes Chapter 429 immediately upon the completion of such annexation.
- C. Joint resolution of the Town of Laketown and the City of Waconia.

31. That anything in paragraph 28 above to the contrary notwithstanding, the City of Waconia shall be required at any time to annex all of the lands described in paragraph 27 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

32. That the Town of Laketown will not change the zoning of any lands described in paragraph 27 above, nor permit the establishment of any nonconforming use, nor subject same to any further special assessments or indebtedness, without having first obtained the approval thereof by the City of Waconia, or, in the alternative, the approval of the Municipal Board after reasonable notice to the City of Waconia.

33. That the mill levy of the City of Waconia on any area so annexed as described above, and upon the occurrence of an annexation proceeding, shall be increased in substantially equal portions over a period of three (3) years such that in the fourth year following annexation the mill rate on such annexed property shall be the same as the City of Waconia generally.

34. Notwithstanding any further provisions of this agreement any lands annexed to the City of Waconia which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Waconia's Rural and Urban

Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

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35. That this Stipulation and Agreement shall be in full force and effect only in the event that the provisions hereof are incorporated in an Order of the Municipal Board of the State of Minnesota.

Stipulated and agreed to by the Town of Laketown this ____ day of _____, 1976.

TOWN OF LAKETOWN

By _____
Its Chairman.

Attest: _____
Town Clerk

Stipulated and agreed to by the City of Waconia this ____ day of _____, 1976.

CITY OF WACONIA

By _____
Its Mayor

Attest: _____
City Clerk

Stipulated and agreed to by the City of Chaska this ____ day of _____, 1976.

CITY OF CHASKA

By _____
Its Mayor

Attest: _____
City Clerk

Stipulated and agreed to by the City of Victoria this 2nd day of December, 1976.

CITY OF VICTORIA

By Jerome J. Arty
Its Mayor

Attest: Virgin R. Harris
City Clerk

DEC 22 1976

MELCHERT, HUBERT, HOWE & YOUNG

ATTORNEYS AT LAW

PAUL A. MELCHERT
LUKE MELCHERT
DAVID P. HUBERT
THOMAS R. HOWE
MICHAEL A. YOUNG

KEITH SJODIN

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CHASKA, MINNESOTA 55318
CHASKA 448-3121

WACONIA OFFICE
FIRST NATIONAL BANK BUILDING
442-2154

WATERTOWN OFFICE
955-1404

December 13, 1976

State of Minnesota
Municipal Board
Suite 165
Metro Square
7th and Robert Street
St. Paul, Minnesota 55101

Attention: William Neiman

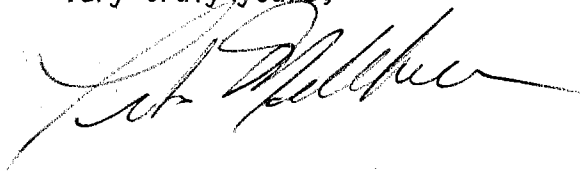
Re: A-2205 (OA) Laketown

Dear Bill:

Enclosed herewith please find a certified copy of the Resolution of the City of Chaska agreeing to the STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION in the above matter.

I trust this is all that is needed on behalf of the City of Chaska's part. If not, please do not hesitate to contact me.

Very truly yours,



Luke Melchert
City Attorney, City of Chaska, Minnesota

LM:rep

cc: Paul A. Melchert
Attorney at Law
First National Bank Building
Waconia, Minnesota 55387

Robert A. Nicklaus
Attorney at Law
Klein Bros. Building

William F. Kelly
Attorney at Law
351 Second Street
Excelsior, Minnesota 55331

CITY OF CHASKA
CARVER COUNTY, MINNESOTA

RESOLUTION

Date: December 6, 1976 Resolution No. 76-45
Motion by Reus Seconded by Councilman Robling

WHEREAS, at a duly constituted Hearing before the Municipal Board of the State of Minnesota, on the 6th day of December, 1976, at the Carver County Court-house at Chaska, Minnesota, there was presented to representatives of Chaska, Waconia, Victoria and Laketown a document entitled STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION; and

WHEREAS, the City Council of the City of Chaska discussed same at its regularly scheduled City Council Meeting on the 6th day of December, 1976; and

WHEREAS, it appeared that it would be in the best interests of the City of Chaska to agree to enjoin in said Stipulation; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Chaska, Minnesota, as follows:

1. That the City of Chaska does hereby agree to the document entitled STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION attached hereto and made a part of this Resolution.

Passed and adopted by the City Council of the City of Chaska, Minnesota, this 6th day of December, 1976.

Leon J. Schmidt
Mayor

Attest: Disley Burns
City Clerk

STATE OF MINNESOTA)
COUNTY OF CARVER)
CITY OF CHASKA)

CLERK'S CERTIFICATE

I, Shirley Bruers, being the duly qualified City Clerk for the City of Chaska, Minnesota, DO HEREBY CERTIFY, that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the City Council of the City of Chaska, Minnesota, with their meeting held on the 6th day of December 6, 1976, now on file in my office, and have found the same to be a true and correct copy thereof.

WITNESS my hand and official seal of the City of Chaska, Minnesota, this 15th day of December, 1976.

Shirley Bruers
City Clerk