

DEC 22 2010

**JOINT RESOLUTION OF
THE CITY OF NEW PRAGUE, MINNESOTA
AND
TOWN BOARD OF HELENA, SCOTT COUNTY, MINNESOTA**

*Amendment
adds 1 acre to
design. area &
annexed 4.47 ac.*

**IN THE MATTER OF THE AMENDMENT OF AN EXISTING
ORDERLY ANNEXATION AGREEMENT AND THE IMMEDIATE
ANNEXATION OF TERRITORY UNDER THE AMENDED AGREEMENT
PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325**

WHEREAS, the Township of Helena (the "Township") and the City of New Prague (the "City") by joint resolution and agreement, each dated June 19, 1978, have established an orderly annexation area and the conditions for annexation within such area pursuant to Minnesota Statutes, Section 414.0325 (the "Original OAA"); and

WHEREAS, most of Section 32, and all of Section 33, of Township 113 North, Range 23 West is within the orderly annexation area designated in the Original OAA; and

WHEREAS, the parties desire to expand the orderly annexation area designated in the Original OAA to include the portion of Section 32, Township 113 North, Range 23 West described in the attached Exhibit A and shown as part of the map attached as Exhibit C (the "Additional Designated Area"); and

WHEREAS, the City has designated a portion of Naylor Avenue NW as part of the City's municipal state aid road system in 2010, of which only the east half is currently within City's limits; and

WHEREAS, the immediate annexation of the above described right-of-way, which includes a portion of the area designated in the Original OAA and the Additional Designated Area, which are legally described in the attached Exhibit B and shown on the map attached as Exhibit C (Annexation Area #1), is necessary in order for the City to obtain certain MnDOT state aid funds; and

WHEREAS, the City has also recently discovered a gap in the corporate limits of the City in the north half of the southeast quarter of section 33, which is legally described in the attached Exhibit D and shown on the map attached as Exhibit E ("Annexation Area #2), that needs to be corrected due to an error in annexation documents in the 1980's and 1990's; and

WHEREAS, the City and Township agree to amend the Original OAA to include the Additional Designated Area;

WHEREAS, the City and Township further agree to provide for the immediate annexation of Annexation Area #1 and Annexation Area #2 (hereinafter referred to collectively as the "Immediate Annexation Area") into the City pursuant to this Resolution; and

WHEREAS, the parties find the Immediate Annexation Area is now or is about to become urban or suburban in character, is guided as road right-of-way based on New Prague's Comprehensive Plan, and is appropriate for orderly annexation immediately; and

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WHEREAS, notice of intent to designate the Additional Designated Area for orderly annexation was published as required by Minnesota Statutes, section 414.0325, subdivision 1b. ✓

NOW, THEREFORE, IT IS JOINTLY RESOLVED, by the City of New Prague, Minnesota and the Town of Helena, County of Scott, Minnesota as follows:

1. **Amendment.** The Original OAA is hereby amended by expanding the area designated for orderly annexation to include the Additional Designated Area described in the attached Exhibit A. This amendment shall not otherwise effect the terms and conditions of the Original OAA, except as needed to accomplish the intent of the parties in this Resolution to provide for the immediate annexation of the Immediate Annexation Area.
2. **Conferring Jurisdiction.** Upon approval by the respective governing bodies of the City and Township, this Resolution shall confer jurisdiction upon the Chief Administrative Law Judge, as defined in Minnesota Statutes, section 414.011, subdivision 12 ("Chief Judge"), to accomplish the immediate annexation of the Immediate Annexation Area, including the Additional Designated Area, as provided in this Resolution.
3. **Review and Comment by the Chief Judge.** City and Township mutually agree and state that this Resolution sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary to accomplish the immediate annexation of the Immediate Annexation Area. Additionally, no alteration of the boundaries of the Immediate Annexation Area by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within 30 days, order the annexation to the City of the property within the Immediate Annexation Area. RJC
4. **Immediate Annexation.** The City and Town agree that all property within the Immediate Annexation Area, as described in Exhibit B and Exhibit D, and shown in Exhibit C and Exhibit E, and shall immediately be annexed to the City pursuant to this Resolution.
5. **Tax Reimbursement.** Understanding that the Immediate Annexation Area is comprised of public right-of-way the City has maintained for years as it relates to Annexation Area #1 as well as land that was assumed to be within the City Limits for years and taxed at a City tax rate as it relates to Annexation Area #2, the City and Town agree that the City shall not be required to make any tax reimbursement payments to the Town under Minnesota Statutes, section 414.036, or otherwise, and that there are no outstanding special assessments or attributable portion of debt amounts payable to the Town resulting from the annexation of the Immediate Annexation Area. no
reim
6. **Effect of Annexation on Easements.** The City and Town agree, under Minnesota Statutes, section 414.039, that the Township's interest in all public easements annexed within the Immediate Annexation Area, as well as within any property annexed pursuant to the Original OAA, are transferred to and shall be held by the City.

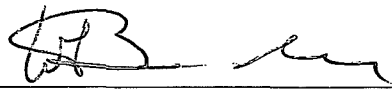
7. **Complete Agreement.** This Resolution shall constitute the entire agreement between the City and Township with respect to the designation and immediate annexation of the Immediate Annexation Area pursuant to Minnesota Statutes, section 414.0325 and shall amend, supersede, and control over any other resolutions, agreements, or understandings as may be needed in order to accomplish the annexation as provided herein. The exhibits attached hereto are incorporated in and made part of this Resolution.
8. **Filling.** That the City Administrator of the City is authorized and directed to submit this Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings together with the applicable fees, which shall be paid by the City.

CITY OF NEW PRAGUE

The resolution offered by Council member Guerrette and moved for its adoption. Council member Bartusek seconded said resolution and upon roll call the following vote was recorded.

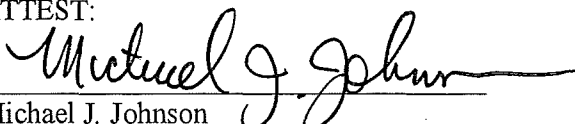
Ayes	Nays
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>

Thereupon Mayor Bender declared said resolution adopted the 20th day of December, 2010.



W.A. Bender
Mayor

ATTEST:



Michael J. Johnson
City Administrator

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TOWN OF HELENA

The resolution offered by Board member Terry Maas and moved for its adoption. Board member Diane Deutsch seconded said resolution and upon roll call the following vote was recorded.

	Ayes	Nays
Joseph Pexa	<u>✓</u>	<u> </u>
Diane Deutsch	<u>✓</u>	<u> </u>
Terry Maas	<u>✓</u>	<u> </u>

Thereupon Chairperson Pexa declared said resolution adopted the 7th day of December, 2010.

Joseph F Pexa
Chairperson

Attest:

DeAnn Crockett
Clerk

EXHIBIT A
Legal Description of Additional Designated Area

The East 33.00 feet of the North Half of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 32; thence North 01 degrees 42 minutes 49 seconds East, assumed bearing, along the east line of said Northeast Quarter, 53.96 feet; thence North 88 degrees 30 minutes 09 seconds West 32.59 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

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EXHIBIT B
Legal Description of Annexation Area #1

The West 33 feet of the South 17 acres of the West Half of the Southwest Quarter of Section 33, Township 113, Range 23, Scott County, Minnesota.

ALSO,

The East 33 feet of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northwest Quarter of Section 33 and that part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 33; thence South 89 degrees 18 minutes 29 seconds East, assumed bearing, along the south line of said Northwest Quarter 264.00 feet; thence North 01 degrees 42 minutes 49 seconds East 50.25 feet to the southwest corner of OUTLOT E, RAVEN STREAM VILLAGE FIRST ADDITION, according to the recorded plat thereof, Scott County, Minnesota; thence North 88 degrees 30 minutes 09 seconds West on the westerly extension of the south line of said OUTLOT E 296.54 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

EXHIBIT C
Map of Annexation Area #1

REC'D BY
MEA

DEC 22 2010

(Attached hereto)

DEC 22 2010

[illegible]

376001v2 SJR NE300-117

EXHIBIT D
Legal Description of Annexation Area #2

That part of the North Half of the Southeast Quarter of Section 33, Township 113 North, Range 23 West, Scott County, Minnesota, lying South of the South 95 rods of said Southeast Quarter that has not been previously annexed into the City of New Prague.

RECEIVED BY
MEA

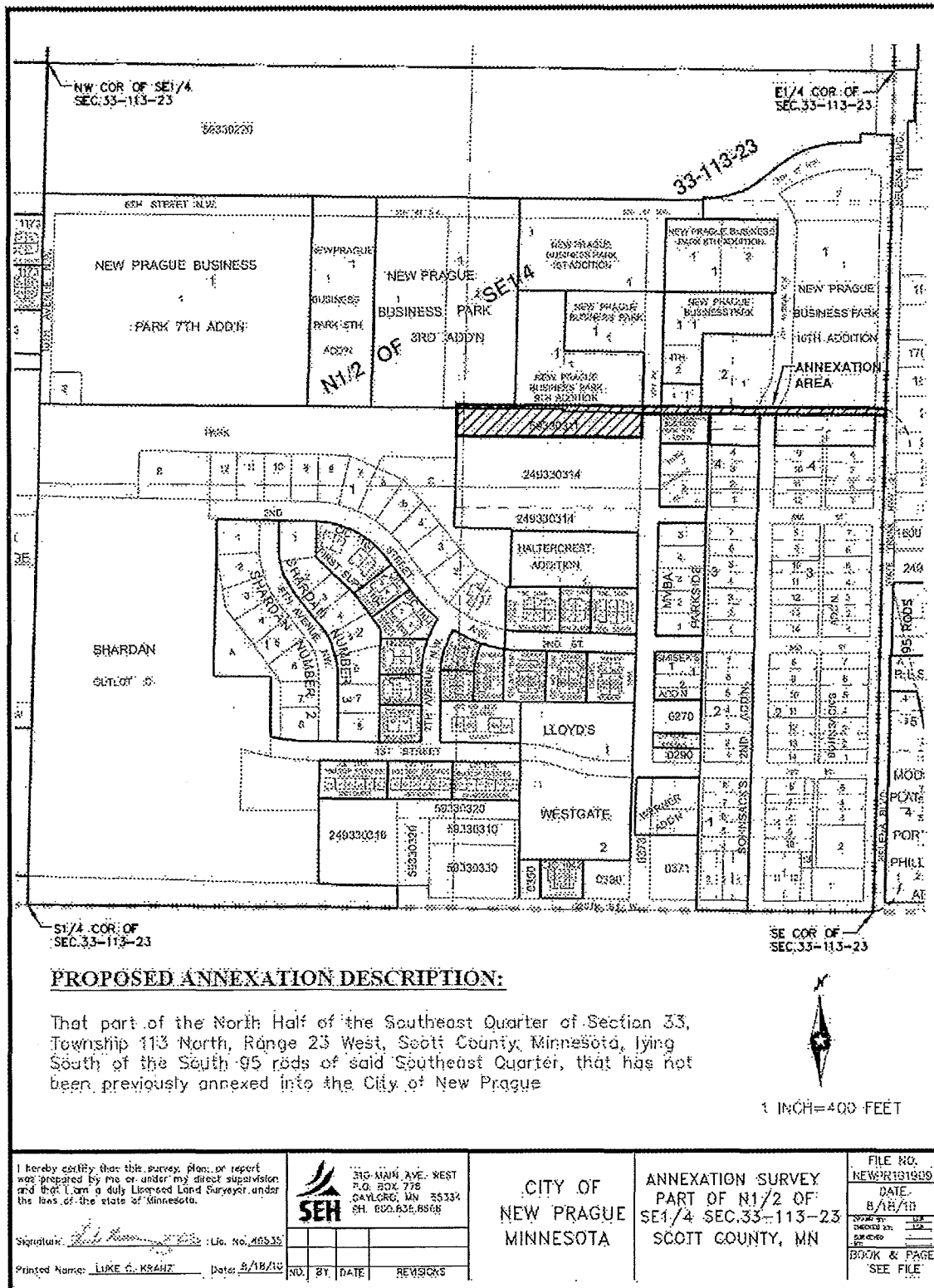
DEC 22 2016

EXHIBIT E
Map of Annexation Area #2

(Attached hereto)

DEC 22 2010

DRAWING NAME: S:\KON\Newpr\101309\Cadd\NEWPR101309Annex.dwg LAYOUT-TAB: ANNEXATION PLOTTED: Aug 18, 2010 - 1:37pm



CITY OF NEW PRAGUE
AND
HELENA TOWNSHIP

Notice is hereby given pursuant to Minn. Stat. § 414.0325, subd. 1b that the City and Township intend to amend an existing orderly annexation agreement to include and designate the following described approximately 1 acres of property for annexation into the City:

The East 33.00 feet of the North Half of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.



ALSO,

That part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 32; thence North 01 degrees 42 minutes 49 seconds East, assumed bearing, along the east line of said Northeast Quarter, 53.96 feet; thence North 88 degrees 30 minutes 09 seconds West 32.59 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

Kenneth D. Ondich
Planning Director
City of New Prague

DeAnn Croatt
Helena Township Clerk

 Current New Prague City Limits
 Proposed Annexation Area

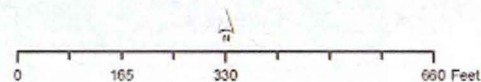
Site Map - Proposed Annexation Area #2 - 1.7 Acres (74,052 sq. ft.)



Prepared by:
City of New Prague
Planning Department
Date: 8/18/10
Disclaimer: For Reference Purposes Only.

REC'D BY
MBA

DEC 22 2010



- Current New Prague City Limits
- Proposed Annexation Area

REC'D BY
MBA

DEC 22 2010

ANNEXATION DESCRIPTION

The West 33 feet of the South 17 acres of the West Half of the Southwest Quarter of Section 33, Township 113, Range 23, Scott County, Minnesota.

ALSO,

The East 33 feet of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northwest Quarter of Section 33 and that part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 33; thence South 89 degrees 18 minutes 29 seconds East, assumed bearing, along the south line of said Northwest Quarter 264.00 feet; thence North 01 degrees 42 minutes 49 seconds East 50.25 feet to the southwest corner of OUTLOT E, RAVEN STREAM VILLAGE FIRST ADDITION, according to the recorded plat thereof, Scott County, Minnesota; thence North 88 degrees 30 minutes 09 seconds West on the westerly extension of the south line of said OUTLOT E 296.54 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

ADDITIONAL DESIGNATION DESCRIPTION

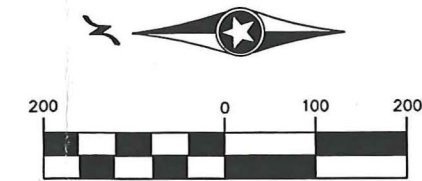
The East 33.00 feet of the North Half of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 32; thence North 01 degrees 42 minutes 49 seconds East, assumed bearing, along the east line of said Northeast Quarter, 53.96 feet; thence North 88 degrees 30 minutes 09 seconds West 32.59 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

S1/4 CORNER
SEC. 33-113-23



(IN FEET)

● DENOTES SCOTT COUNTY MONUMENT

DRAWING NAME: U:\V\N\Newpr\101909\Code\EP Naylor\NEWPR101909 Naylor.DWG LAYOUT TAB: Layout1 PLOTTED: Oct 26, 2010 - 1:02pm

DRAWN BY:	<u>SJP</u>			
CHECKED BY:	<u>LCK</u>			
SURVEYED BY:				
	NO.	BY	DATE	REVISIONS

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: *Luke C. Kranz*
Printed Name: LUKE C. KRANZ

Lic. No. 46535
Date:

310 MAIN AVE. WEST
P.O. BOX 776
GAYLORD, MN 55334
PH. 800.838.8666

SEH

NEW PRAGUE,
MINNESOTA

ANNEXATION SURVEY
IN SECTION 32 & 33, T113, R23
HELENA TWP., NEW PRAGUE
SCOTT COUNTY, MN

FILE NO.
NEWPR 101909

DATE
7/22/10

BOOK
SEE

FILE
PAGE

RAVEN STREAM VILLAGE
FIRST ADDITION
OUTLOT F

ANNEXATION AREA:
120,694 SQ FT
2.77 ACRES

S 17 AC. OF
W1/2 - SW1/4
OF SEC. 33

W. LINE OF W1/2
OF SW1/4
SEC. 33-113-23

SW CORNER SW1/4
SEC. 33-113-23

551.74
S01°53'57"W

NAYLOR AVENUE

ADDITIONAL
DESIGNATED
AREA

W1/2 - SE1/4 SEC. 32-113-23

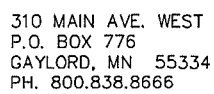
RAVEN STREAM
DEVELOPMENT PLAT TWO

That part of the North Half of the Southeast Quarter of Section 33, Township 113 North, Range 23 West, Scott County, Minnesota, lying South of the South 95 rods of said Southeast Quarter, that has not been previously annexed into the City of New Prague.



1 INCH=400 FEET

Signature: Luke Kranz LS Lic. No. 46535
Printed Name: LUKE C. KRANZ Date: 8/18/10



ANNEXATION SURVEY
PART OF N1/2 OF
SE1/4 SEC.33-113-23
SCOTT COUNTY, MN

FILE NO.	
NEWPR101909	
DATE	
8/18/10	
DRAWN BY:	LCK
CHECKED BY:	LCK
SURVEYED	
BY:	
BOOK & PAGE	
SEE FILE	

*Amendment
for spec.
1.8 acre
parcel*

HELENA TOWNSHIP RESOLUTION NO. 06/906
CITY OF NEW PRAGUE RESOLUTION NO. 06-06-19-01
SCOTT COUNTY RESOLUTION NO. 2006-109
MUNICIPAL BOUNDARY ADJUSTMENTS DOCKET NO. _____

**JOINT RESOLUTION STIPULATING TO THE AMENDMENT OF THE
ORDERLY ANNEXATION BETWEEN THE TOWN OF HELENA
AND THE CITY OF NEW PRAGUE, MINNESOTA**

WHEREAS, the City of New Prague (hereinafter referred to as the "City") located in Scott and LeSueur Counties, and the Helena Township (hereinafter referred to as the "Town or Township") located entirely within Scott County, in the State of Minnesota desire to accommodate growth in the most orderly fashion, and have agreed that there is a clear need for a cooperative future planning effort for the land governed by the two jurisdictions; and

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of land near the City; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place.

WHEREAS, the Township and the City hereby intend to amend their Agreement only as to the property legally described herein and does not affect the terms of the Agreement in regard to any other real property subject to the Agreement.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow that the City and Town enter into this Joint Resolution for Orderly Annexation and that the property herein described is proposed to be annexed by the City of New Prague and shall be annexed subject to the following terms and conditions:

1. **Designation of Orderly Annexation Area.**

The Township and the City hereby designate the areas legally described in Exhibit 1 attached hereto and incorporated herein by reference (hereinafter referred to as the "Orderly Annexation Area", "OAA" or "Subject Area") for orderly annexation pursuant to Minnesota Statutes, Section 414.0325.

A boundary map showing the Subject Area legally described in Exhibit 1 is attached hereto as Exhibit 2 and incorporated herein by reference.

The Township and City agree that the Orderly Annexation Area legally described in Exhibit 1 and designated for orderly annexation pursuant to Minnesota Statutes, Section 414.0325 is approximately 1.8 acres and has a population of 0. ✓

2. **Department of Administration, Municipal Boudary Adjustments.**

Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Department of Administration, Municipal Boundary Adjustments (hereinafter referred to as "the MBA") or its successor pursuant to Minnesota Statutes. Any property within the Annexation Area that becomes or is about to become isolated as a result of annexation proposed under paragraph 7 shall be submitted for consideration along with the proposed annexation to the MBA or the appropriate Board having jurisdiction on the date of submission. In general, the creation of such isolated parcel shall be avoided.

3. **No Alterations of Boundaries.**

The Town and City mutually agree and state that no alterations by the MBA of the stated boundaries of the area designated for orderly annexation is appropriate. Any alterations of boundaries may only be made upon the joint agreement of the Town and City.

4. **Review and Comment by Boundary Adjustments.**

The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated and that no consideration by the MBA is necessary. The MBA may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution. ✓

5. **Planning, Land Use Control and Building Authority.**

The Township and the City mutually agree and state that the City of New Prague will exercise planning and land use control authority within the designated orderly annexation area pursuant to Minnesota Statutes, Section 471.59, Subdivisions 2 through 8, inclusive. Any issues that would normally come before either the County or the Township that involved land within the boundaries of the orderly annexation area shall be heard by the City.

The City shall also serve as the "governing body" and "board of appeals and adjustments" for purposes of Minnesota Statutes Sections 462.357 and 462.358, within the orderly annexation area. The City shall have all of the powers contained in Minnesota Statutes Sections 462.351 to 462.364 and shall have the authority to adopt and enforce the Uniform Fire Code and Uniform Building Code.

JUL 10 2006

Unless otherwise stated in this Agreement, it is the intent of the Parties that the orderly annexation area shall be subject to the zoning and subdivision controls of the City of New Prague. Any request for building permits, zoning reclassification, conditional use permits, and variances within the orderly annexation area shall be subject to the requirements and provisions of the City's ordinances and any other rules, statutes, laws, or ordinances in effect by the City on that date.

6. **Taxation Reimbursement.**

- which is what?*
- A. **Tax Reimbursement.** The City and Township agree that the Township's tax reimbursement policy in effect at the time of annexation must be satisfied prior to annexation. This shall reimburse the Township for the loss of taxes from the property so annexed. Other than the reimbursement policy adopted by the Township, no other reimbursement or taxes shall be owed to the Township by the City.
- B. **Delinquent Taxes.** The City agrees that it shall remit all delinquent taxes, charges and assessments collected from any portion of the Orderly Annexation Area if such taxes or charges were originally payable while the delinquent property remained in the Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, This Old House, and taxes that were deferred under one of these programs is paid to the City, the City shall remit to Township the amount which was deferred during the time the property was in the Township.
- C. **Assumption of Liability for Public Improvements.** The City does not assume by this annexation any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the Township or for which special assessments were levied by the Township. In the event that the City annexes land under this Agreement upon which outstanding special assessments levied by the Township remain at the time of annexation, the City shall forward to the Township upon receipt all special assessment payments which the City receives as a result of special assessments levied by the Township.

Other than the reimbursement outlined above, no other reimbursement or taxes shall be owed to the Township from the City and property owners.

7. **Conditions of Orderly Annexation.**

The City and the Town mutually state that properties in the areas as legally described on

Exhibit 1 and shown on Exhibit 2, or a portion thereof shall be annexed to the City by the Board upon receipt of the City's resolution. Annexation of all or any portion of the property may be initiated by resolution of the City upon the term and conditions specified below. The City may pass a resolution annexing areas within the Orderly Annexation Area under the following circumstances:

A. Upon application or petition for annexation by a majority of the property owners in an area within the Orderly Annexation Area; or

B. Upon City determination that a property is, or is about to become urban or suburban in nature.

The City of New Prague agrees not to process any application for annexation under this Agreement until such time as the City receives confirmation from the Township that the amounts owed under paragraph 6 "Tax Reimbursement" have been paid.

8. Development of Land Annexed Pursuant to this Agreement.

A. Developing Land Annexed Pursuant to this Agreement. Any property owner seeking to develop land annexed pursuant to this Agreement shall comply with the following requirements:

1. Submit a development plan to the City of New Prague and to the Town of Helena showing the need for municipal water, and sanitary sewer or other City services for the property petitioned for annexation. Further, upon receipt by the City, the City shall forward to the Town Clerk all preliminary and final plat submissions for any property annexed to the City under this Agreement, and shall send the Town Clerk notice of all public meetings for concept plan approval, preliminary plat approval and final plat approval for any property annexed to the City under this Agreement.
2. The development plan must be of sufficient detail to show that it will meet the standards and requirements of the City's planning and zoning ordinance and it's subdivision ordinance.
3. The Clerk of the Town Board shall then submit written documentation stating the opinion of the Town Board for the proposed development. These comments will be forwarded to the City Planning Commission and City Council. The costs incurred by the Township, if any, to review the proposed development shall be paid by the developer and/or property owner.

*city
resolution*

*must
turn to
prop owner*

4. That the City shall manage growth and building activity adjacent to the proposed CSAH 15 corridor in a manner that is consistent with the intent outlined in the County State Aid Highway 15 Realignment Memorandum of Understanding on file with the City, Township and County.
5. The City shall require in its developer's agreement regarding development of all lands in the Orderly Annexation Area the following:
 - A. That the Developer meet the requirements of the City's Storm Water Management Plan. Further, unless otherwise agreed to by the Parties, the City, through its developer's agreement, shall require that any functioning draintile lines located during development of any parcel in the Orderly Annexation Area be connected to the City's storm sewer system.
 - B. That the Developer remove any and all accesses to CSAH 15 and Trunk Highway 19 when alternative access is available.
 - C. That during plat development all construction traffic use State Trunk Highways, Scott County Highways or New Prague city streets, and that Township roads be used only when no State Trunk Highway, Scott County Highway or New Prague city street is available. The City's developer's agreement shall also require that the Developer pay the Township for the cost to repair any road damage that occurs when construction traffic uses Township roads.
 - D. That the owner of the land subject to this Agreement reimburse the Township for its costs incurred in the negotiation, development and implementation of this Agreement.
 - E. That the owner of the land subject to this Agreement shall be responsible to reimburse the Township for the tax reimbursement policy as outlined in Section 6(A) of this Agreement.
6. The City agrees, as part of the mailing process for public hearing notice of the preliminary and final plat, to mail notice to property owners in the Township located within a quarter mile of the proposed plat, and to Scott County Community Development.

7. The parties acknowledge that ensuring that the County receives all updates on address changes related to annexation is a significant public safety issue for the community as the County does all dispatching for emergency services. As such:
- A. If as a result of annexation pursuant to this Agreement, a city limit boundary runs along one side of a street, addressing of the rural residents will follow the city addressing grid system.
 - B. If a county or township road is annexed into the city, the road name and house number shall be changed to conform to the city's addressing grid and naming system. Where a street is, or clearly will be, both within the city limit and the township, the County Addressing Coordinator shall confer with other concerned local governments and seek a mutually satisfactory name.
 - C. The County Addressing Coordinator shall receive written notice of any addressing changes made pursuant this Agreement.

9. **Authorization.**

The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.

10. **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. However, should any element of paragraph 6 relating to "Taxation Reimbursement" be deemed unlawful or unenforceable, the Township at its discretion may terminate this Agreement. Any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibits shall be considered repealed upon the effective date of this Joint Resolution.

10. **Effective Date and Termination.**

This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Town and approved by the Municipal Board and said subsequent order approving this agreement. Unless the parties have agreed to an extension, this Agreement

shall terminate on December 31, 2016.

11. **Disputes and Remedies.**

The City and Township agree as follows:

- A. **Negotiation.** When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the Township will direct staff members, as they deem appropriate, to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- B. **Mediation/Arbitration.** When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to mediation and/or binding arbitration.
- C. **Adjudication.** When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to mediation or binding arbitration, or such action has not otherwise resolved the matter in dispute, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default, or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

12. **Amendment.**

Both parties reserve the right to initiate an amendment or revision to the Agreement at any time.

13. **Venue.**

The venue for all actions concerning this Agreement shall be Scott County, Minnesota.

14. **Entire Agreement.**

With respect to the Subject Area and Orderly Annexation Area legally described in Exhibit 1 and shown on Exhibit 2, respectively, which are attached hereto and incorporated herein by reference, 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.

15. **Notice.**

Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, to the Helena Township Clerk and the New Prague City Administrator at their official addresses.

16. **Legal Description and Mapping.**

The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided in Exhibit 1 or mapping provided in Exhibit 2, in the judgment of the Department of Administration, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit 1 or 2 making the corrections requested or required by the Department of Administration as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

PASSED, ADOPTED AND APPROVED by the Helena Town Board of Supervisors, Scott County, Minnesota this 19th day of June, 2006.

HELENA TOWNSHIP


Duane Deutsch, Chair


DeAnn Croatt, Clerk

I, the undersigned, DeAnn Croatt, being duly qualified Clerk for the Town of Helena, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. 061906 Authorizing Execution of a Joint Annexation Agreement Between the City of New Prague and Helena Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS My hand as Clerk of Helena Township and the seal of the Town of Helena this 19th day of June, 2006.

DE ANN CROATT
EX OFFICIO NOTARY
CLERK OF HELENA TOWNSHIP
SCOTT COUNTY, MN
TERM EXPIRES 1-6-09

De Ann Croatt, Clerk
Town Clerk
Town of Helena, Minnesota

PASSED, ADOPTED AND APPROVED by the New Prague City Council, Scott County, Minnesota this 19th day of June, 2006.

CITY OF NEW PRAGUE

Craig Sindelar, Mayor

Jerome Bohnsack
City Administrator

I, the undersigned, Jerome Bohnsack, being duly qualified and Administrator of the City of New Prague, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. 06-06-19-01 Authorizing Execution of a Joint Annexation Agreement Between the City of New Prague and Helena Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS My hand as City Administrator and the corporate seal of the City this
_____ day of _____ 2006.

Jerome Bohnsack
City Administrator
City of New Prague, Minnesota

REC'D BY
MAB

JUL 10 2006

PASSED, ADOPTED AND APPROVED by the Scott County Board of Commissioners, Scott County, Minnesota this 27th day of June, 2006.

SCOTT COUNTY



Jon Ulrich, County Chair Board



David Unmacht, County Administrator

I, the undersigned, David Unmacht, being duly qualified and Administrator of the County of ~~Carver~~ ^{Scott}, Minnesota, hereby certify that I have carefully compared the attached and foregoing excerpt Resolution No. 2006-109 Authorizing Execution of a Joint Annexation Agreement Between the City of New Prague and Helena Township, with the original Resolution on file in my office and the excerpt is a full, true and exact copy of the Resolution.

WITNESS My hand as County Administrator and the seal of the County this 27th day of June, 2006.



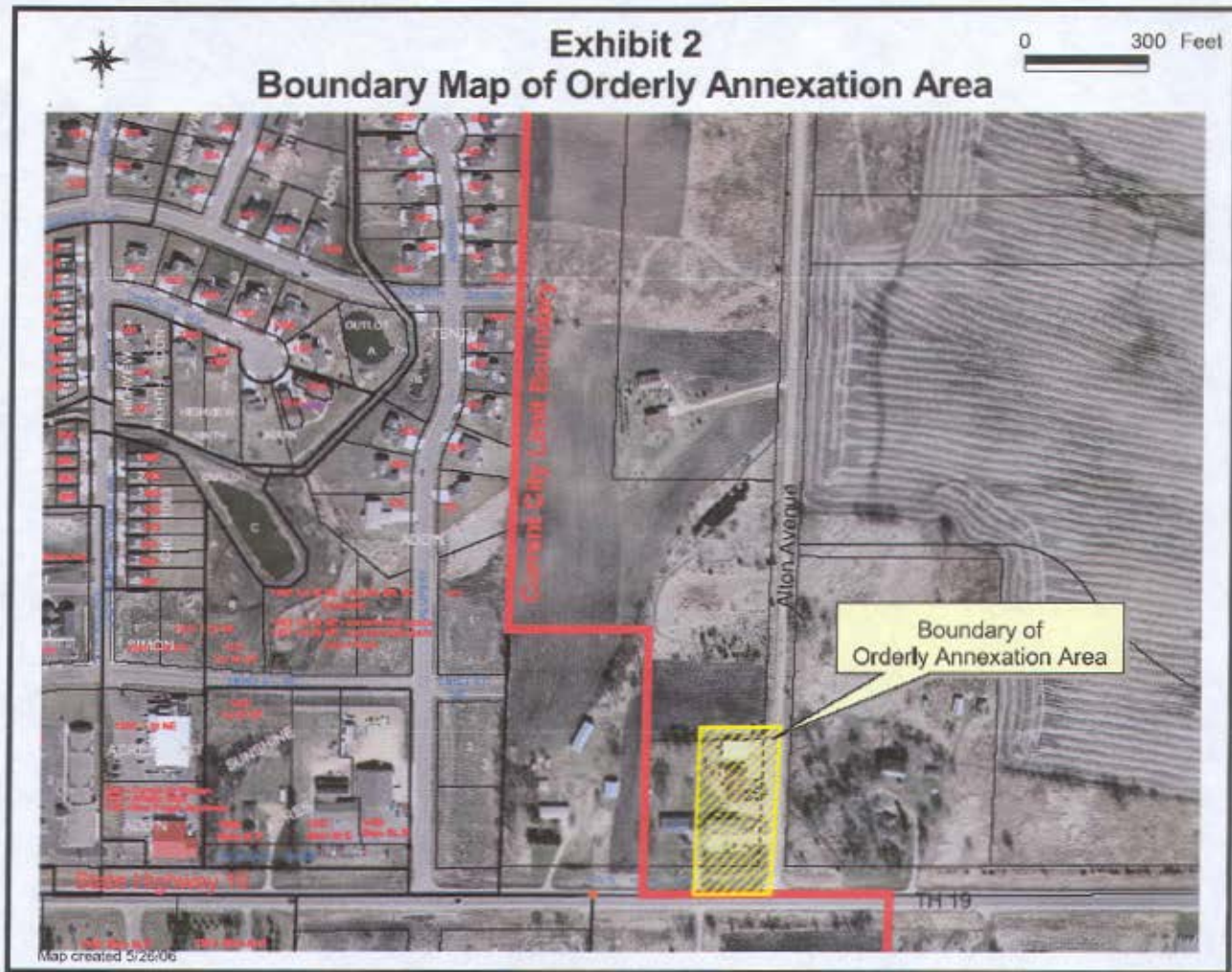
County Administrator
Scott County, Minnesota

Exhibit 1
Legal Description of Orderly Annexation Area

Part of the East Half of the East Half of the Southwest Quarter of Section 35, Township 113, Range 23, Scott County, Minnesota, described as follows:

Beginning at the Southeast Corner of said Southwest Quarter of Section 35; thence on a Scott County Coordinate System bearing of South 89 degrees 54 minutes 01 seconds West along the South Line of said Southwest Quarter 186.50 feet; thence North 00 degrees 05 minutes 59 seconds West 405.00 feet; thence North 89 degrees 54 minutes 01 seconds East 199.84 feet to the East Line of said Southeast Quarter; thence South 01 degrees 47 minutes 15 seconds West along said East Line 405.22' to the point of beginning.

Exhibit 2
Boundary Map of Orderly Annexation Area



State of Minnesota
Counties of Scott and Le Sueur
City of New Prague

}

CITY COUNCIL MEETING
MONDAY, AUGUST 19, 1996, 7:00 P.M.

Council Member Wilcox offered the following resolution and moved its adoption:

RESOLUTION #96-8-19-3
JOINT RESOLUTION OF CITY COUNCIL OF CITY OF
NEW PRAGUE AND TOWN BOARD OF HELENA IN THE
MATTER OF ORDERLY ANNEXATION UNDER MN STATUTES
SECTION 414.032

WHEREAS, the City of New Prague and the Town of Helena by joint resolution and agreement each dated June 19, 1978 have established an orderly annexation area and the conditions for annexation within such area pursuant to MN Statutes Section 414.0325, and

WHEREAS, portions of the S 1/2 of Section 27, Township 113, Range 23 are within the orderly annexation area, and

WHEREAS, Independent School District 721 has purchased property in Section 27, Township 113, Range 23 which is outside the orderly annexation area but adjacent to the city limits of the City of New Prague.

WHEREAS, Independent School District 721 has purchased said property to expand on their existing land for the specific purpose of building a High School and related facilities on said lands, and

WHEREAS, the School Board of Independent School District 721 has petitioned the Town Board and the City Council for annexation to the City of New Prague.

WHEREAS, the land petitioned for annexation abuts the city limits of the City of New Prague, and

WHEREAS, the lands petitioned to be annexed are about to become urban and suburban in character (High School Building & Related Facilities).

WHEREAS, the Town Board of Helena and the City Council of New Prague agree that the lands be annexed to the City of New Prague.

City Council Proceedings

RECEIVED
MMs SEP 27 1996

State of Minnesota
Counties of Scott and Le Sueur
City of New Prague

}

CITY COUNCIL MEETING
MONDAY, AUGUST 19, 1996, 7:00 P.M.

NOW THEREFORE IT IS JOINTLY RESOLVED by the City Council of the City of New Prague and the Town Board of the Town of Helena, County of Scott, State of Minnesota;

- 1) That the following lands be annexed to the City of New Prague:

That part of the East Half of the Southwest Quarter (E1/2 of SW 1/4) of Section 27, Township 113, Range 23, Scott County, Minnesota described as follows: Commencing at the southeast corner of said East Half of the Southwest Quarter; thence on an assumed bearing of North 3 07' 14" East along the east line of said East Half of the Southwest Quarter a distance of 969.47 feet to the point of beginning of the land to be described; thence continuing North 3 07' 14" East along said east line a distance of 1621.68 feet; thence North 88 11' 38" West a distance of 1140.71 feet; thence South 3 23' 51" West a distance of 1587.48 feet; said point being on a westerly extension of the northerly line of the South 25 acres of the East 35 acres of the SE 1/4 of SW 1/4; thence South 86 28' 40" East a distance of 1148.10 feet to the point of beginning. Subject to an easement for road and utility purposes over, under and across the East 33.00 feet of the above described property EXCEPTING THEREFROM That part of the Northeast Quarter of the Southwest Quarter of Section 27, Township 113, Range 23, Scott County, Minnesota described as follows: Beginning at the southeast corner of the North 140.00 feet of said Northeast Quarter of the Southwest Quarter; thence on an assumed bearing of South 3 07' 14" West along the east line of said Northeast Quarter of the Southwest Quarter a distance of 720.95 feet; thence North 69 14' 59" West a distance of 1211.73 feet to the east line of the West 165.00 feet of said Northeast Quarter of the Southwest Quarter; thence North 3 32' 31" East along said east line a distance of 327.53 feet to the south line of the North 140.00 feet of said Northeast Quarter of the Southwest Quarter; thence South 88 11' 38" East along the south line of the North 140.00 feet of said Northeast Quarter of the Southwest Quarter a distance of 1152.71 feet to the point of beginning.

- 2) That the area to be annexed contains approximately 27 acres.

City Council Proceedings

State of Minnesota
Counties of Scott and Le Sueur
City of New Prague

}

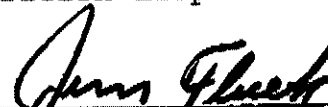
CITY COUNCIL MEETING
MONDAY, AUGUST 19, 1996, 7:00 P.M

- 3) That no alteration of the above described boundary is appropriate and no consideration by the Minnesota Municipal Board is necessary.
- 4) That the area to be annexed contains 0 population.
- 5) That the City Administrator of the City of New Prague be authorized and directed to submit this Joint Annexation Resolution to the Minnesota Municipal Board for approval of such annexation in accordance with Minnesota Statutes Section 414.0325.


Council Member Pint seconded said resolution and upon roll call the following vote was recorded.

	AYES	NAYES
Flicek	X	_____
Wm. Jirik	X	_____
D. Jirik	X	_____
Wilcox	X	_____
Pint	X	_____

Thereupon Mayor Flicek declared said resolution adopted this 19th day of August, 1996.


Jerry Flicek, Mayor

ATTEST:


Jerry Bohnsack, City Administrator

Post-it® Fax Note	7671	Date	Oct 2 96	# of pages	1
To	Stan n.m.B.	From	Jerry Bohnsack		
Co./Dept.		Co.	City of New Prague		
Phone #		Phone #	758 4401		
Fax #		Fax #	758 6279		

Supervisor Joseph Pen Jr. offered the following resolution and moved its adoption.

RESOLUTION #96-
JOINT RESOLUTION OF CITY COUNCIL OF CITY OF
NEW PRAGUE AND TOWN BOARD OF HELENA IN THE
MATTER OF ORDERLY ANNEXATION UNDER MN STATUTES
SECTION 414.032

WHEREAS, the City of New Prague and the Town of Helena by joint resolution and agreement each dated June 19, 1978 have established an orderly annexation area and the conditions for annexation within such area pursuant to MN Statutes Section 414.0325, and

WHEREAS, portions of the S 1/2 of Section 27, Township 113, Range 23 are within the orderly annexation area, and

WHEREAS, Independent School District 721 has purchased property in Section 27, Township 113, Range 23 which is outside the orderly annexation area but adjacent to the city limits of the City of New Prague.

WHEREAS, Independent School District 721 has purchased said property to expand on their existing land for the specific purpose of building a High School and related facilities on said lands, and

WHEREAS, the School Board of Independent School District 721 has petitioned the Town Board and the City Council for annexation to the City of New Prague.

WHEREAS, the land petitioned for annexation abuts the city limits of the City of New Prague, and

WHEREAS, the lands petitioned to be annexed are about to become urban and suburban in character (High School Building & Related Facilities).

WHEREAS, the Town Board of Helena and the City Council of New Prague agree that the lands be annexed to the City of New Prague.

NOW THEREFORE IT IS JOINTLY RESOLVED by the City Council of the City of New Prague and the Town Board of the Town of Helena, County of Scott, State of Minnesota;

REC'D BY SEP 27 1996
MMA

- 1) That the following lands be annexed to the City of New Prague. *See Attached.*
- 2) That the area to be annexed contains approximately ~~40~~ 27 acres.
- 3) That no alteration of the above described boundary is appropriate and no consideration by the Minnesota Municipal Board is necessary.
- 4) That the area to be annexed contains 0 population.
- 5) That the City Administrator of the City of New Prague be authorized and directed to submit this Joint Annexation Resolution to the Minnesota Municipal Board for approval of such annexation in accordance with Minnesota Statutes Section 414.0325.

Supervisor *Deane Deutsch* seconded said resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Pexa	<u>X</u>	<u> </u>
Deutsch	<u>X</u>	<u> </u>
Nytes	<u>X</u>	<u> </u>

Thereupon Mayor Flicek declared said resolution adopted this 19th day of August, 1996.

Edward Nytes
Chairman

ATTEST:

DeAnn Croatt

DeAnn Croatt, Clerk

(INDIVIDUALS TO INDIVIDUAL)
WARRANTY DEED

RECD. BY

SEP 27 1996

STATE DEED TAX DUE HEREON:
\$ 542.85DATE: April 26, 19 96.

FOR VALUABLE CONSIDERATION,

Doc. <u>371249</u>	
OFFICE OF THE COUNTY RECORDER SCOTT COUNTY, MINNESOTA Certified Filed and or Recorded on <u>MAY 13 1996</u> <u>9A</u> <i>Scottman</i> By <u>Scottman</u> , County Recorder by _____ Deputy	
<input type="checkbox"/> WELL OF RECORD RECEIVED <input checked="" type="checkbox"/> WELL OF RECORD NOT REQUIRED	

Elmer E. Koehler and Alma Koehler, husband and wife, GRANTORS HEREIN, hereby convey and warrant to: New Prague Independent School District #721, GRANTEE, real property in Scott County, Minnesota, described as follows:

05-9277003-2

That part of the East Half of the Southwest Quarter (E½ of SW¼) of Section 27, Township 113, Range 23, Scott County, Minnesota described as follows: Commencing at the southeast corner of said East Half of the Southwest Quarter; thence on an assumed bearing of North 3°07'14" East along the east line of said East Half of the Southwest Quarter a distance of 969.47 feet to the point of beginning of the land to be described; thence continuing North 3°07'14" East along said east line a distance of 1621.68 feet; thence North 88°11'38" West a distance of 1140.71 feet; thence South 3°23'51" West a distance of 1587.48 feet; said point being on a westerly extension of the northerly line of the South 25 acres of the East 35 acres of the SE¼ of SW¼; thence South 86°28'40" East a distance of 1148.10 feet to the point of beginning. Subject to an easement for road and utility purposes over, under and across the East 33.00 feet of the above described property. **EXCEPTING THEREFROM** That part of the Northeast Quarter of the Southwest Quarter of Section 27, Township 113, Range 23, Scott County, Minnesota described as follows: Beginning at the southeast corner of the North 140.00 feet of said Northeast Quarter of the Southwest Quarter; thence on an assumed bearing of South 3°07'14" West along the east line of said Northeast Quarter of the Southwest Quarter a distance of 720.95 feet; thence North 59°14'59" West a distance of 1211.73 feet to the east line of the West 165.00 feet of said Northeast Quarter of the Southwest Quarter; thence North 3°32'31" East along said east line a distance of 327.53 feet to the south line of the North 140.00 feet of said Northeast Quarter of the Southwest Quarter; thence South 88°11'38" East along the south line of the North 140.00 feet of said Northeast Quarter of the Southwest Quarter a distance of 1152.71 feet to the point of beginning.

SELLERS CERTIFY THAT SELLERS DO NOT KNOW OF ANY WELLS ON THE ABOVE DESCRIBED REAL PROPERTY.

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: None

AFFIX DEED TAX STAMP HERE

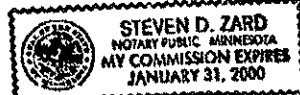
No. 32568
Deed Tax hereon of \$ 542.85
paid this 26 day of April, 1996
Elmer E. Koehler

Alma Koehler
County Treasurer
Conservation Fee Paid

Alma KoehlerSTATE OF MINNESOTA ss.
COUNTY OF Scott

The foregoing instrument was acknowledged before me this 26th day of April, 1996, by Elmer E. Koehler and Alma Koehler, husband and wife, Grantors.

(NOTARY SEAL)

Steven D. Zard
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

Steven D. Zard
X O'NEILL, TRAXLER, ZARD,
NEISEN & MORRIS, LTD.
Law Building, 222 East Main
P. O. Box 105
New Prague, Minnesota 56071

Tax statements for the real property described in this instrument should be sent to:

New Prague Independent School Dist. #721
101 Third Street NW
New Prague, MN 56071

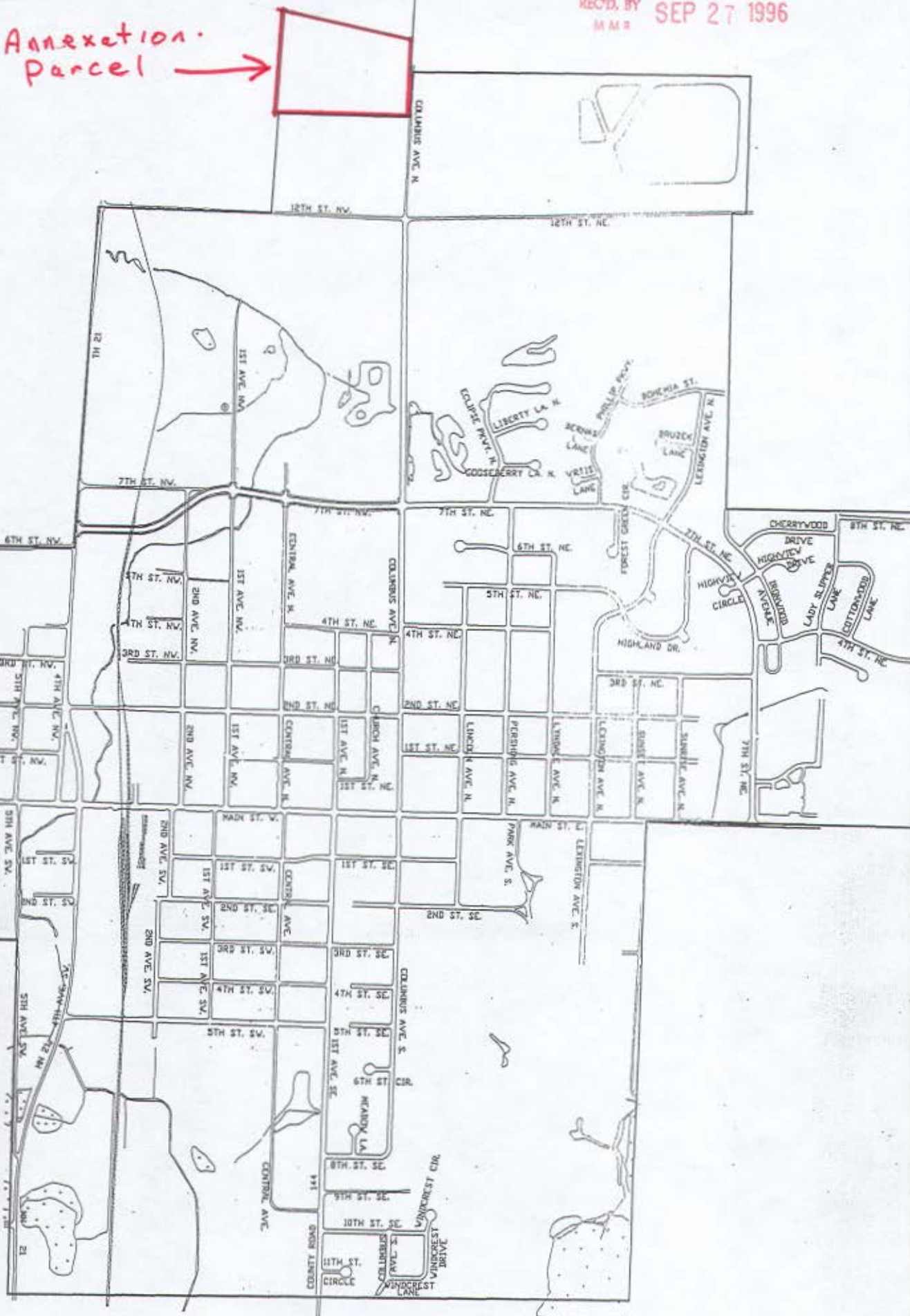
CITY OF NEW PRAGUE
City Hall
118 North Central Ave
New Prague, MN 56071



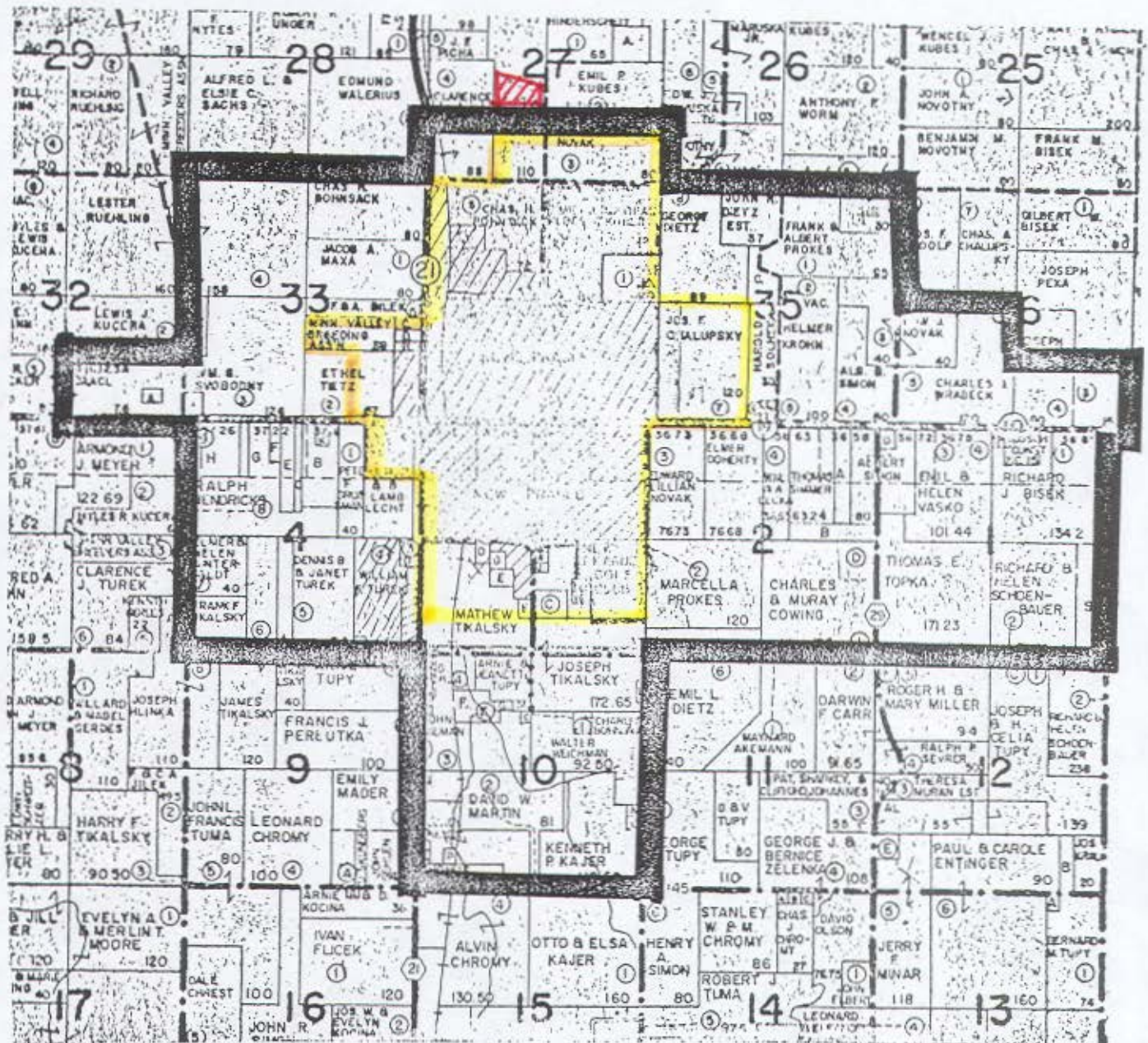
Annexation.
Parcel →



REC'D. BY SEP 27 1996
M M B

N ↑



REC'D, BY SEP 27 1996
M M R



 Existing City Limits
 Annexation parcel

CITY OF NEW PRAGUE
MINNESOTA

Legend
Annexation Boundary

MAP



REC'D BY
MMB JAN 11 1979
A-249/(OA)

January 10, 1979

Ms. Patricia Ludy
Minnesota Municipal Board
Suite 165, Metro Square
7th and Robert Streets
St. Paul, Minnesota 55101

Dear Pat,

Enclosed please find a map of the affected areas of the orderly annexation agreement between the City of New Prague and the townships of Helena and Lanesburgh.

According to the written agreement, the areas colored in red are the areas which are to be annexed immediately. The black area is existing city limits, the green is the transition area, and the blue area is an agriculture preservation area.

Also, I am enclosing a copy of a letter from Bill Nieman noting that the joint agreements have been accepted and filed by the Board.

If you have any further questions, please feel free to contact me.

Sincerely,



Jerry Bohnsack
City Administrator



STATE OF MINNESOTA
MUNICIPAL BOARD

Suite 165 Metro Square
7th & Robert Streets
St. Paul, Minnesota 55101

October 25, 1978

RECD. BY
MMB

JAN 11 1979

Mr. Jerome Bohnsack
City Clerk of New Prague
P.O. Box 24
New Prague, MN 56071

Mr. Gilbert Bisek
Helena Township Clerk
Rt. 2, Box 557
New Prague, MN 56071

Mr. Leonard Pexa
Lanesburgh Township Clerk
Rt. 1, Box 230
New Prague, MN 56071

Gentlemen:

The Municipal Board extends its congratulations to you for completing your long-range, comprehensive Orderly Annexation Joint Agreement. The Board has accepted your agreement as written and filed it.

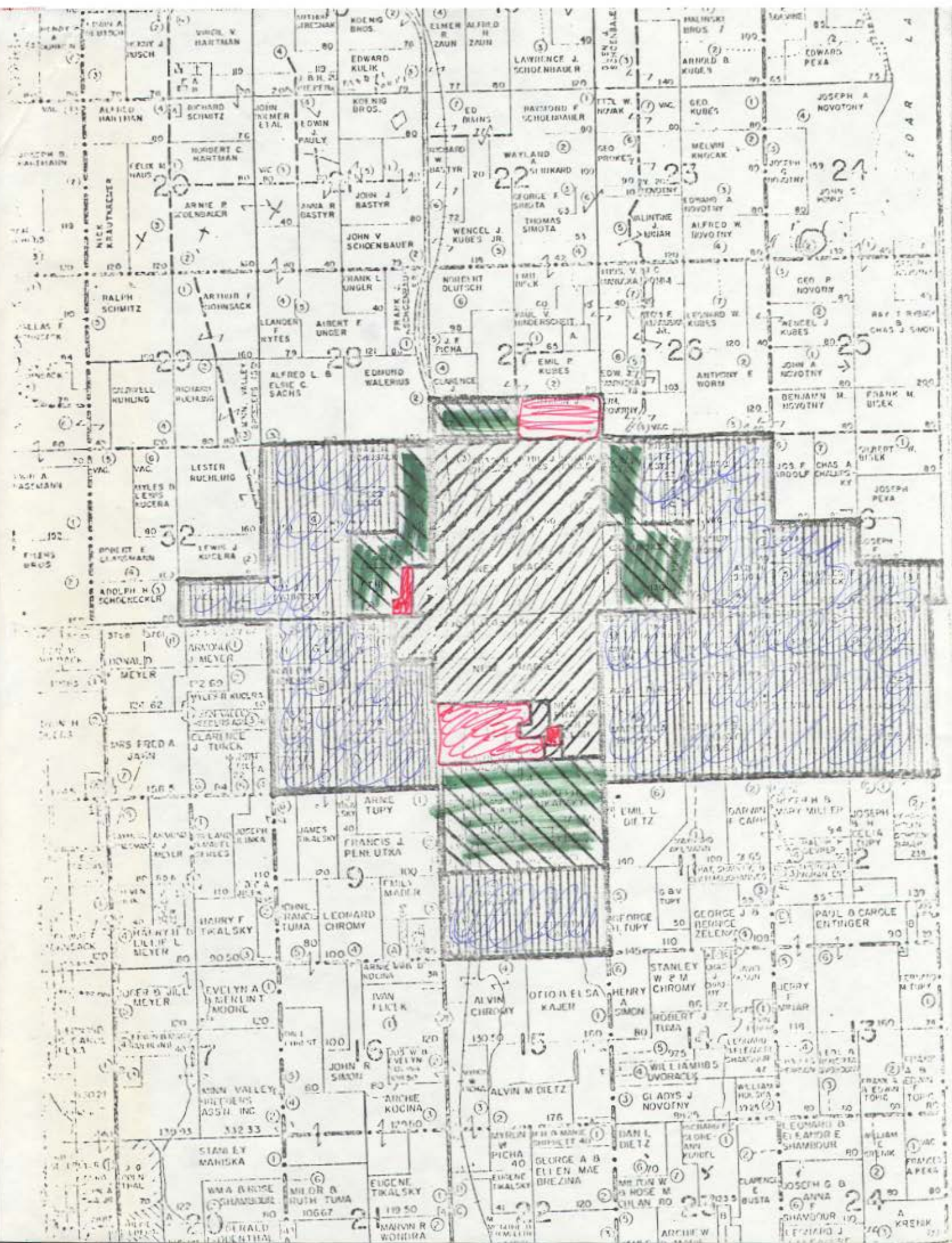
Congratulations, and if you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Neiman".

Bill Neiman
Executive Director

BN:mm



A-2491(OA)

Joint Resolution as To Orderly Annexation

REC'D. BY

MMB

SEP 26 1978

AMENDED-
TAKE
PLACE

Helena Township - City of New Prague

WHEREAS, recurring boundary adjustments between The City of New Prague and the Town of Helena and uncertainty as to future adjustments have made joint cooperation and planning difficult; and

WHEREAS, the Township and City desire to stabilize and enhance the predictability of the boundary situation insofar as this is consistent with the rights of property owners and other citizens and

WHEREAS, there is a basis for agreement between the parties for accomplishing these ends and the parties hereto do hereby set forth the terms of this agreement by means of this resolution,

NOW THEREFORE, BE IT RESOLVED by the Township of Helena and The City of New Prague, as follows:

1) That the following described area in Helena Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes 411.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statutes.

That portion of Helena Townships described as follows. The South Half of the Southeast Quarter of Section 32, all of sections 33 & 34, the South Quarter of Section 27, all of Section 35, the Southwest Quarter of the Southwest Quarter of Section 36, Helena Townships Scott County Minnesota.

That the Township of Helena does upon the passage of this resolution and its adoption by the Council of The City of New Prague. Confer jurisdiction upon The Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2) That no annexation will take place anywhere within the area designated as in need of orderly annexation unless its area involved is or is about to become urban or suburban in character or a petition of a majority of the property owners requesting annexation into The City of New Prague, or a request for extension of sewer or water lines into the Orderly Annexation is received by The City of New Prague and approved by The Helena Town Board. In this instance The City will not extend water or sewer lines unless annexation occurs.

3) That The City agrees not to commence or approve any annexation outside of the above described orderly annexation area.

4) That it is understood by the parties that the provisions of this agreement do not supercede the statutory authority and responsibility of the Municipal Commission established by the Legislature.

5) That the Township of Helena does upon the passage of this resolution and its adoption by The Council of The City of New Prague confer jurisdiction upon The Minnesota Municipal Board so as to accomplish said orderly annexation in accordance with the terms and conditions of the attached orderly annexation and joint planning agreement, hereby made a part of this resolution.

Township of Helena

Passed and adopted by The Township of Helena this 29
day of Aug, 1978.

Attest: Dallert Bohnsack Joseph F. Bexa
Township Clerk Township Chairman

City of New Prague

Passed and adopted by The City of New Prague this 19
day of June, 1978.

Attest: Jerry Bohnsack Clarence J. Welter
Jerry Bohnsack Clarence J. Welter
City Administrator Mayor

CITY OF NEW PRAGUE HELENA TOWNSHIP
JOINT PLANNING AND ANNEXATION AGREEMENT

1. The following territory in Helena Township of Scott County is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032 and the Parties hereto do hereby designate this area in need of orderly annexation as provided by Statute;

Sections - The South Half of the Southeast Quarter of Section 32, all of Section 33, all of Section 34, South Quarter of Section 27, all of Section 35, the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 36 all in Helena Township, Scott County, Minnesota. That the Township of Helena does upon passage of this resolution and its adoption by The Council of The City of New Prague confer jurisdiction upon The Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. Certain properties abutting the City of New Prague are presently urban or suburban in nature or are about to become so. Further, The City of New Prague is capable of providing services to this area. Therefore, these properties should be immediately annexed to The City of New Prague.

A. Scott County - Helena Township.

- 1) South $\frac{1}{2}$ of SE Quarter of Section twenty-

seven (27) Township 113, Range Twenty-three (23) Scott County.

2) The South (25) Twenty-five acres of the East thirty-five (35) acres of the Southeast One quarter ($\frac{1}{4}$) of the Southwest one quarter ($\frac{1}{4}$) of Section Twenty-seven (27) Township one hundred thirteen (113) Range Twenty-three (23) Scott County, Minnesota.

3) An L shaped parcel of land in Section 33 Helena Township described as follows: Beginning at the Southwest corner of Bohnsack's Second Addition, City of New Prague Helena Township then West along South Section line (33) a distance of 1250 feet. Thence North at right angle a distance of 500 feet; thence East at right angle a distance 1000 feet thence North at right angle a distance of 1000 feet; thence East at right angle a distance of 250 feet; thence South along the west line of Bohnsack's Second Addition a distance of 1500 feet to the point of beginning.

3. Other properties within the orderly annexation area are not presently urban or suburban in nature. These properties shall be subject to annexation under the following circumstances:

- A. A petition of a majority of the property owners requesting annexation into The City of New Prague, and
- B. A petition by a property owner(s) and agreed to by The Council of New Prague and The Helena Town Board, for the extensions of water or sewer lines. The City of

New Prague agrees that it will not extend either water or sewer lines to any property owner outside the corporate boundary until a petition for such extension of services is received and a petition for annexation is received and accepted by The City and filed with the State of Minnesota, and

- C. A request by a property owner for a building permit for the purposes of constructing a non-farm homestead, multiple dwellings, any uses permitted under the B-1A or R-1A zones, or other uses determined by the joint city/townships/county planning commission as being urban or suburban in nature using the criteria established by The Minnesota Municipal Board (M.S.A. 414.031).
- D. Land abutting the corporate boundary of New Prague that is developed in an urban or suburban nature; urban or suburban in nature shall be determined by applying the criteria established by The Minnesota Municipal Board (M.S.A. 414.031).
- E. Land required by practical nature to successfully extend water or sewer lines to property not abutting The City Boundary, but necessary to the petitioners requesting the extensions of water or sewer services and petitioning for annexation.

- 4. The zoning requirements included as Appendix A and titled, "New Prague Annexation and Zoning Requirements", passed and adopted this date, are made a part of this document and shall regulate the land use and zoning requirements within

the orderly annexation area.

A. The following area described below shall be considered the Transition Zone, and is about to become urban or suburban in nature. All requirements set forth herein shall apply upon passage of this resolution.

- 1) The SW $\frac{1}{4}$ of Section 35, Township 113, Range 23 West, Scott County, Minnesota, excepting therefrom that part of the SW $\frac{1}{4}$ of Section 35 described as follows:
Beginning at the Southwest corner of the SW $\frac{1}{4}$, thence east along the south line of said section a distance of 500 feet, thence north parallel to the West line of said section a distance of 2600 feet, thence west on a line parallel to the South section line a distance of 500 feet, thence South along the West line of said section a distance of 2600 feet to the point of beginning.
- 2) West one half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) Section Thirty-five (35) Township one hundred thirteen (113), Range Twenty-three (23) Scott County, Minnesota.
- 3) The Southwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section twenty-seven (27) Helena Township.
- 4) The Southeast one quarter ($\frac{1}{4}$) of section

thirty-three (33) Township one hundred thirteen (113), Range twenty-three (23), except Bohnsack's First and Second Additions, Scott County, Minnesota, and also exceptions therefrom an L shaped parcel of land in Section thirty-three (33), Helena Township described as follows:

Beginning at the Southwest corner of Bohnsack's Second Addition, City of New Prague, Helena Township, then west along South section line thirty-three (33) a distance of 1250 feet. Thence North at right angle a distance of 500 feet, thence east at right angle a distance of 1000 feet, thence North at right angle a distance of 1000 feet, thence East at right angle a distance of 250 feet, thence South along west line of Bohnsack's Second addition a distance of 1500 feet to the point of beginning.

- 5) The East ($\frac{1}{2}$) of the East $\frac{1}{2}$ of the Northwest quarter of Section thirty-three (33), Helena Township.

B. The following area described below shall follow the requirements established in Appendix A and titled the, "Agricultural Preservation Zone".

- 1) All that area described in Paragraph 1 excluding the area described in Paragraph 4 (A).

5. That any property annexed to The City pursuant to this agreement shall receive the following:

A. That on the effective date of any annexation The

City of New Prague shall receive the tax revenue.

- B. That property that remains unplatted or undeveloped shall be taxed at the mill rate established by The Township.
 - C. That agricultural land will continue to be taxed at the Township's mill rate.
 - D. That in the case of annexation of developed property, The City mill rate shall be applied in three (3) equal mill rate adjustments over a period of three (3) years.
 - E. That until sewer or water are provided, all existing property shall be taxed at the town mill rate.
6. That the existing and approved plats within the orderly annexation area shall be allowed to continue receiving building permits within the same land use regulations, received on the date of their approval. But in no case shall they be allowed to expand or alter lot sizes without conforming to the zoning requirements set forth herein.
7. The orderly annexation area herein described shall be zoned and administered in the following manner. The town agrees to exclude the area designated as in need of orderly annexation from its zoning and subdivision ordinances if the county will agree to adopt all of Appendix A and make it part of their zoning and subdivision regulations for the orderly annexation area herein described. The parties to this agreement will establish a joint planning commission for purposes of advising the county. The joint planning commis-

sion shall be two residents of the town appointed by the town board, two residents of The City appointed by The City Council and a neutral member appointed by The County Board of Commissioners.

8. Per Capita Aids.

The Municipal Commission will determine the ratio of the population annexed to the total population of the town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place. The County Auditor will apply this modified ratio to all quarterly or other subsequent payments accordingly, Per Capita aids received by The Town in the year of annexation prior to the date of annexation would be shared by the same modified ratio as explained above. Unless and until the entitlement of the Town to Federal Revenue. Sharing Aids is adjusted pursuant to Federal regulations relating to boundary changes (31 CFR Sec. 51.23); the Town agrees to apply the above determined modified population ratio to any Federal Revenue Sharing Checks, received and to forward The City portion within thirty (30) days of receipt of the funds.

9. Dedicated Road or Park Funds:

If any annexation involve locations which entail Dedicated Road or Park Funds, these funds and their administration will be turned over to The City within thirty (30) days after the date of the annexation order. If any annexations involve locations which entail accounts receivable to be collected in the future as special road assessments, such funds will be forwarded by The City to the Town.

APPENDIX A

NEW PRAGUE ANNEXATION AND ZONING REQUIREMENTS

I. Zoning Within the Utility Limit Area, Transition Zone

A. PERMITTED USES

1. Single family residence
2. Horticulture
3. Wildlife
4. Forest and wetlands management
5. Limited livestock raising on parcels of ten
(10) acres or larger

B. CONDITIONAL USES

1. Commercial nurseries and greenhouses
2. Cemeteries
3. Churches and church related facilities
4. Educational and cultural institutions
5. Nursery Schools
6. Public utility buildings
7. Limited livestock raising if less than ten (10)
acres and greater than five (5) acres and a lot-
of-record filed with the County Recorder before
the adoption of these amendments with the follow-
ing conditions:
 - a) Must receive a P.C.A. permit within ninety
(90) days for the confinement of animals
 - b) Must maintain one hundred fifty (150) foot
setback with all non-residential structures
 - c) Cannot exceed five-tenths (.5) animal unit

density per productive acre

C. LOT SIZE REQUIREMENT

1. Five (5) acres and three hundred (300) feet width if not platted.
2. Any parcel of less than five (5) acres created after the effective date of these amendments and requesting a building permit for a residence, must create a plat, officially recorded with the Office of The County Recorder. This plat shall show a minimum lot size of twelve thousand (12,000) square feet and eight (80) feet in width with a density of one home per minimum two and one half (2½) acre tract. No additional home permits would be granted within each tract until municipal sewer and water is available. A minimum of fifty (50) per cent of the tract must be buildable.
3. Plats with lot sized less than five (5) acres cannot be approved unless:
 - a) The sanitary sewer is reasonable expected to be available for service in less than ten (10) years and the City of New Prague has given written approval.
 - b) The on site sewage disposal systems for the various homes are so designed that the service can easily be extended to proposed sewer laterals (to be determined by the Joint Planning Commission).

D. BUILDING SETBACK AND YARD REQUIREMENT FOR UNPLATTED
LOTS

1. Front Yard Setback one hundred fifty (150) feet from the center line of a public road or one hundred (100) feet from right-of-way, whichever is greater.
2. Side Yard Setback thirty (30) feet or one hundred fifty (150) feet from the center line of a public road if a corner lot or one hundred (100) feet from a road right-of-way, whichever is greater.
3. Rear Yard Setback thirty (30) feet.

HIGHWAY BUSINESS DISTRICT B-1A

I. Permitted Uses

- A. Uses permitted in the B-1 District, New Prague Zoning Ordinance.

II. Permitted Accessory Uses

- A. Uses permitted as accessory in the B-1 District, New Prague Zoning Ordinance.

III. Conditional Uses

- A. Uses permitted conditional in the B-1 District, New Prague Zoning Ordinance.

IV. Lot Size Requirement

- A. Twenty acres (20) and three hundred (300) feet width if not platted.
- B. Any parcel of less than twenty (20) acres created after the effective date of these amendments and requesting a building permit for a B-1A use must create a plat, officially recorded with the office of the County Recorder, this plat shall show a minimum lot size of one (1) acre and two hundred (200) feet in width.
- C. Plats with lot sizes less than twenty (20) acres cannot be approved unless the entire site is incorporated into the City of New Prague.

V. Building Setbacks and Yard Requirements for Platted Lots

- A. As required in the B-1 District, New Prague Zoning Ordinance.

VI. Building Setbacks and Yard Requirements for Unplatted Lots

- A. As required in the Transition Area.

II. Agriculture Preservation Zone

A. PURPOSE STATEMENT

This district is intended to contain those areas within the orderly annexation area of New Prague, but beyond the ten (10) year annexation boundary where agriculture is a current, logical and proper use, but which in the future will gradually be required for non-agricultural purposes.

B. PERMITTED USES

1. Single family residence
2. General farming and related buildings
3. Horticulture
4. Field crops
5. Dairying
6. Livestock raising
7. Wildlife
8. Forest and wetland management
9. Intensive poultry farming
10. Livestock feedlots
11. Township halls

C. CONDITIONAL USES

1. Private, public and semi-public clubs
2. Tourist camps and campgrounds
3. Second farm home
4. Processing and packaging of agricultural products including livestock products for retail sale.
5. Cold storage plants

6. Fertilizer plants
7. Cemeteries
8. Churches, church related facilities
9. Manufacturing and processing of natural resources indigenous to the County
10. Reduction and salvage yards
11. Personal service shops
12. Artificial lakes if they are to encroach on a neighboring property
13. Dams and reservoirs
14. Sanitary landfills
15. Portable asphalt mixing plants
16. Landing strips
17. Nursery Schools
18. Electrical substation not to exceed one hundred fifteen (115) KV

D. CONDITIONAL USES (IF THEY ARE TO BE COMMERCIAL ACTIVITIES)

1. Livestock experimentation
2. Kennels and animal hospitals
3. Nurseries and greenhouses
4. Bulk liquid storage
5. Forest industries
6. Pits and quarries
7. Recreational facilities
8. Stand for the sale of agricultural products
9. Agriculturally related machine shops
10. Storage garages

E. LOT SIZE REQUIREMENTS

1. Minimum of forty (40) acres or one quarter of a quarter section ($\frac{1}{4}$) ($\frac{1}{4}$) and six hundred sixty (660) feet in width.

F. BUILDING SETBACK AND YARD REQUIREMENTS

1. Front Yard Setback one hundred fifty (150) feet from center line of a public road, or one hundred (100) feet from the road right-of-way, whichever is greater.
2. Side Yard Setback thirty (30) feet or one hundred fifty (150) feet from the center line of a public road if a corner lot, or one hundred (100) feet from a road right-of-way, whichever is greater.
3. Rear Yard Setback sixty (60) feet.
4. Windbreak Setback twenty-five (25) feet from right-of-way.

G. PERMITTED ACCESSORY USES

1. Private garages, carports
2. Fallout or blast shelters
3. Residential recreation equipment
4. Off-street parking
5. Nameplate

H. OTHER CONDITIONS

A second house may be located on a farm having a minimum of forty (40) acres, provided the occupant is to be employed on the farm. For the purposes of acquiring a building permit, land split-off is not

required. The home can be located anywhere on the forty (40) acre parcel providing a suitable building site can be found, a proper sewage disposal system can be installed and no encroachment of setbacks if the parcel is to be split. A letter stating that the occupant of the dwelling will be working on the farm, shall accompany the application and shall be a condition of approval. No further split-offs for the purpose of constructing a home will be approved unless the parcel is located on a forty (40) acre tract not including the forty (40) acres used above.

A temporary home (mobile home) will be allowed in the A-1 District as a Conditional Use providing the farm has minimum of forty (40) acres and the existing farm home and temporary home are to be occupied by individuals who will be working on the farm and a letter stating such shall accompany the application and become a condition of the Conditional Use. Every Conditional Use approved shall be reviewed every two (2) years for compliance or at anytime the Planning Commission feels compliance is not being met.

III. Zoning Within the Orderly Annexation Area - Beyond the Transition Zone

PURPOSE STATEMENT

This district is intended to contain those areas within the orderly annexation area of New Prague where agriculture is not a proper use and when utilities extensions are not feasible. These are districts where the land has not been

used for agricultural production for five years or more. The intent of this area is to allow non-farm developments in wooded areas.

A. PERMITTED USES

1. Single family residence
2. Forest and wetlands management
3. Horticulture

B. CONDITIONAL USES

1. Tourist camps and campgrounds
2. Cemeteries
3. Churches and related facilities
4. Manufacturing and processing of natural resources indigenous to the County

C. LOT SIZE REQUIREMENTS

1. Minimum of two and one half (2½) acres

D. REQUIRED APPROVALS NECESSARY

1. That no portion of the building lots have been in agriculture use for five (5) years or more.
2. That an analysis of soils, septic systems, drainage and wells show that each building site is safe, healthful, and sanitary.
3. That the towns in writing, submit their findings and decisions to the Planning Commission of New Prague.

IV. Every section provision or part of this agreement is declared separable from every other section provision or parts and if any section, provision or part hereof shall be held invalid it shall not effect any other section,

provisions or part.

- V. Amendments to this agreement shall be made by joint resolution passed and adopted by The New Prague City Council, Helena Town Board, and Scott County.

TOWNSHIP OF HELENA

Passed and adopted by the Township of Helena this 29 day of Aug., 1978.

Attest: Dallas Bohnsack Joseph F. Geyer Jr.
Township Clerk Township Chairman

City of New Prague

Passed and adopted by The City of New Prague this 19 day of June, 1978.

Attest: Jerome Bohnsack Clarence J. Welter
Jerome Bohnsack Clarence J. Welter
City Administrator Mayor

9-2491(0A)
1973

JOINT RESOLUTION AS TO ORDERLY ANNEXATION
HELENA TOWNSHIP - CITY OF NEW PRAGUE

WHEREAS, The Township of Helena and the City of New Prague are both interested in achieving an Orderly Annexation while at the same time maintaining any area that is non-urban or suburban in character as property not to be annexed,

AND WHEREAS, there is a basis for agreement between the parties and the parties hereto desire to set forth such terms of settlement by means of this Resolution,

NOW, THEREFORE, BE IT RESOLVED, by the Township of Helena and the City of New Prague as follows:

1. That the following described area in Helena Township is properly subject to orderly annexation under and pursuant to Minnesota Statute 414.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statute:

The South Half of the Southeast Quarter of Section 32, all of Section 33, all of Section 34, the South Quarter of Section 27, all of Section 35, and the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 36. Helena Township, Scott County, Minnesota.

That the Township of Helena does upon the passage of this Resolution and its adoption by the Council of the City of New Prague confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish

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said orderly annexation in accordance with the terms of this Resolution.

2. The Township agrees to exclude the area designated as in need of Orderly Annexation from its Zoning and Subdivision Ordinances if the County will agree to exclude the area from its Zoning Regulations. The Planning and Zoning Administration of the Orderly Annexation area would be controlled by a five member Planning Commission. Helena Township shall appoint two members of the five member commission, the City of New Prague shall appoint two members of the five member Planning Commission, and the Scott County Commissioners shall appoint one member to serve on the five member Planning Commission.

If the County and Helena Township do not agree to such extra territorial zoning by the five member commission, zoning within the Orderly Annexation area shall be controlled by a three member committee with one member appointed from each of the municipal, town, and county governing bodies. This committee shall serve as the governing body and Board of Appeals and Adjustments for purposes of Minnesota Statute Section 462.357 within the Orderly Annexation area.

3. In the event that there is annexation of an area that is physically separated from the City of New Prague and there are utilities that are passing through an un-annexed area of land to an annexed area, there shall be no assessment for said utilities on the un-annexed property lying between the City of New Prague and any other land that has been annexed to the City of New Prague until the property so lying between the City of New Prague and the annexed land shall have actual use of the utilities.
4. The City of New Prague agrees not to apply for any division of the town's general funds or other assets.
5. In all annexations within the orderly annexation area the parties agree to the following division of financial assets and obligations:
 - a. Property Taxes

The real estate tax income for the year in which the annexation takes place shall be divided on the basis of the decimal fraction of the assessed value of the area to be annexed as opposed to Helena Township's assessed valuation as a whole. This ratio would be further modified by the proportion of the year remaining in which the annexation takes place. For example: If the area to be

annexed consisted of 30% of the Township's total assessed valuation and 8 months were remaining in the year at the date of the annexation, the amount of property tax revenue forwarded to the City would be 30% times 8/12 or 20% of Helena's total real estate tax revenues for the year during which the annexation takes place.

The Town agrees to forward the indicated amount of tax revenue due to the City within 30 days of the annexation order. The Town would then retain all rights to receive these tax funds as they become payable from the County Treasurer, thereby reimbursing itself for any payments to the City.

b. Per Capita Aids

The Municipal Commission will determine the ratio of the population annexed to the total population of the Town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place (as explained above with regard to Property Taxes).

The County Auditor will apply this modified ratio to all quarterly or other subsequent payments of state per capita aids to the town and divide the payment accordingly.

Per capita Aids received by the town in the year of annexation, prior to the date of annexation, would be shared by the same modified ratio as explained above.

Unless and until the entitlement of the town to federal revenue sharing aids is adjusted pursuant to federal regulations relating to boundary changes (31 CFR Sec. 51.23); the town agrees to apply the above determined modified population ratio to any federal revenue sharing checks received and to forward the City portion within 30 days of receipt of the funds.

c. Dedicated Road or Park Funds.

If any annexations involve locations which entail dedicated road or park funds, these funds and their administration will be turned over to the City within 30 days after the date of the annexation order.

If any annexations involve locations which entail accounts receivable to be collected in the future as special road assessments, such funds will be forwarded by the City to the Town.

6. No annexations will take place anywhere within the area designated as in need of orderly annexation unless the area involved is or is

about to become urban or suburban in character
and unless the city is capable of providing
municipal services such as water, sanitary
sewers, storm sewers and police and fire
protection within a reasonable time.

TOWNSHIP OF HELENA

Passed and adopted by the Township of Helena this
16TH day of AUGUST, 1973.

ATTEST:

Richard W. Busch BY Le Roy Schmitz
Township Clerk Its Chairman

CITY OF NEW PRAGUE

Passed and adopted by the City of New Prague this
6 day of August, 1973.

ATTEST:

Wallace L. Bednar BY Jerry Fiech
Wallace L. Bednar Its Mayor
City Clerk