

**CITY OF EDEN PRAIRIE  
RESOLUTION NO. 2015-95**

**CITY OF MINNETONKA  
RESOLUTION NO. 2015-091**

**JOINT RESOLUTION REQUESTING CONCURRENT DETACHMENT FROM  
MINNETONKA AND ANNEXATION TO EDEN PRAIRIE OF CERTAIN LANDS  
PURSUANT TO MINNESOTA STATUTES SECTION 414.061**

**WHEREAS**, certain real property, approximately 0.44 acres in size, legally described on Exhibit A attached hereto and incorporated herein and depicted on the survey thereof attached hereto and incorporated herein as Exhibit B (the "Annexation Property") is located in the City of Minnetonka; and

**WHEREAS**, the Annexation Property abuts real estate along its southerly border that is located in the City of Eden Prairie; and

**WHEREAS**, TOLD Development ("Developer") desires to use the Annexation Property to facilitate the platting and development of a commercial development; and

**WHEREAS**, the City of Minnetonka, the City of Eden Prairie and the Developer desire that the entire plat of the yet unnamed development be located within the boundaries of one municipality; and

**WHEREAS**, the City of Minnetonka and the City of Eden Prairie desire to modify their municipal boundary in order to allow the platting and development of the unnamed development; and

**WHEREAS**, to modify the boundary the City of Minnetonka desires to detach and the City of Eden Prairie desires to attach the Annexation Property pursuant to Minnesota Statutes Section 414.061.

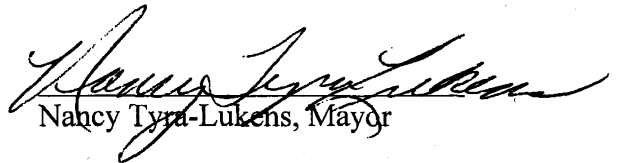
**NOW, THEREFORE, BE IT RESOLVED:**

1. The City of Minnetonka and the City of Eden Prairie jointly request that the Office of Administrative Hearings – Municipal Boundary Adjustment concurrently detach the Annexation Property from the City of Minnetonka and annex the same to the City of Eden Prairie at the earliest possible date.
2. The City Clerk for each city is directed to submit this Joint Resolution to the Office of Administrative Hearings – Municipal Boundary Adjustments for the purposes set forth herein.
3. The City of Minnetonka and the City of Eden Prairie agree that, within 30 days of receipt of this Resolution, passed and adopted by each party, the Office of

Administrative Hearings – Municipal Boundary Adjustments, may review and comment, but shall order the concurrent detachment and annexation consistent with the terms of this Resolution.

4. The City of Minnetonka has designated a Comprehensive Plan Land Use Guiding of Low Density Residential and a Zoning District designation of Single Family Residential for the Annexation Property. These designations most closely resemble the City of Eden Prairie Comprehensive Plan Land Use Guiding of Low Density Residential and a Zoning District designation of R1-13.5. Upon annexation into the City of Eden Prairie, the Comprehensive Plan Land Use Guiding shall be Low Density Residential and the Zoning District designation shall be R1-13.5. These designations shall be in place until such time as the Developer makes application to request Comprehensive Plan Land Use Guiding and Zoning District designation as a part of the overall site development review process.

Adopted by the City Council of the City of Eden Prairie on the 6<sup>th</sup> day of October, 2015.

  
Nancy Tyra-Lukens, Mayor


**ATTEST:**

  
Kathleen Porta, City Clerk

OCT 09 2015

### CERTIFICATION


The undersigned, being the duly qualified Clerk of the City of Eden Prairie, hereby certifies the foregoing Resolution No. 2015-95 is a true and correct copy of a resolution presented to and adopted by the Council of the City of Eden Prairie at a duly authorized meeting thereof held on the 6<sup>th</sup> day of October, 2015, as shown by the minutes of the aforesaid meeting in possession of the undersigned.

  
\_\_\_\_\_  
Kathleen Porta, City Clerk


(Seal)

OCT 09 2015

Adopted by the City Council of the City of Minnetonka on September 28, 2015.

  
Terry Schneider, Mayor

ATTEST.

  
David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption:

Seconded by:

Voted in favor of:


Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka at a meeting held on September 28, 2015.

  
David E. Maeda, City Clerk

(Seal)

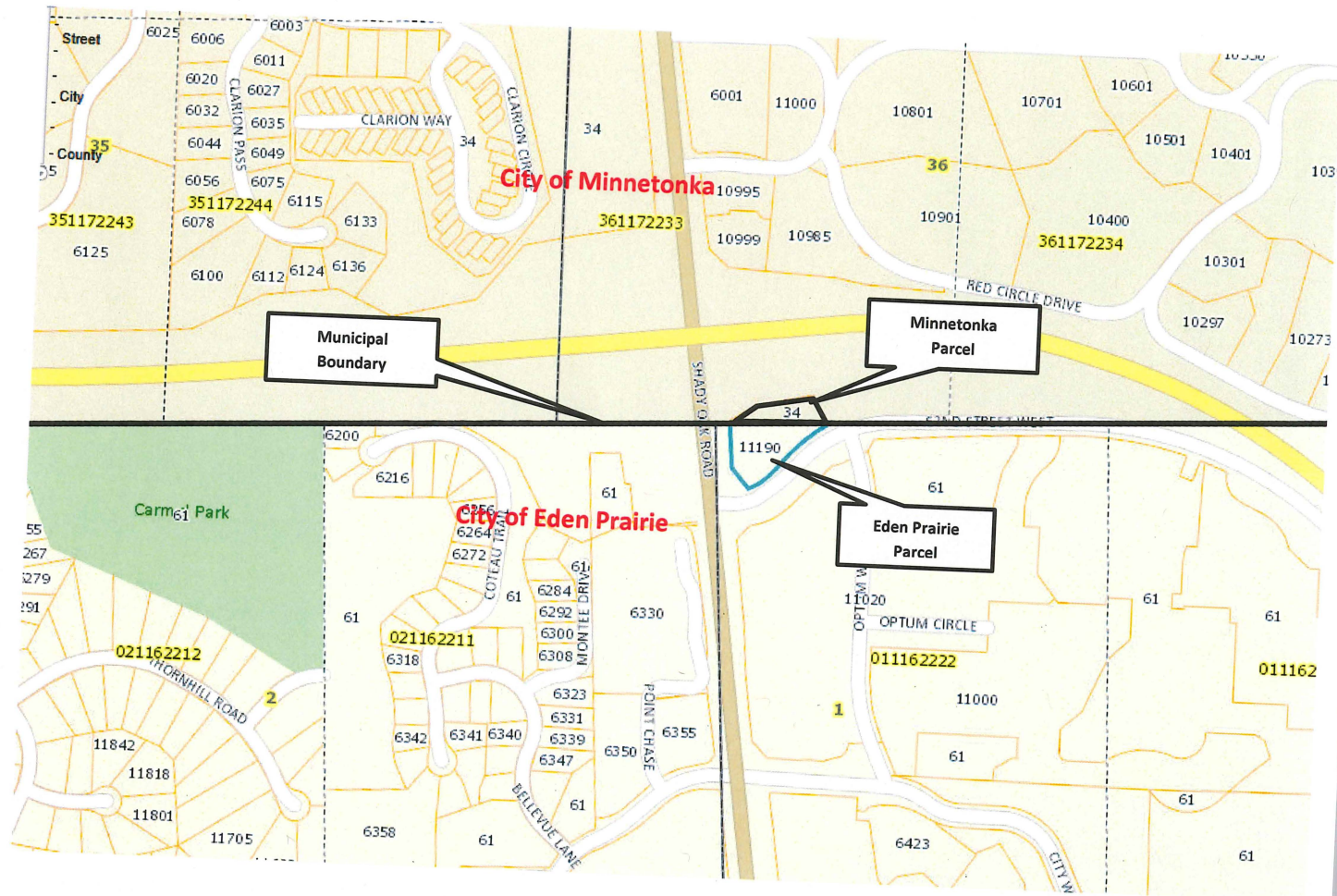
**Exhibit A**

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Commencing at the Northwest corner of Section 1, Township 116, Range 22; thence on an assumed bearing of North 87 degrees 01 minute 59 seconds East along the South line of said Southwest Quarter of the Southwest Quarter, a distance of 47.27 feet to the point of beginning of the tract of land to be described; thence North 6 degrees 16 minutes 29 seconds West , a distance of 7.74 feet; thence North 56 degrees 19 minutes 50 seconds East a distance of 96.26 feet; thence North 77 degrees 06 minutes 08 seconds East, a distance of 198.93 feet; thence South 29 degrees 35 minutes 59 seconds East, a distance of 102.01 feet to the South line of said Southwest Quarter of the Southwest Quarter; thence South 87 degrees 01 minute 59 seconds West along said South line, a distance of 324.00 feet to the point of beginning.

REC'D BY  
MBA

OCT 09 2015

# LOCATION MAP



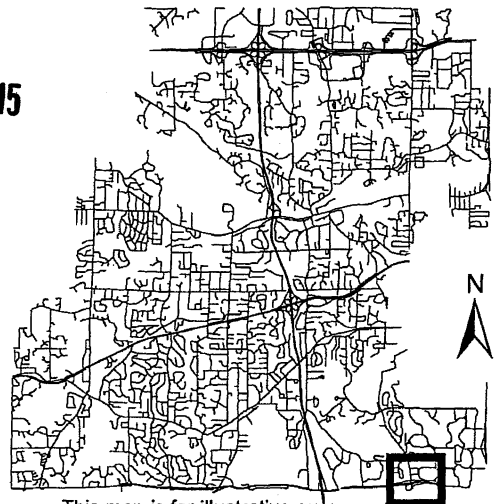


REC'D BY  
MBA

OCT 09 2015

## LOCATION MAP

Concurrent Detachment Annexation  
34-117-22-33-0015



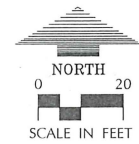
A1

This map is for illustrative purposes only.  
Concurrent Detachment Annexation  
Hwy 62 and Shady Oak Rd



REC'D BY  
MBA  
OCT 09 2015

State Highway No. 62  
(A Publicly Traveled Roadway)  
Entrance Ramp  
to E. B. Hwy 62



#### SURVEY LEGEND - EXISTING CONDITIONS

	CATCH BASIN		STORM SEWER
	STORM MANHOLE		SANITARY SEWER
	SANITARY MANHOLE		WATERMAIN
	WATER MANHOLE		UNDERGROUND ELECTRIC
	HYDRANT		UNDERGROUND GAS
	GATE VALVE		UNDERGROUND TELEPHONE
	TELEPHONE PEDESTAL		OVERHEAD UTILITY
	POWER POLE		CHAIN LINK FENCE
	LIGHT POLE		UNDERGROUND FIBER OPTIC
	SIGN		RIGHT OF ACCESS
	SPOT ELEVATION		TRAFFIC SIGNAL
	TOP CURB ELEVATION		CONCRETE CURB
	THRESHOLD ELEVATION		CONCRETE
	ELECTRIC TRANSFORMER		CONTOUR
	TELEPHONE PEDESTAL		CONIFEROUS TREE
	ELECTRIC MANHOLE		DECIDUOUS TREE
	TELEPHONE MANHOLE		SPRUCE
	UTILITY MANHOLE		TREE (GEN)
	ELECTRIC METER		
	GAS METER		
	HAND HOLE		
	GUARD POST		

BASIS FOR BEARINGS:  
N LINE OF NW 1/4 OF NW 1/4  
SEC 1, T 116, R 22 BEARS  
N 87°27'40" E  
ELEVATION = 941.38 FEET  
(NGVD1929)

BENCHMARK:  
THRESHOLD AT EAST  
ENTRANCE TO BUILDING  
AS SHOWN HEREON.  
ELEVATION = 941.38 FEET  
(NGVD1929)

#### DESCRIPTION OF PROPERTY SURVEYED

(Per Schedule A of the herein referenced Title Commitment)

Parcel 1:  
That part of Lot 1, Block 1, Shady Oak Crosstown Addition, embraced within the West 282.5 feet of the Northwest Quarter of the Northwest Quarter of Section 1, Township 116, Range 22 as measured along the North and South lines of said Northwest Quarter of the Northwest Quarter

Torrens property  
Being registered land as evidenced by Certificate of Title No. 1178482.

Parcel 2:  
That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Commencing at the Northwest corner of Section 1, Township 116, Range 22; thence on an assumed bearing of North 87 degrees 01 minute 59 seconds East along the South line of said Southwest Quarter of the Southwest Quarter, a distance of 47.27 feet to the point of beginning of the tract of land to be described; thence North 6 degrees 16 minutes 29 seconds West, a distance of 7.74 feet; thence North 56 degrees 19 minutes 50 seconds East, a distance of 96.26 feet; thence North 77 degrees 06 minutes 08 seconds East, a distance of 198.93 feet; thence South 29 degrees 35 minutes 59 seconds East, a distance of 102.01 feet to the South line of said Southwest Quarter of the Southwest Quarter; thence South 87 degrees 01 minute 59 seconds West along said South line, a distance of 324.00 feet to the point of beginning.

Abstract property

Parcel 3:  
Lot 1, Block 1, Shady Oak Crosstown Addition, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, EXCEPTING that portion embraced within the West 282.5 feet of the Northwest Quarter of the Northwest Quarter of Section 1, Township 116, Range 22 as measured along the North and South lines of said Northwest Quarter of the Northwest Quarter

Abstract property

#### SURVEY REPORT

The property depicted on this survey and the easements of record shown hereon are the same as the property and the easements described in the Commitment for Title Insurance issued by Old Republic Title Insurance Company, File No. ORTE741221, dated January 5, 2015.

- The following remarks reference items in Schedule B, Part II - Exceptions of the herein referenced Title Commitment:
  - Item no. 1-7, 11 and 13 are not survey related.
  - Item no. 8: No right of access from subject property (as to Parcel 3) to CSAH No 62, per Doc. No. 3789873 & 3820007 and is shown hereon.
  - Item no. 9: Drainage and Utility easements per the plat of Shady Oak Crosstown Addition and are shown hereon over the northerly portion of Parcel 2.
  - Item no. 10: Subject to Hennepin County right of access to and from subject property to HCSAH No 62 and HCSAH No 61, per Doc. No. 5344105 & 1908828 and is shown hereon over the northerly portion of Parcel 2.
  - Item no. 12: Drainage easement retained in Document No 5344105, and is shown hereon over the northerly portion of Parcel 2.
  - Item no. 14: Is a Notice of Lis Pendens per Doc. No. 9786892, giving a temporary easement over the subject property which expired on October 10, 2014.
- The Surveyor was not provided easement documents for utilities on subject property except for those shown on Survey.
  - There are no buildings on parcels 2 & 3.
  - Descriptions of Parcels 1 and 3 in the Title Commitment and Certificate of Title No. 1178482 refer to Range 21 not Range 22.

#### CERTIFICATION

To Ridgcrest Investors, LLC, a Minnesota limited liability company; P&T Ventures, LLC, a Minnesota limited liability company; BP Products North America Inc., a Maryland corporation and Old Republic Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2011, and includes Items 1 - 4, 7a, 8, 9 and 11b of Table A thereof. The field work was completed on March 20, 2015.

Date of Plat or Map: March 23, 2015

Henry D. Nelson, PLS  
Henry D. Nelson, PLS  
hnelson@loucksassociates.com  
Minnesota License No. 17255



Project Name:

BP Service Station  
11190  
West 62nd Street

Eden Prairie & Minnetonka, MN

Owner/Developer:

Told Development Company

Two Carlson Parkway  
Suite 220  
Minneapolis, Mn 55447

Professional Services:

**LOUCKS  
ASSOCIATES**

Planning • Civil Engineering • Land Surveying  
Landscape Architecture • Environmental

7200 Hemlock Lane - Suite 300  
Maple Grove, MN 55369  
Telephone: (763) 424-5505  
www.LoucksAssociates.com

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CADD Qualification:

CADD files prepared by the Consultant for this project are the property of the Consultant. These CADD files shall not be used on other projects, for additions to this project, or for the completion of this project by anyone other than the Consultant, without the Consultant's approval. Others may be permitted to obtain copies of the CADD files for use for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

513196A-MASTER.DWG/ALTA

Revisions:

03-23-15 Original Issue

Professional Signature:

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.

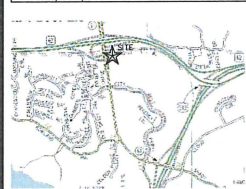
Henry D. Nelson  
Henry D. Nelson / PLS  
License No. 17255 Date 03-20-15

Quality Control:

Project Lead: HDN Drawn By: TMB

Checked By: Review Date:

Vicinity Map:



Sheet Title:

ALTA/ACSM  
Land Title Survey

Project No.:

13-196A

Sheet No.:

Sheet 1 of 1



**SAMPLE****PROPERTY OWNER PETITION FOR CONCURRENT  
DETACHMENT AND ANNEXATION**

IN THE MATTER OF THE PETITION BY ALL OF THE PROPERTY OWNERS FOR THE  
DETACHMENT OF CERTAIN LAND FROM THE CITY OF MINNETONKA, MINNESOTA  
AND CONCURRENT ANNEXATION TO THE CITY OF EDEN PRAIRIE, MINNESOTA  
PURSUANT TO MINNESOTA STATUTES § 414.061, SUBD. 5

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TO: Office of Administrative Hearings  
Municipal Boundary Adjustment Unit  
P. O. Box 64620  
St. Paul, MN 55164-0620

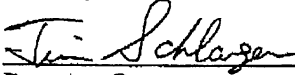
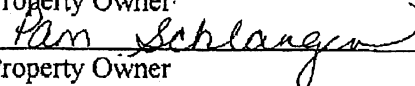
We, the undersigned, being all of the property owners of the following described land, hereby request the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings to detach said property from the City of MINNETONKA and annex it to the City of EDEN PRAIRIE, pursuant to Minnesota Statutes § 414.061, Subd. 5:

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.  
DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

In bringing forward this petition, the petitioners state that:

1. There is One (1) property owner in the area proposed for detachment/annexation. (All of the property owners are required to sign a petition under Minnesota Statutes § 414.061, Subd. 5, to commence the proceeding. If the land is owned by both husband and wife, both must sign the petition to represent all owners.)
2. The property is presently within the City of MINNETONKA and abuts the City of EDEN PRAIRIE, in the County of HENNEPIN.
3. The property proposed for detachment/annexation is .44 acres.
4. This boundary adjustment is being requested because: Applicant wishes to subdivide lot and sell one lot to TOLD Development Company for a new development.

Date: July 29, 2015

  
\_\_\_\_\_  
Property Owner  
  
\_\_\_\_\_  
Property Owner

NOTE: Pursuant to Minnesota Statutes § 414.061, Subd. 5, the petition must be accompanied by a resolution of at least one of the affected municipalities.

Municipal Boundary Adjustment Unit Contacts

Star Holman [star.holman@state.mn.us](mailto:star.holman@state.mn.us) 651-361-7909

Katie Lin [katie.lin@state.mn.us](mailto:katie.lin@state.mn.us) 651-361-7911

(September 2011)

**Legal Description of property to be Annexed**

That part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, described as follows: Commencing at the Northwest corner of Section 1, Township 116, Range 22; thence on an assumed bearing of North 87 degrees 01 minute 59 seconds East along the South line of said Southwest Quarter of the Southwest Quarter, a distance of 47.27 feet to the point of beginning of the tract of land to be described; thence North 6 degrees 16 minutes 29 seconds West, a distance of 7.74 feet; thence North 56 degrees 19 minutes 50 seconds East a distance of 96.26 feet; thence North 77 degrees 06 minutes 08 seconds East, a distance of 198.93 feet; thence South 29 degrees 35 minutes 59 seconds East, a distance of 102.01 feet to the South line of said Southwest Quarter of the Southwest Quarter; thence South 87 degrees 01 minute 59 seconds West along said South line, a distance of 324.00 feet to the point of beginning.