

DAHLGREN TOWNSHIP RESOLUTION NO. 84-17

CITY OF CARVER RESOLUTION NO. 145-17

JOINT RESOLUTION

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF CARVER AND DAHLGREN TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325**

WHEREAS, the City of Carver (“City”) and Dahlgren Township (“Township”) previously entered into a Joint Resolution for Orderly Annexation, dated March 19, 2009, describing the procedures and process for immediate and future orderly annexations of certain designated areas of the Township, referred to as the Orderly Annexation Area for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced OAA between the city and Township was previously filled with the Office of Administrative Hearings Municipal Boundary Adjustment Office and is referenced as Office of Administrative Hearings File No. OA-1428 Carver/Dahlgren Township Joint Agreement (hereinafter referred to as the “Joint Agreement”); and

WHEREAS, the above referenced Joint Agreement between the City and Township provides that any land within the orderly annexation area designated therein may be annexed by the City at any time during the term of the Joint Agreement provided that the conditions in Section 8 of the Joint Agreement have been fulfilled; and

WHEREAS, the City and Township wish to depart from the strict compliance with Section 8 of the Joint Agreement as to the immediate annexation of the land legally described on attached Exhibit A and graphically depicted on attached Exhibit B into the City (collectively the “Property”). This deviation from the strict compliance with Section 8 of the Joint Resolution shall only apply to the annexation of the land legally described on Exhibit A and graphically depicted on attached Exhibit B; and

WHEREAS, the City and Township are in agreement as to the orderly annexation of the unincorporated lands described; that both believe it will be to their benefit and to the benefit of their respective residents; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City and Township may agree on a process of orderly annexation of a designated area.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Carver and the Township Board of Dahlgren Township as follows:

- 1. Property.** It is therefore agreed that the Property is to be immediately annexed to the City.

2. **Acreage/Population/Usage.** That the designated areas consists of one parcel being approximately .74 acres with a population of 2.

3. **Jurisdiction.** That Township and the City by submission of this Joint Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.

4. **Need.** That the above-described property is urban or suburban or about to become so, and since the City is capable of providing sewer services to this property within a reasonable time, the annexation would be in the best interest of the property owners.

5. **No Alteration.** The City and Township have agreed to all the terms and conditions for the immediate annexation of the above-described land within this document and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary.

6. **Review and Comment.** The City and Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.

7. **Reimbursement to Towns for lost taxes on annexed property.** There shall be no tax reimbursement to the Township as a result of the annexation of the Property. Further, there are no outstanding special assessments or bonded indebtedness on the Property.

8. **Severability.** In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Township agree to implement the procedures under Paragraph 11 to correct any such provision that was stricken.

9. **Responsibility for Costs.** The City and Township shall pay their own respective attorney and planner fees and any other costs related to the review of this document. The City shall pay all filing fees required by the Office of Administrative Hearings (“OAH”) in order to file and give full effect to this Orderly Annexation Agreement. Further, the City shall pay any other expenses OAH attributes to either the City or the Township as a result of the filing and processing of this Orderly Annexation Agreement, including, but not limited to, Administrative Law Judge fees and OAH staff attorney fees.

10. **Resolution of Disputes.** If there is a disagreement as to the interpretation or implementation of this Joint Resolution, the City and Township shall implement the following dispute resolution procedures in the sequence provided:

A. Negotiation: Representatives of the City and Township will meet a minimum of one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

B. Mediation: If negotiation is not successful, parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator to resolve the dispute.

C. Binding Arbitration/Adjudication: If mediation is not successful, the parties may agree to submit their respective grievances to binding arbitration or may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel the performance as outlined in this Joint Resolution. In addition to the remedies afforded to the parties through law and equity, the Court shall have the authority to award reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

11. Amendment. The parties may amend this Joint Resolution by mutual written consent at any time. In the event that there are errors, omissions or any other problems with the legal description, mapping, or tax reimbursement provided in the attached Exhibits the parties agree to make such corrections and file any additional documentation, including new Exhibits making the corrections requested or required by the Office of Administrative Hearings, Municipal Boundary Adjustments as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution, without the necessity of re-adopting this Joint Resolution.

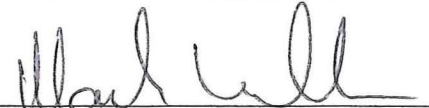
12. Heading and Captions: Headings and Captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution for orderly annexation.


13. Joint Resolution Controls. This Joint Resolution amends the 2009 Orderly Annexation Agreement with respect to the annexation of the properties legally described in attached Exhibit A and graphically depicted on attached Exhibit B only such that the 2009 Orderly Annexation Agreement and this Joint Resolution are consistent in all respects. In the event of any inconsistent provision or requirement, the terms of this Joint Resolution shall supersede and control over the 2009 Orderly Annexation Agreement with respect only to the properties legally described in attached Exhibit A and graphically depicted on attached Exhibit B. Further, this Joint Resolution shall not affect or alter the respective parties' rights as set forth in any portion of the 2009 Orderly Annexation Agreement, except as provided herein with regard only to the properties legally described in attached Exhibit A and graphically depicted on attached Exhibit B.

[Signature page to follow]

DAHLGREN TOWNSHIP

Passed and adopted by the Town Board of Dahlgren Township on this the 23 day of Aug., 2017.

By: 
Mark Willems, Town Board Chair

Attest: 
Mary Olson, Town Board Clerk

CITY OF CARVER

Passed and adopted by the City Council of the City of Carver on this the 16th day of October, 2017.

By: 
Michael Webb, Mayor

Attest: 
~~Brent Mareck~~, City Clerk

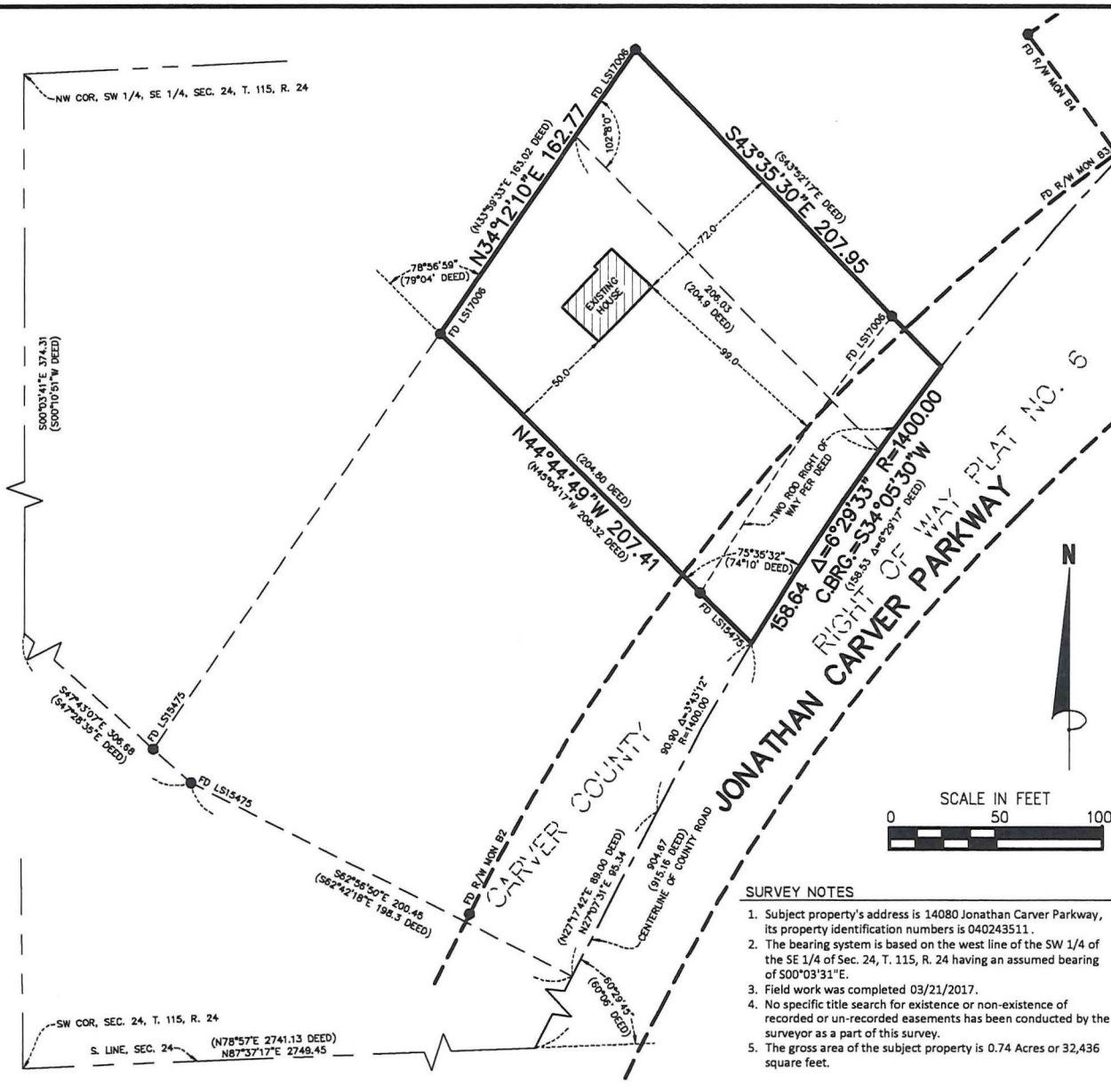
Exhibit A

Legal Description

That part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 115 North, Range 24 West of the 5th Principal Meridian described as follows:

Commencing at the northwest corner of said Southwest Quarter of the Southeast Quarter; thence on an assumed bearing of South 0 degrees 10 minutes 51 seconds West; along the west line of said Southwest Quarter of the Southeast Quarter a distance of 374.31 feet; thence South 47 degrees 28 minutes 35 seconds East a distance of 306.68 feet; thence South 62 degrees 42 minutes 18 seconds East a distance of 198.30 feet, to the centerline of County Road No. 40; thence North 27 degrees 17 minutes 42 seconds East along the centerline of said road, a distance of 89.00 feet; thence northeasterly along the centerline of said road, a distance of 90.90 feet along a tangential curve concave to the southeast having a radius of 1400.00 feet and a central angle 3 degrees 43 minutes 12 seconds, to the point of beginning of the land to be described; thence North 45 degrees 04 minutes 17 seconds West, not tangent to said curve, a distance of 206.32 feet; thence North 33 degrees 59 minutes 43 seconds East a distance of 163.02 feet; thence South 43 degrees 52 minutes 17 seconds East a distance of 207.95 feet to the intersection with the northeasterly extension of the above described 1400.00 foot radius curve; thence southwesterly; along the centerline of said road, along said above described 1400.00 foot radius curve, a distance of 158.53 feet and a central angle of 6 degrees 29 minutes 17 seconds to the point of beginning;

The above described property contains 0.74 acres and is subject to an easement for public right-of-way purposes over the southeasterly 33.00 feet of the above described property in Country Road No. 40.



LEGAL DESCRIPTION PROVIDED BY CLIENT

Part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the Southwest Section corner of Section 24, Township 115, North of Range 24 West, and running thence North 78 degrees 57 minutes East along the South line of said Section 24, a distance of 2741.13 feet to a point in the center of the County Road; thence deflecting left 60 degrees 06 minutes and running Northeast along the center of said County Road a distance of 915.16 feet to a point in the center line of said County Road, said point being the place of beginning for this description; thence deflecting left 74 degrees 10 minutes and running Northwesterly a distance of 204.80 feet to a point; thence deflecting right 79 degrees 04 minutes and running Northeast a distance of 112.95 feet to a point; thence deflecting right 102 degrees 08 minutes and running Southeast a distance of 204.9 feet to a point in the center of said County Road; thence Southwesterly along the center line of said County Road to the place of beginning.

Excepting from the above described tract a two rod right of way, abutting and running parallel with the said centerline of the above mentioned County Road, Carver County, Minnesota.

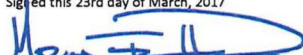
And That part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 115 North, Range 24 West of the 5th Principal Meridian described as follows: Commencing at the northwest corner of said Southwest Quarter of the Southeast Quarter; thence on an assumed bearing of South 0 degrees 10 minutes 51 seconds West; along the west line of said Southwest Quarter of the Southeast Quarter a distance of 374.31 feet; thence South 47 degrees 28 minutes 35 seconds East a distance of 306.68 feet; thence South 62 degrees 42 minutes 18 seconds East a distance of 198.30 feet, to the centerline of County Road No. 40; thence North 27 degrees 17 minutes 42 seconds East along the centerline of said road, a distance of 89.00 feet; thence northeasterly along the centerline of said road, a distance of 90.90 feet along a tangential curve concave to the southeast having a radius of 1400.00 feet and a central angle 3 degrees 43 minutes 12 seconds, to the point of beginning of the land to be described; thence North 45 degrees 04 minutes 17 seconds West, not tangent to said curve, a distance of 206.32 feet; thence North 33 degrees 59 minutes 43 seconds East a distance of 163.02 feet; thence South 43 degrees 52 minutes 17 seconds East a distance of 207.95 feet to the intersection with the northeasterly extension of the above described 1400.00 foot radius curve; thence southwesterly; along the centerline of said road, along said above described 1400.00 foot radius curve, a distance of 158.53 feet and a central angle of 6 degrees 29 minutes 17 seconds to the point of beginning;

The above described property contains 0.74 acres and is subject to an easement for public right-of-way purposes over the southeasterly 33.00 feet of the above described property in Country Road No. 40.

Excepting therefrom the following described tract of land: Part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota. Described as follows: Commencing at the Southwest Section corner of Section 24, Township 115, North of Range 24 West, and running thence North 78 degrees 57 minutes East along the South line of said Section 24, a distance of 2741.13 feet to a point in the center of the County Road; thence deflecting left 60 degrees 06 minutes and running Northeast along the center of said County Road a distance of 915.16 feet to a point in the center line of said County Road, said point being the place of beginning for this description; thence deflecting left 74 degrees 10 minutes and running Northwesterly a distance of 204.80 feet to a point; thence deflecting right 79 degrees 04 minutes and running Northeast a distance of 112.95 feet to a point; thence deflecting right 102 degrees 08 minutes and running Southeast a distance of 204.9 feet to a point in the center of said County Road; thence Southwesterly along the center line of said County Road to the place of beginning. Excepting from the above described tract a two rod right of way, abutting and running parallel with the said centerline of the above mentioned County Road, Carver County, Minnesota.

SURVEYOR'S CERTIFICATE

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. That this survey does not purport to show all improvements, easements or encroachments, to the property except as shown thereon.

Signed this 23rd day of March, 2017

 Marcus F. Hampton, MN L.S. No. 47481

SURVEY NOTES

1. Subject property's address is 14080 Jonathan Carver Parkway, its property identification numbers is 040243511.
2. The bearing system is based on the west line of the SW 1/4 of the SE 1/4 of Sec. 24, T. 115, R. 24 having an assumed bearing of 500°03'31"E.
3. Field work was completed 03/21/2017.
4. No specific title search for existence or non-existence of recorded or un-recorded easements has been conducted by the surveyor as a part of this survey.
5. The gross area of the subject property is 0.74 Acres or 32,436 square feet.

CERTIFICATE OF SURVEY

FOR
Mr. Dan Dietzel
 14080 Jonathan Carver Parkway
 Carver, MN 55315

DRAWN BY
 MFH

DATE
 3/23/2017

REVISIONS
 9/22/17: LEGAL DESC.

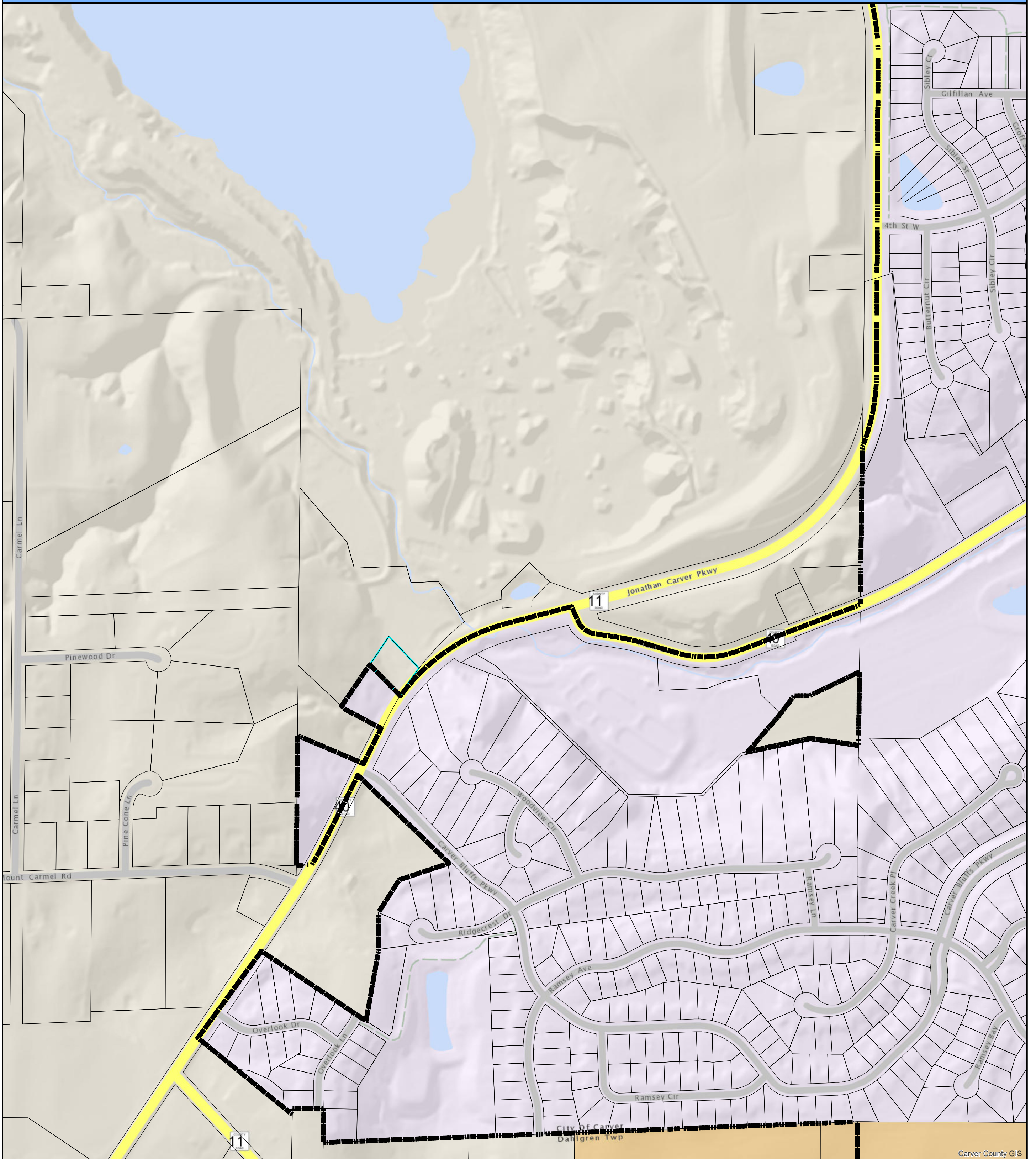
CAD FILE
 23377.dwg

PROJECT NO.
 23377-00

SHEET 1 OF 1

James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2500 WEST COUNTY ROAD 42, SUITE 120,
 BURNSVILLE, MN 55337
 PHONE: (952) 890-6044 FAX: (952) 890-6244

Dietzel General Location Map



October, 2017

1:5,500

