

**CITY OF CARVER
CITY COUNCIL
RESOLUTION NO. 156-12**

REC'D BY
MBA

DEC 05 2012

**ANNEXATION RESOLUTION OF THE CITY OF CARVER IN ACCORDANCE WITH
OA-1428 CARVER/DAHLGREN TOWNSHIP JOINT AGREEMENT DATED MARCH 19,
2009 DESIGNATING CERTAIN PROPERTY LOCATED IN THE ORDERLY
ANNEXATION AREA OF DAHLGREN TOWNSHIP AS IN NEED OF IMMEDIATE
ORDERLY ANNEXATION**

WHEREAS, the City of Carver (hereinafter the "City") and Dahlgren Township (hereinafter the "Township") 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 (hereinafter the "OAA") for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced Joint Resolution for Orderly Annexation between the City and Township, dated March 19, 2009, has been previously filed with the Office of Administrative Hearings Municipal Boundary Adjustments 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 provides that any land within the OAA 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, on November 21, 2012, in accordance with Section 8 of the Joint Agreement, the City received a property owner petition from 100% of the property owners ("Petitioners") of the property designated in Exhibit A, which is known for ease of reference as the "CDA Property", requesting immediate orderly annexation thereof to the City; and

WHEREAS, the CDA Property legally described in Exhibit A and shown in Exhibit B is located within the OAA described in the Joint Agreement; and

WHEREAS, the owner of the CDA Property proposes to develop the CDA Property for residential and mixed use purposes which require the extension of City utilities; and

WHEREAS, on November 21, 2012 in accordance with Section 8 of the Joint Agreement, the City provided a 31-day notice to the Township; and

WHEREAS, the Petitioners have paid the tax reimbursement to the Township required under Sections 6 and 8 of the Joint Agreement and have provided evidence to the City to document the payment; and

WHEREAS, Dahlgren Township took action at their meeting on November 12th to waive the 31-day notice period; and

WHEREAS, the CDA property, designated and legally described herein for immediate orderly annexation is urban or suburban or about to become so, annexation is in the best interests of the City and property owners, and annexation thereof would benefit the public health, safety and welfare of the community; and

WHEREAS, having met all of the triggering conditions for orderly annexation of the CDA Property legally described herein, as provided in the Joint Agreement, for property located in the OAA, the City may now adopt and execute this "Annexation Resolution" providing for the immediate annexation of the CDA Property; and

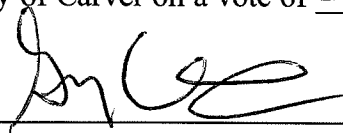
WHEREAS, in accordance with Section 4 of the Joint Agreement, annexation of the CDA Property designated herein pursuant to the Joint Agreement does not require a hearing or any consideration by the Office of Administrative Hearings ("OAH"), except to the extent that the OAH may review and comment thereon.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carver, Carver County as follows:

1. All recitals listed above are incorporated herein by reference.
2. This resolution hereby constitutes and shall be referred to as the "Annexation Resolution" as provided in Section 8 of the Joint Agreement.
3. The CDA Property legally described in Exhibit A and designated as in need of immediate orderly annexation is 36 acres.
4. In accordance with Section 4 of the Joint Agreement, the OAH may review and comment on this Annexation Resolution, but shall within thirty (30) days of receipt of this Annexation Resolution order the annexation of the CDA Property designated in this Annexation Resolution and legally described in Exhibit A in accordance with the terms of the Joint Agreement. No alteration of the stated boundaries as described in this Annexation Resolution is appropriate, no consideration by the OAH is necessary, and all terms and conditions for annexation thereof have been met as provided for in the Joint Agreement.
5. In accordance with Section 6 of the Joint Agreement, the City shall remit all delinquent taxes, charges and assessments collected from the CDA Property after annexation if such taxes or charges were originally payable while the property remained in the Township. Additionally, if the CDA 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.

6. In accordance with Section 6 of the Joint Agreement, 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 CDA Property has outstanding special assessments levied by the Township 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.
7. The City shall file the Annexation Resolution with the Township and the OAH Municipal Boundary Adjustments Office along with the required filing fee no earlier than December 4th.
8. In the event there are errors, omissions, or any other problems with the legal descriptions or mapping provided in Exhibit A or Exhibit B of this Annexation Resolution, in the judgment of the OAH Municipal Boundary Adjustments Office, the City shall make such corrections and file such additional documentation, including a new Exhibit A or Exhibit B, making the corrections requested or required by the OAH as necessary to make effective the annexation of said area in accordance with the Joint Agreement.

Adopted and approved by the City Council of the City of Carver on a vote of 4 ayes and 0 nays effective on the 3rd day of December, 2012.



Greg Osterdyk, Mayor

Attest:



Brent Mareck, City Administrator

EXHIBIT A

PARCEL A:

Tract No. 2

That part of the Southeast Quarter of the Northeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter of Section 13; thence on an assumed bearing of North 00 degrees 54 minutes 35 seconds East, along the East line thereof, a distance of 148.50 feet to the point of beginning of the land to be described; thence North 88 degrees 30 minutes 31 seconds West, a distance of 1333.10 feet to the West line of said Southeast Quarter of the Northeast Quarter of Section 13; thence South 00 degrees 40 minutes 18 seconds West, along said West line, a distance of 102.43 feet to the North line of the South 148.17 feet of the Southeast Quarter of the Northeast Quarter of Section 13; thence North 87 degrees 05 minutes 36 seconds East along said North line, a distance of 1335.57 feet to the point of beginning.
Torrens Certificate Number 32036

AND

Tract IV:

The South 148.17 feet of the Southeast Quarter of the Northeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota.
Torrens Certificate Number 31647

AND

The North 828.77 feet of the Northeast Quarter of the Southeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota.

And that part of the following described tract:

Tract II:

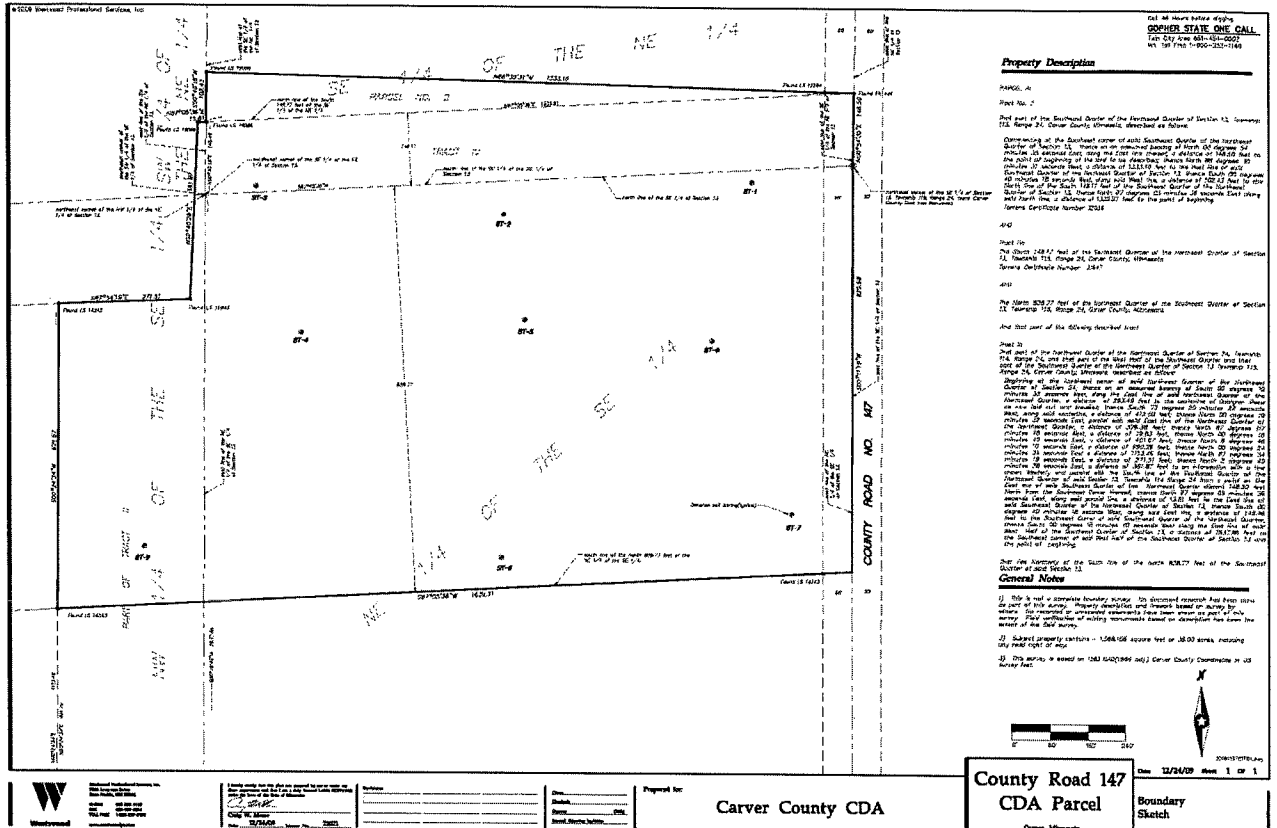
That part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 114, Range 24, and that part of the West Half of the Southeast Quarter and that part of the Southwest Quarter of the Northeast Quarter of Section 13 Township 115, Range 24, Carver County, Minnesota, described as follows:

Beginning at the Northeast corner of said Northwest Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 00 degrees 19 minutes 32 seconds West, along the East line of said Northwest Quarter of the Northeast Quarter, a distance of 293.49 feet to the centerline of Dahlgren Road as now laid out and travelled; thence South 73 degrees 20 minutes 22 seconds West, along said centerline, a distance of 412.50 feet; thence North 00 degrees 19 minutes 32 seconds East, parallel with said East line of the Northwest Quarter of the Northeast Quarter, a distance of 326.38 feet; thence North 87 degrees 07 minutes 48 seconds West, a distance of 19.83 feet; thence North 00 degrees 18 minutes 40 seconds East, a distance of 401.67 feet; thence North 6 degrees 46 minutes 10 seconds East, a distance of 990.26 feet; thence North 00 degrees 24 minutes 34 seconds East a

distance of 1113.46 feet; thence North 87 degrees 54 minutes 19 seconds East, a distance of 271.51 feet; thence North 2 degrees 40 minutes 28 seconds East, a distance of 361.87 feet to an intersection with a line drawn Westerly and parallel with the South line of the Southeast Quarter of the Northeast Quarter of said Section 13, Township 114 Range 24 from a point on the East the of said Southeast Quarter of the Northeast Quarter distant 148.50 feet North from the Southeast Comer thereof; thence North 87 degrees 05 minutes 36 seconds East, along said parallel line, a distance of 15.81 feet to the East line of said Southeast Quarter of the Northeast Quarter of Section 13, thence South 00 degrees 40 minutes 18 seconds West, along said East line, a distance of 148.46 feet to the Southeast Comer of said Southwest Quarter of the Northeast Quarter; thence South 00 degrees 18 minutes 40 seconds West along the East line of said West Half of the Southeast Quarter of Section 13, a distance of 2637.86 feet to the Southeast comer of said West Half of the Southeast Quarter of Section 13 and the point of beginning.

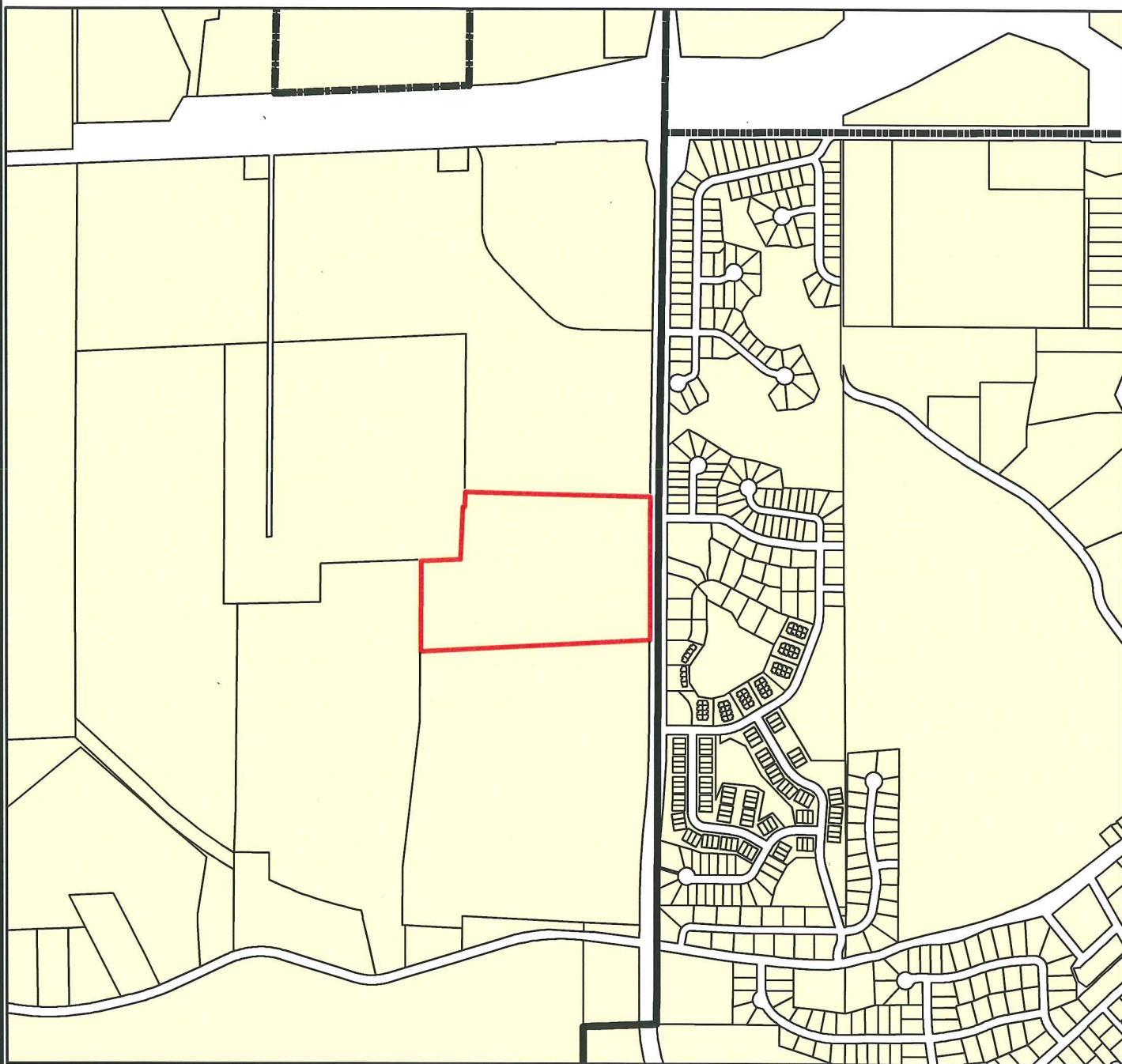
That lies Northerly of the South line of the North 828.77 feet of the Southeast Quarter of said Section 13.

DEC 05 2012





CITY OF CARVER



General Location Map Carver County CDA Annexation

December 2012

REC'D BY
MBA

DEC 05 2012

Collaborative Planning, LLC
PO Box 251
Medina, MN 55340
763-473-0569

Property Description

PARCEL A:

Tract No. 2

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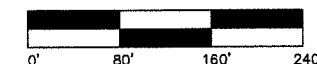
That lies Northerly of the South line of the North 828.77 feet of the Southeast Quarter of said Section 13.

General Notes

1) This is not a complete boundary survey. No document research has been done as part of this survey. Property description and linework based on survey by others. No recorded or unrecorded easements have been shown as part of this survey. Field verification of existing monuments based on description has been the extent of the field survey.

2) Subject property contains -- 1,568,156 square feet or 36.00 acres, including any road right of way.

3) This survey is based on 1983 NAD(1986 adj.) Carver County Coordinates in US survey feet.



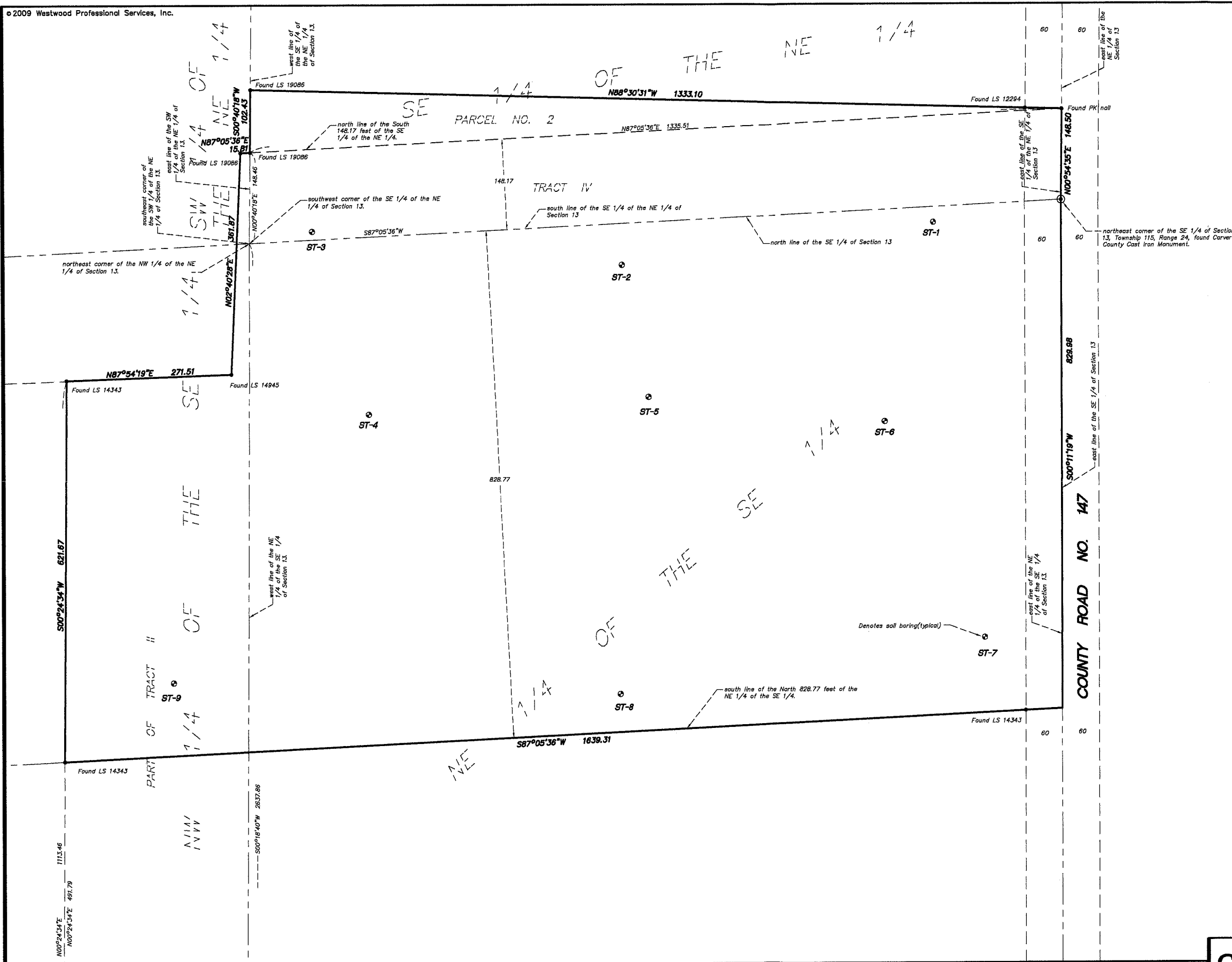
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Date: 12/24/09 Sheet: 1 OF 1

County Road 147
CDA Parcel

Carver, Minnesota

Boundary Sketch



Westwood Professional Services, Inc.
 7699 Anagnost Drive
 Eden Prairie, MN 55344
 PHONE 952-937-5130
 FAX 952-937-5822
 TOLL FREE 1-888-937-5130
 www.westwoodps.com

I hereby certify that this plan 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.

 Craig W. Moore
 Date: 12/24/09 License No. 23021

Revisions:

Drawn: _____
 Checked: _____
 Drawn: CWM
 Record Drawing by/date: _____

Prepared for:

Carver County CDA