

**CITY OF CARVER
CITY COUNCIL
RESOLUTION NO. 125-14**

**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 July 2, 2014, 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 “White Property”, requesting immediate orderly annexation thereof to the City ; and

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

WHEREAS, on July 7, 2014 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 Dahlgren Township required under Sections 6 and 8 of the Joint Agreement and have provided evidence to the City to document the payment; and

WHEREAS, the White 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 White 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 White Property; and

WHEREAS, in accordance with Section 4 of the Joint Agreement, annexation of the White 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 White Property legally described in Exhibit A and designated as in need of immediate orderly annexation is 2.26 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 White 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 White Property after annexation if such taxes or charges were originally payable while the property remained in the Township. Additionally, if the White 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 White 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.

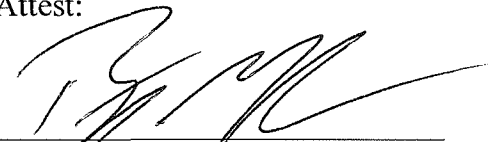
7. The City shall file the Annexation Resolution with the Township and the OAH Municipal Boundary Adjustments Office along with the required filing fee no earlier than August 7th unless the 31-day notice period is waived by the Township.
8. In the event there are errors, omissions, or any other problems 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 5 ayes and 0 nays effective on the 4th day of August, 2014.



Greg Osterdyk, Mayor

Attest:



Brent Mareck, City Administrator/Clerk

EXHIBIT A

That part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 115, Range 24, described as follows: Beginning at the Southwest Corner of said Southwest Quarter of the Southeast Quarter; thence North 620 feet along the West line thereof; thence deflecting to the right 112 degrees 59 minutes from the Northerly prolongation of the last described course a distance of 345.15 feet more or less to the center line of the Carver Henderson Road; thence Southwesterly along the center line of said Road 536.33 feet more or less to the South line of said Southwest Quarter of the Southeast Quarter; thence West 81.0 feet more or less to the point of beginning, according to the United States Government Survey thereof, Carver County, Minnesota.

REC'D BY
MBA

AUG 08 2014

EXHIBIT B

Certificate of Survey prepared by Sibley Surveyors, Inc dated August 28, 2013 is on the following page.

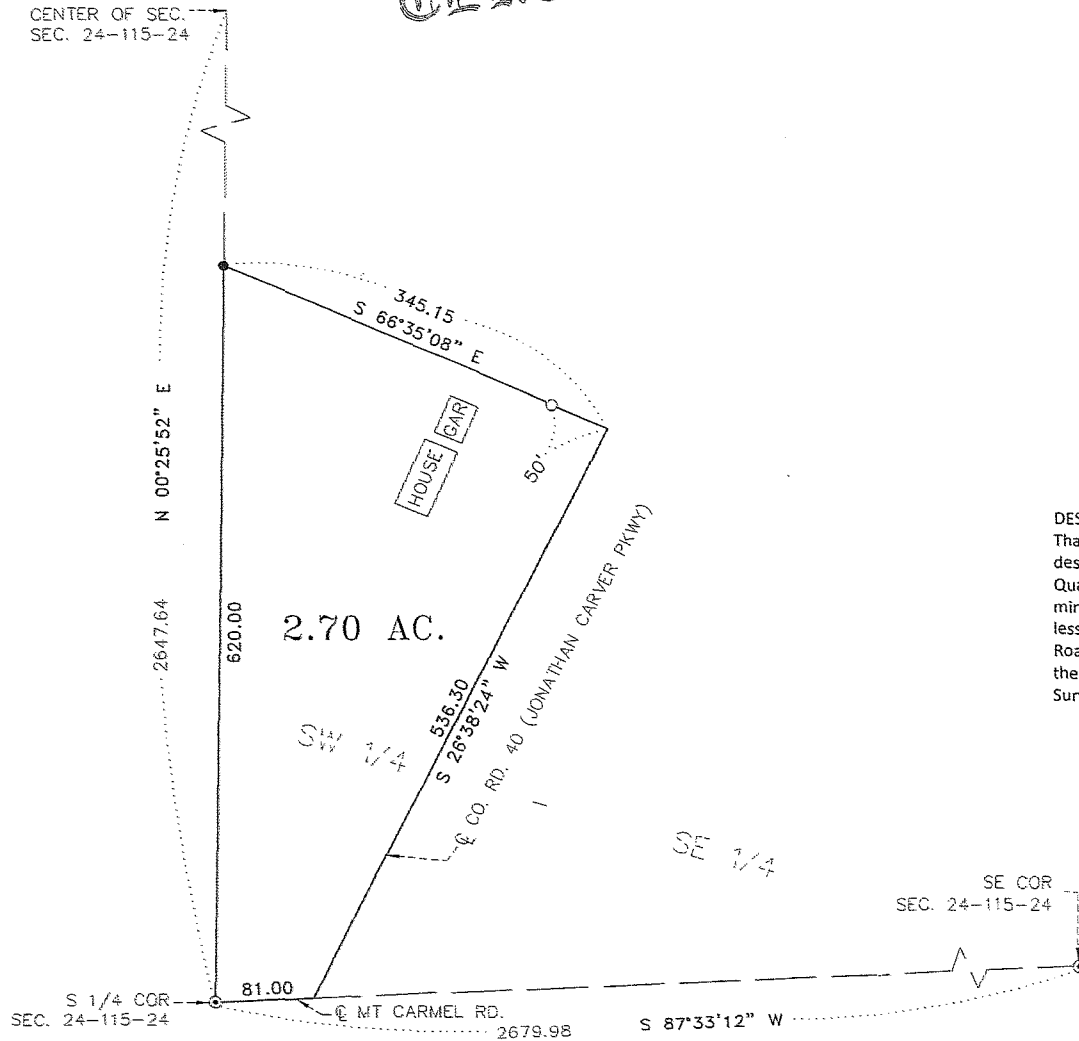
REC'D BY
MBA

AUG 08 2014

CERTIFICATE OF SURVEY



ORIENTATION OF THIS BEARING SYSTEM
IS BASED ON THE CARVER COUNTY
COORDINATE SYSTEM (NAD 83).



DESCRIPTION OF RECORD

That part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 115, Range 24, described as follows: Beginning at the Southwest Corner of said Southwest Quarter of the Southeast Quarter; thence North 620 feet along the West line thereof; thence deflecting to the right 112 degrees 59 minutes from the Northerly prolongation of the last described course a distance of 345.15 feet more or less to the center line of the Carver Henderson Road; thence Southwesterly along the center line of said Road 536.33 feet more or less to the South line of said Southwest Quarter of the Southeast Quarter; thence West 81.0 feet more or less to the point of beginning, according to the United States Government Survey thereof, Carver County, Minnesota.

LAND SURVEY FOR
PAUL WHITE
 PART OF SW 1/4 - SE 1/4
 SEC. 24, T115, R24 DAHLGREN TOWNSHIP
 CARVER COUNTY, MINNESOTA

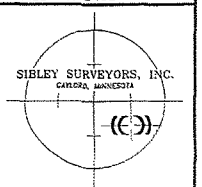
- ⊙ DENOTES CARVER CO. MONUMENT
- DENOTES IRON PIPE FOUND
- DENOTES IRON PIPE SET BY RLS NO. 15475

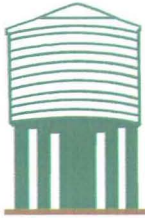
SCALE: 1 INCH = 100 FEET

Aug., 2013 FILE NO. 3466

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

Avery Grochow
 AVERY GROCHOW, LS
 DATE 8/28/13 REGISTRATION NO. 15475

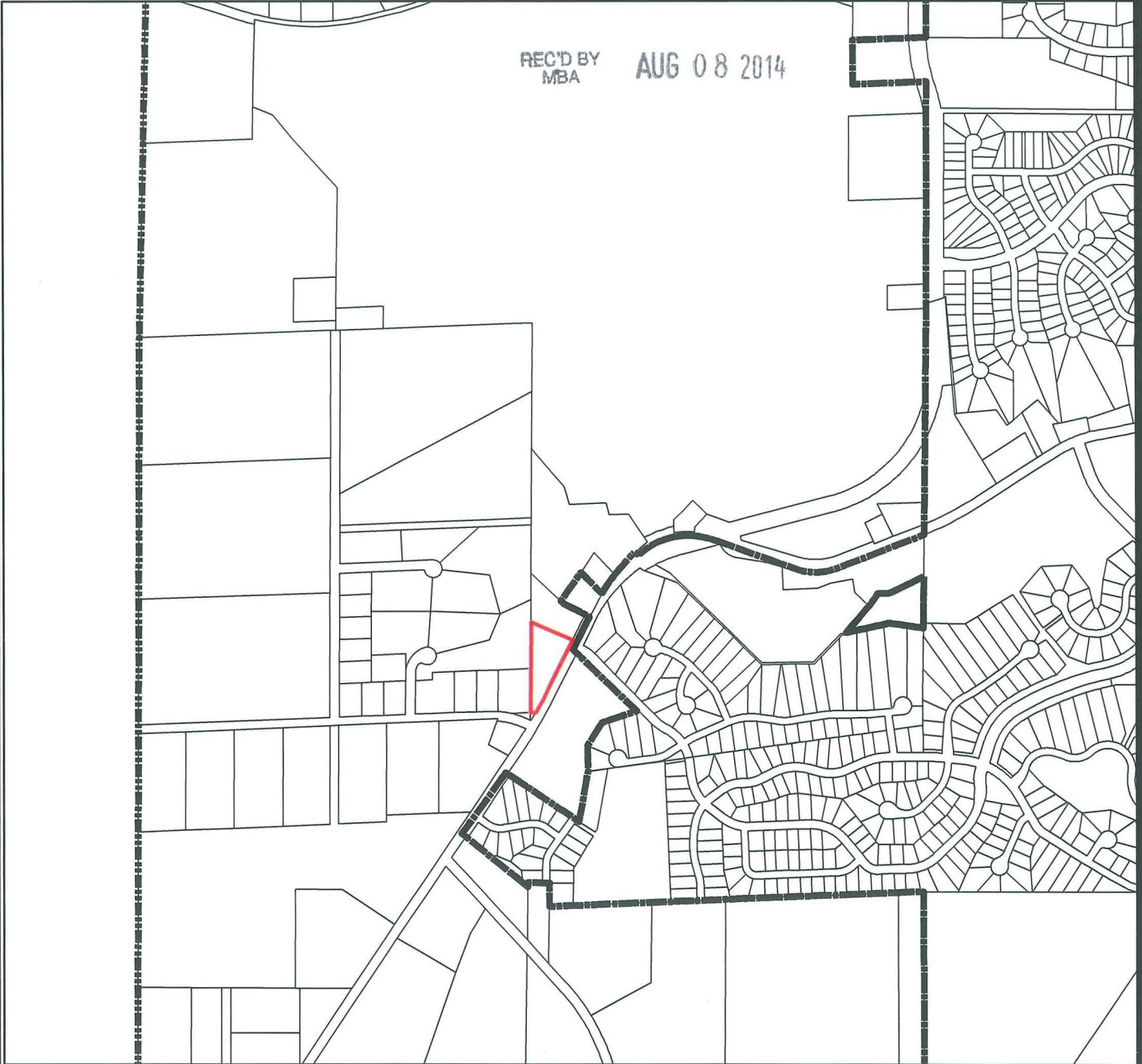




CITY OF CARVER

REC'D BY
MBA

AUG 08 2014



General Location Map Paul and Dawn White

August 2014

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