

**CITY OF CARVER
CITY COUNCIL
RESOLUTION NO. 121-15**

REC'D BY
MBA

MAY 11 2015

**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 March 13, 2015, 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 “Lenzen Property”, requesting immediate orderly annexation thereof to the City ; and

WHEREAS, the City is proposing to purchase the Lenzen Property from the property owners; and

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

WHEREAS, on March 26, 2015 in accordance with Section 8 of the Joint Agreement, the City provided a 31-day notice to the Township; and

WHEREAS, the City has paid the tax reimbursement to Dahlgren Township required under Sections 6 and 8 of the Joint Agreement; and

WHEREAS, the Lenzen 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 Lenzen 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 Lenzen Property; and

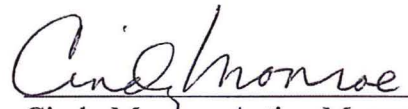
WHEREAS, in accordance with Section 4 of the Joint Agreement, annexation of the Lenzen Property designated herein pursuant to the Joint Agreement does not require a hearing or any consideration by the Office of Administrative Hearings ("OAH"), except to the extent that the OAH may review and comment 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 Lenzen Property legally described in Exhibit A and designated as in need of immediate orderly annexation is 1.36 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 Lenzen 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 Lenzen Property after annexation if such taxes or charges were originally payable while the property remained in the Township. Additionally, if the Lenzen 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 Lenzen 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 April 26th 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 4 ayes and 0 nays effective on the 20th day of April, 2015.


Cindy Montoe, Acting Mayor

Attest:

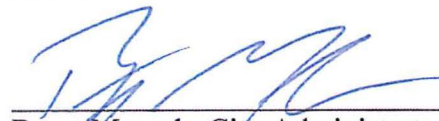

Brent Mareck, City Administrator/Clerk

EXHIBIT A

That part of the North 12.22 Chains of the East 7.8 Chains of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota described as follows:

Beginning at the southeast corner of said North 12.22 Chains of the East 7.8 Chains of the Northeast Quarter of the Northeast Quarter; thence westerly along the south line of said North 12.22 Chains, a distance of 515.30 feet to the west line of said East 7.8 Chains of the Northeast Quarter of the Northeast Quarter; thence northerly along said west line a distance of 210.31 feet; thence southeasterly 541.27 feet to a point on the east line of said Northeast Quarter of the Northeast Quarter distant 20.37 feet from the point of beginning; thence southerly along said east line of the Northeast Quarter of the Northeast Quarter, 20.37 feet to the point of beginning.

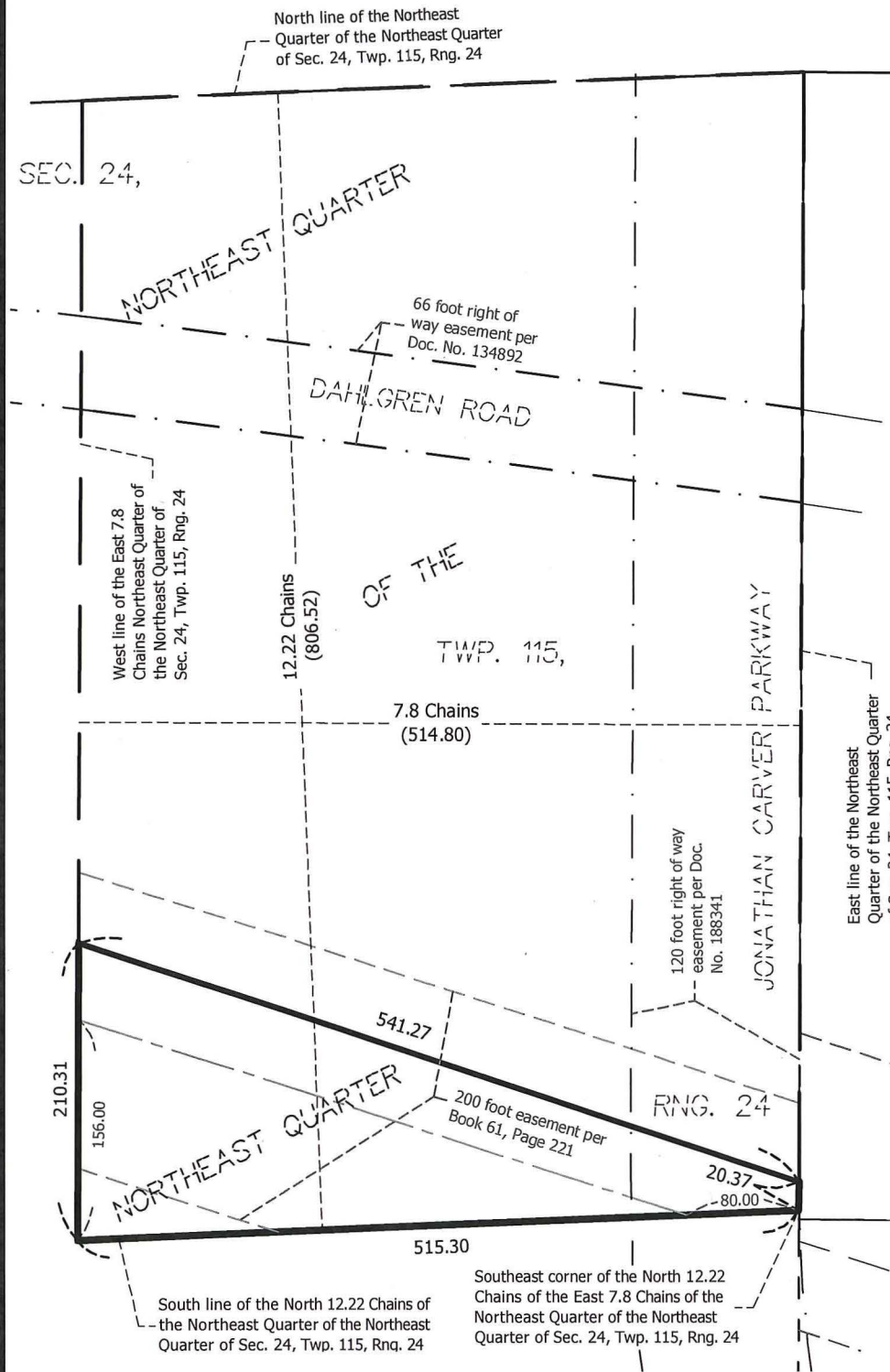
Said area contains $\pm 59,377$ square feet (± 1.36 acres).

CITY OF CARVER, MINNESOTA

LENZEN DESCRIPTION SKETCH

REC'D BY
MBA

MAY 15 2015



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Said area contains ±59,377 square feet (±1.36 acres).



0 60 120
1 INCH = 120 FEET

Plotted: 02/09/2015 15:24:37m
 Drawing folder: \\A:\19380\cshiva\193801788\CAD\DWG\LENZEN PROPERTY - 2015\193801788_LENZEN.dwg
 Xref:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: DANIEL J. ROEBER

SIGNATURE: *Daniel J. Roeber*

DATE: FEBRUARY 9TH, 2015 C. NO. 43133



Stantec

St. Paul Office
 2335 West Highway 36
 Saint Paul, MN 55113
 Phone: 651-636-4600
 Fax: 651-636-1311
 Website: www.stantec.com

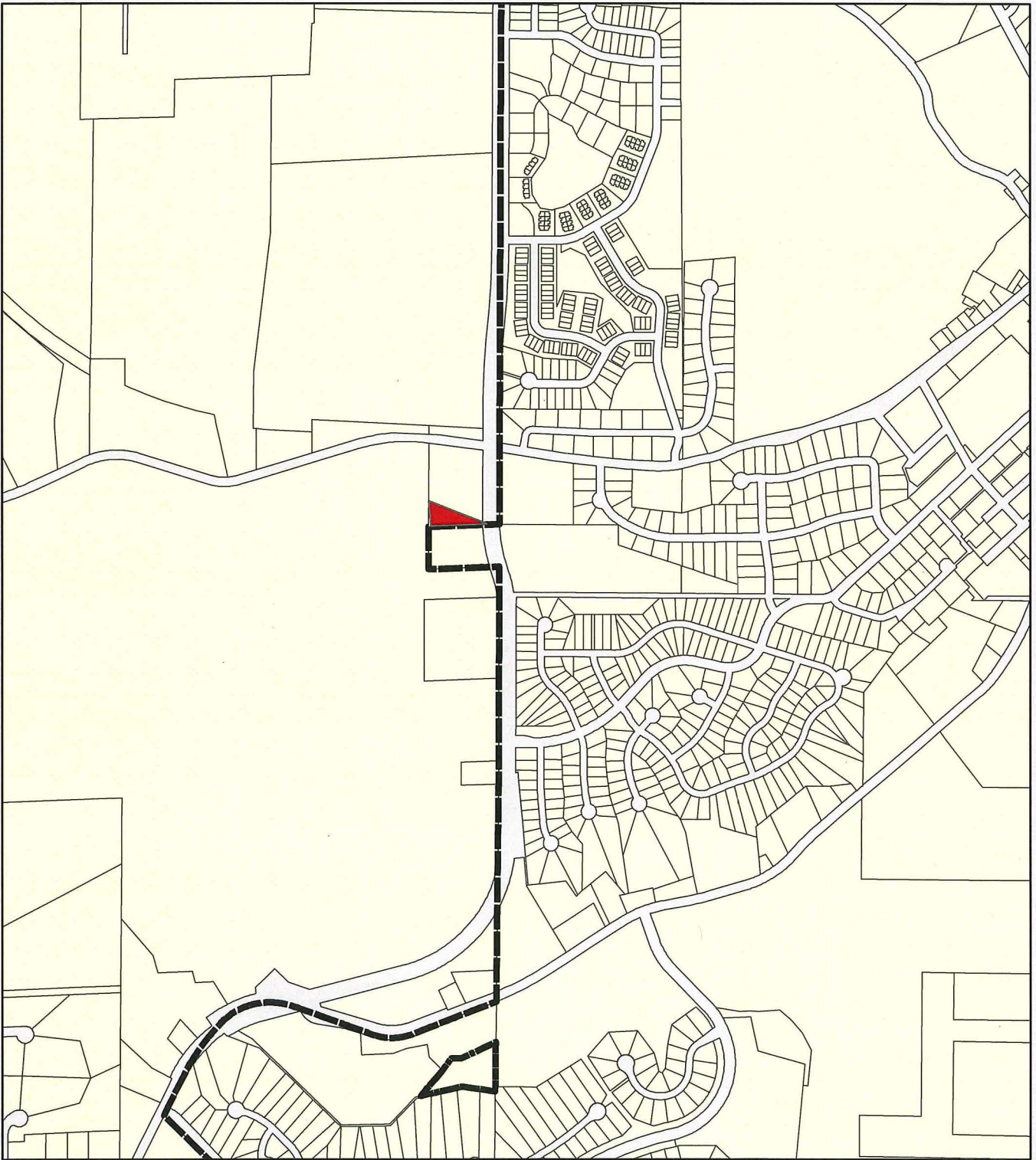
SURVEY
 NO FIELD WORK WAS
 COMPLETED FOR THIS
 DESCRIPTION SKETCH

DRAWN
 DJR

PROJ. NO.
 193801788

REC'D BY
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MAY 15 2015



General Location Map
Lenzen Annexation
City of Carver

May 2015



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