

**CITY OF CARVER  
CITY COUNCIL  
RESOLUTION NO. 109-16**

**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 February 9, 2016, in accordance with Section 8 of the Joint Agreement, the City received a property owner petition from 100% of the property owners ("Petitioner") 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 Lenzen 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 Lenzen Property proposes to sell the property to a Developer for commercial purposes which require the extension of City utilities; and

**WHEREAS**, on February 18, 2016 in accordance with Section 8 of the Joint Agreement, the City provided a notice to the Township; and

**WHEREAS**, the Petitioner has paid the reimbursement to the Township required under Sections 6 and 8 of the Joint Agreement and Dahlgren Township has provided evidence to the City to document the payment; and

MAR 24 2016

**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 8.18 gross acres. Of that acreage, there is only 4.33 acres net of existing roads according to the GIS records of Carver County.
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. In accordance with Section 10 of the Joint Agreement, the City will commence maintenance of that portion of Dahlgren Road annexed under this Resolution as of the effective date of the annexation.
8. The City shall file the Annexation Resolution with the Township and the OAH Municipal Boundary Adjustments Office along with the required filing fee.
9. 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 21<sup>st</sup> day of March, 2016.

  
\_\_\_\_\_  
Mike Webb, Mayor

Attest:

  
\_\_\_\_\_  
Vicky Sons-Eiden, City Clerk

MAR 24 2016

**EXHIBIT A**

**LEGAL DESCRIPTION**

Chicago, Milwaukee, St. Paul & Pacific Railroad Company's abandoned 66 feet wide right-of-way in, over and across the East 515 feet of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115 North, Range 24 West, Carver County, Minnesota.

AND

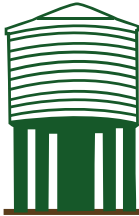
The North 12.22 chains of the East 7.8 chains of the Northeast Quarter of Section 24, Township 115, Range 24, except for railroad right of way, Carver County, Minnesota.

EXCEPTING THEREFROM:

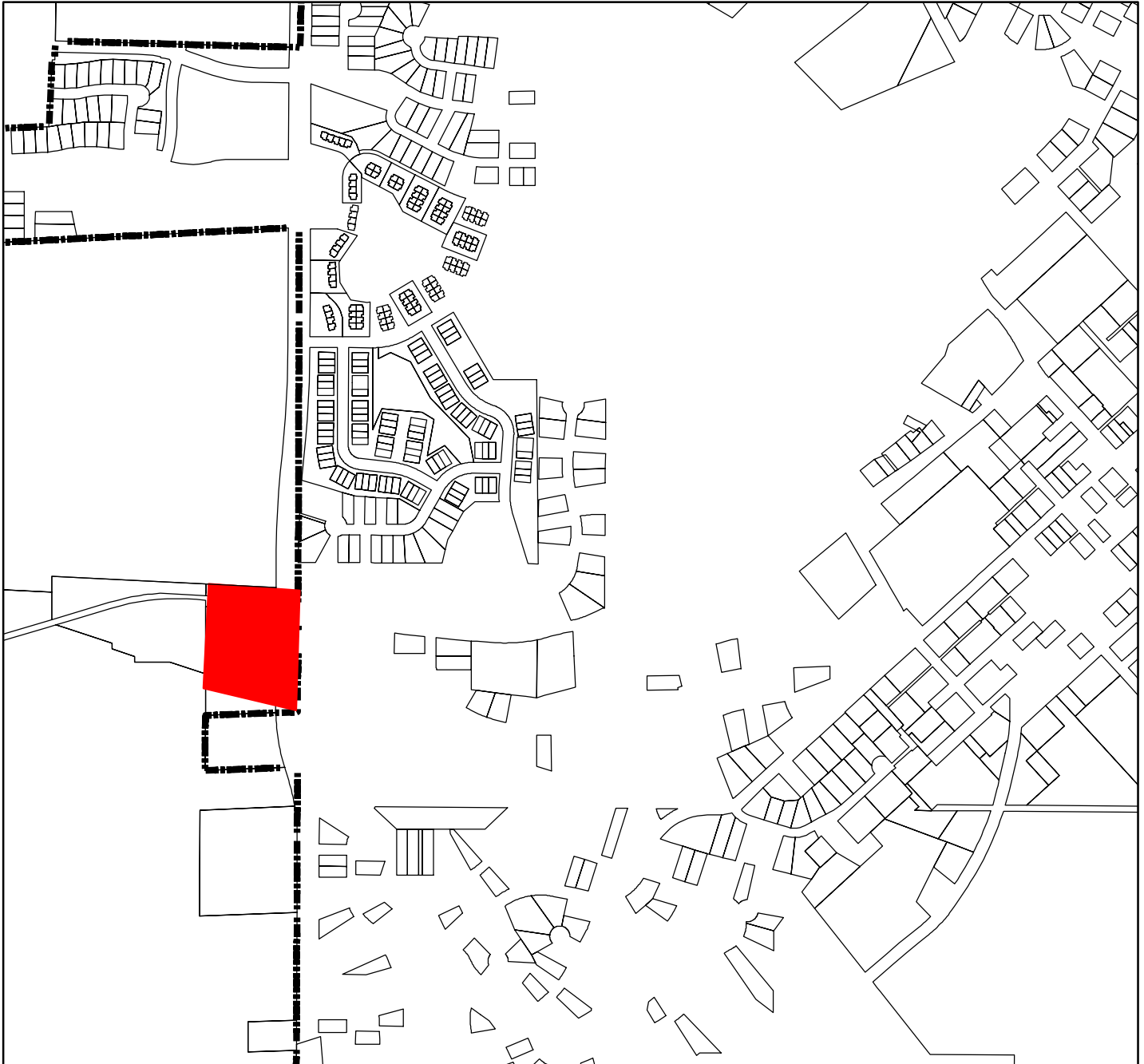
That part of the North 12.22 chains of the East 7.8 chains of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, described as follows:

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.

RECEIVED  
by OAH on 3/24/2016



# CITY OF CARVER



## ***General Location Map Lenzen Annexation***

March 2016

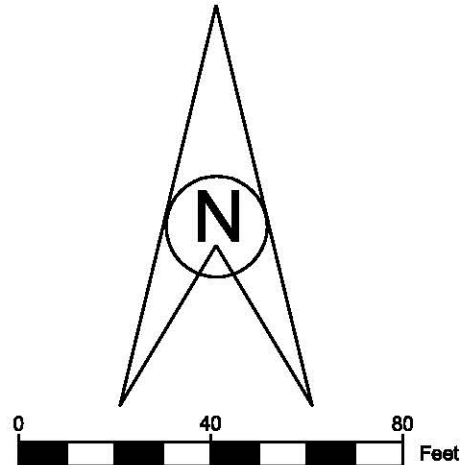
Collaborative Planning, LLC  
PO Box 251  
Medina, MN 55340  
763-473-0569



Certificate of Survey and Topographic Survey

RECEIVED

by OAH on March 24, 2016



LEGEND

- 846 denotes Existing Contour
- X846.00 denotes Existing Spot Elevation
- FF denotes Finished Floor Elevation
- denotes Power Pole
- denotes Guy Wire
- OHE denotes Overhead Electric Line
- FO denotes Underground Cable
- E denotes Underground Electrical Line
- SS denotes Sanitary Sewer Line
- ST denotes Storm Sewer Line
- ✕ denotes Light Pole
- denotes Sign
- ⊙ denotes Soil Boring

PROPERTY DESCRIPTION:

Chicago, Milwaukee, St. Paul & Pacific Railroad Company's abandoned 66 feet wide right-of-way in, over and across the East 515 feet of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115 North, Range 24 West, Carver County, Minnesota.

AND

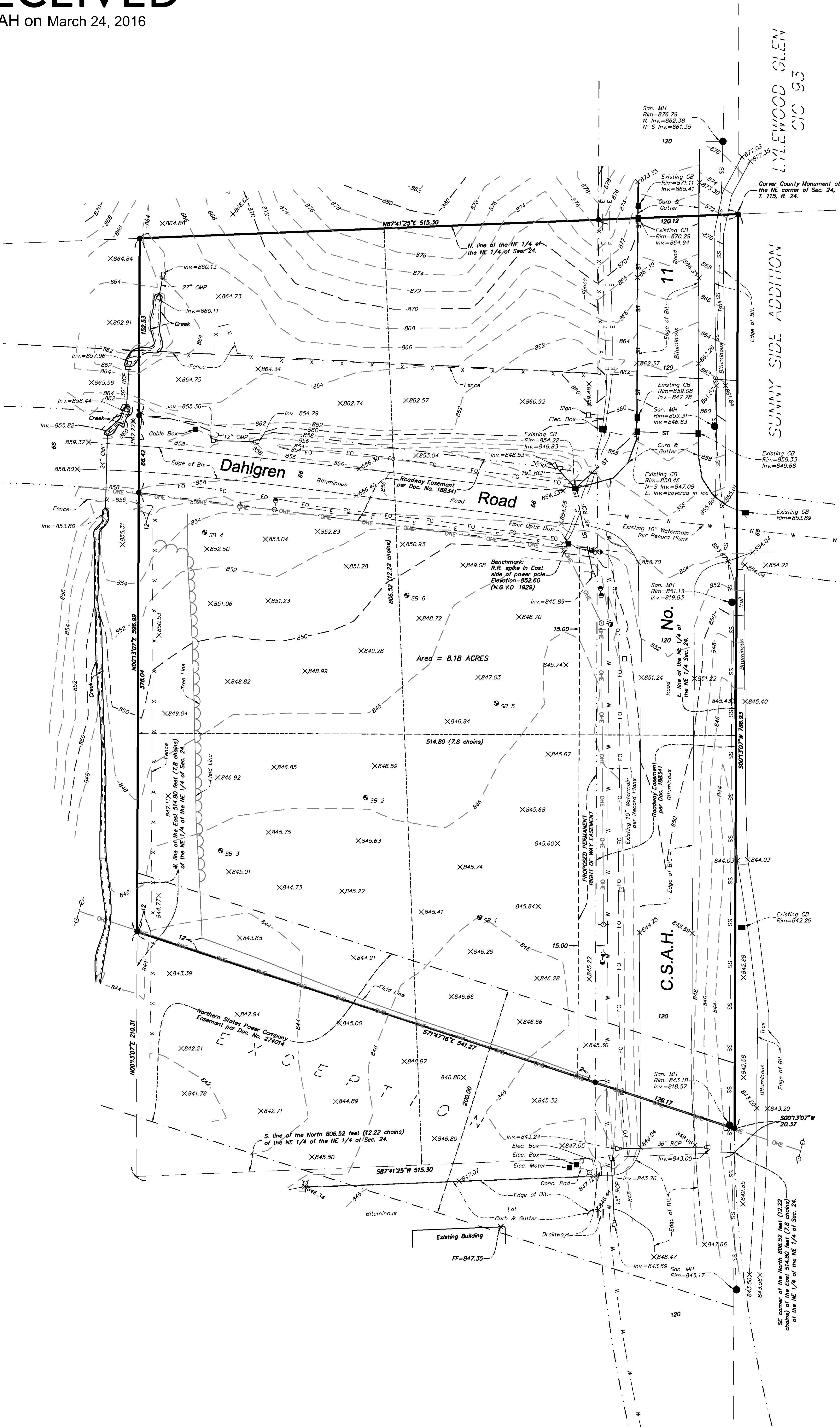
The North 12.22 chains of the East 7.8 chains of the Northeast Quarter of Section 24, Township 115, Range 24, except for railroad right of way, Carver County, Minnesota.

EXCEPTING THEREFROM:

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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.

Note: Utilities located per Gopher One Call Ticket No. 160130553



Certificate of Survey and Topographic Survey on part of the NE 1/4 of the NE 1/4 of Section 24, Township 115, Range 24, Carver County, Minnesota.

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.

Requested By:

Primus Companies

Date:

1-26-16

Drawn By:

T.J.B.

Scale:

1"=40'

Checked By:

P.E.O.



www.ottoassociates.com

9 West Division Street  
Buffalo, MN 55313  
(763)682-4727  
Fax: (763)682-3522

- denotes iron monument found
- denotes 1/2 inch by 14 inch iron pipe set and marked by License #40062

Project No.

15-0556