

**CITY OF CARVER  
CITY COUNCIL  
RESOLUTION NO. 115-16**

**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 March 21, 2016, in accordance with Section 8 of the Joint Agreement, the City received a property owner petition from the City of Carver and Independent School District 112 which are 100% of the property owners (“Petitioners”) of the property designated in Exhibit A, which is known for ease of reference as the “School/Park Property”, requesting immediate orderly annexation thereof to the City; and

**WHEREAS**, the School/Park Property legally described in Exhibit A and shown as Parcel A in Exhibit B is located within the OAA described in the Joint Agreement; and

**WHEREAS**, on March 21, 2016, in accordance with Section 8 of the Joint Agreement, the City received a property owner petition from the City of Carver which is 100% of the property owners (“Petitioners”) of the property designated in Exhibit A, which is known for ease of reference as the “Road Property”, requesting immediate orderly annexation thereof to the City; and

**WHEREAS**, the Road Property legally described in Exhibit C and shown as Parcel B in Exhibit B is located within the OAA described in the Joint Agreement; and

**WHEREAS**, on March 18, 2016 the City of Carver and Independent School District 112 acquired fee title to the School/Park Property and the City of Carver acquired fee title to the Road Property; and

**WHEREAS**, the City of Carver and Independent School District 112 own the School/Park Property as tenants-in-common and plan to develop the property in the summer of 2016 as an elementary school and city park which require the extension of City utilities; and

**WHEREAS**, the City of Carver and Independent School District 112 are currently completing architectural and engineering work on the School/Park Property and plan to commence construction of the school and park by late summer of 2016; and

**WHEREAS**, the City of Carver owns the Road Property which is currently unimproved but plans to improve the Road Property with an extension of Spring Creek Drive at an as yet undetermined date; and

**WHEREAS**, on March 22, 2016 in accordance with Section 8 of the Joint Agreement, the City provided a notice to the Township, and the Township waived the remainder of the notice period at their April 11, 2016 meeting; and

**WHEREAS**, Section 6 the Joint Agreement provides that taxation reimbursement is not required for property that is tax exempt at the time of annexation; and

**WHEREAS**, property taxes on the School/Park Property and the Road Property have been paid through 2016 (2016 taxes were paid in full at closing on March 21, 2016), and because the School/Park Property and Road Property are owned by public bodies and are utilized for public purposes such parcels are exempt and no property taxes will be paid for the School/Park Property or the Road Property in 2017 and thereafter; and

**WHEREAS**, prior property taxes generated from the School/Park Property and Road Property are documented in a memo prepared by Collaborative Planning, LLC dated April 12, 2016, attached hereto and incorporated herein as Exhibit D; and

**WHEREAS**, the School/Park Property and the Road 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 Independent School District 112, 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 School/Park Property and the Road 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 School/Park Property and the Road Property; and

**WHEREAS**, in accordance with Section 4 of the Joint Agreement, annexation of the School/Park Property and the Road 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 School/Park Property legally described in Exhibit A and designated as in need of immediate orderly annexation is 32.867 gross acres. Of that acreage, there are only 31.386 acres net of existing roads according to the ALTA/ACSM Land Title Survey prepared by James R. Hill, Inc. for the City of Carver dated November 18, 2015.
4. The Road Property legally described in Exhibit C and designated as in need of immediate orderly annexation is 0.939 gross acres. Of that acreage, there are only 0.86 acres net of existing roads according to the to the ALTA/ACSM Land Title Survey prepared by James R. Hill, Inc. for the City of Carver dated November 18, 2015.
5. 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 School/Park Property and the Road 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.
6. In accordance with Section 6 of the Joint Agreement, the City shall remit all delinquent taxes, charges and assessments collected from the School/Park Property and the Road Property after annexation if such taxes or charges were originally payable while the property remained in the Township. Additionally, if the School/Park Property or the Road 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. No amounts described in this paragraph are due and owing.
7. 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 School/Park Property or the Road 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.

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, Exhibit B or Exhibit C 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, Exhibit B or Exhibit C 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.
10. No taxation reimbursement for the annexation of School/Park Property and the annexation of the Road Property has been paid to the Township, and no such payment is required by the Joint Agreement. If the Office of Administrative Hearings determines that a tax reimbursement is due and owing to the Township, such amount will be paid.

Adopted and approved by the City Council of the City of Carver on a vote of 5 ayes and 0 nays effective on the 18<sup>th</sup> day of April, 2016.



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Mike Webb, Mayor

Attest:



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Vicky Sons-Eiden, City Clerk

**EXHIBIT A**

**LEGAL DESCRIPTION**

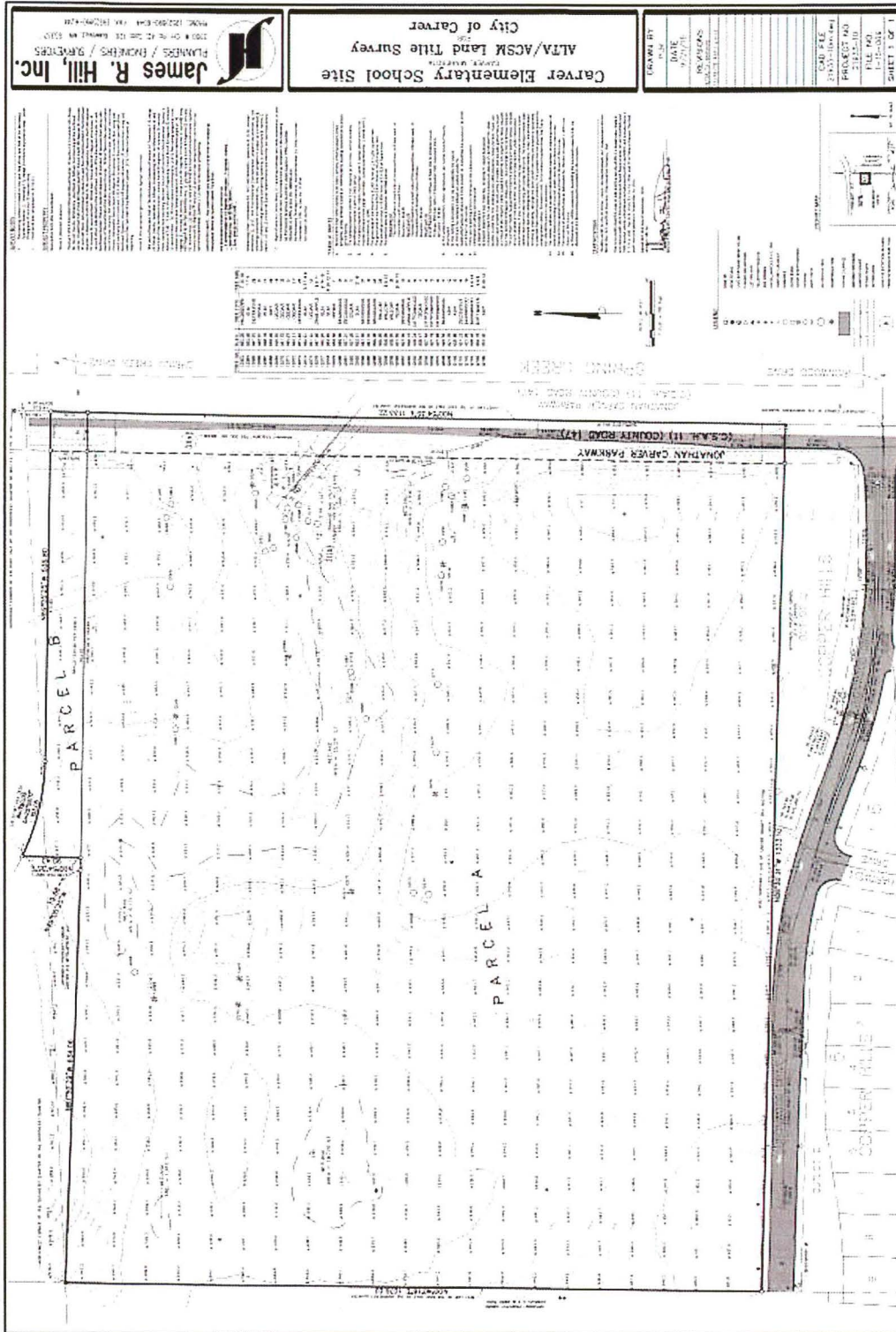
**SCHOOL/PARK PROPERTY**

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

Commencing at the northeast corner of said East half of the Northeast Quarter; thence South 00 degrees 54 minutes 35 seconds West assumed bearing along the east line of said East half of the Northeast Quarter, a distance of 1419.22 feet to the point of beginning; thence North 89 degrees 05 minutes 25 seconds West, 703.60 feet; thence North 87 degrees 50 minutes 29 seconds West, 634.06 feet to the northwest corner of the Southeast Quarter of said Northeast Quarter; thence South 00 degrees 40 minutes 18 seconds West along said west line of the East half of the Northeast Quarter, 1076.02 feet to the most northerly line of CARVER COUNTY CDA ADDITION, according to the recorded plat thereof, said Carver County, Minnesota; thence South 88 degrees 30 minutes 31 seconds East along said most northerly line of said plat, 1333.10 feet to said east line of the East half of the Northeast Quarter; thence North 00 degrees 54 minutes 35 seconds East, along said east line of East half of the Northeast Quarter, 1075.73 feet to the point of beginning. Subject to any easements of record, if any.

# EXHIBIT B

## DEPICTION OF SCHOOL/PARK PROPERTY



**EXHIBIT C**

**LEGAL DESCRIPTION**

**ROAD PROPERTY**

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

Commencing at the northeast corner of said East Half of the Northeast Quarter; thence South 00 degrees 54 minutes 35 seconds West, assumed bearing, along the east line of said East Half of the Northeast Quarter, a distance of 1361.72 feet to the point of beginning; thence North 89 degrees 05 minutes 25 seconds West, 535.80 feet; thence Northwesterly 153.05 feet along a tangential curve concave to the northeast having a radius of 350.00 feet and central angle of 25 degrees 03 minutes 17 seconds; thence South 00 degrees 54 minutes 35 seconds West, not tangent to last described line, 90.43 feet; thence South 89 degrees 05 minutes 25 seconds East, 684.02 feet to said east line of the East Half of the Northeast Quarter; thence North 00 degrees 54 minutes 35 seconds East along said east line of the East Half of the Northeast Quarter, 57.50 feet to the point of beginning.

**EXHIBIT D**

**TAXATION MEMO DATED APRIL 12, 2016**

**Insert taxation memo.**





TO: Honorable Mayor and Council  
 FROM: Cindy Nash, AICP  
 Collaborative Planning, LLC  
 DATE: April 12, 2016  
 SUBJECT: Tax Collection Data for PID #040130410

The City of Carver and Eastern Carver County Schools acquired a parcel of land for an elementary school and park (“School/Park Property”) from Carver 212 Development, LLC on March 18, 2016. Carver 212 Development also deeded to the City a parcel of land for the future extension of Spring Creek Drive (“Road Property”) on the same date.

The parcels of land that the City and Eastern Carver County Schools have acquired were originally a part of a larger parcel owned by Carver 212 Development, LLC. Municipal water and sanitary sewer service have been available to serve the property since 2005, and the property was first purchased by a developer in 2003. The parcel was purchased by Carver 212 Development, LLC in 2006 for a proposed residential development to be constructed by Lennar. Initial concept level planning and environmental review was completed for that development, but the housing market collapse in 2007-2010 resulted in Lennar walking away from that proposed project.

The larger parcel contained 79.64 acres (Carver County PID #04.0130410), and following the acquisition by the City and Eastern Carver County Schools for the School/Park property and the Road property there are now three parcels containing the acreages listed below in Table 1:

**Table 1**

<b>New Parcel</b>	<b>Acres</b>	<b>Percent of Whole</b>
School/Park Property	32.867	41.3%
Road Property	0.939	1.2%
Carver 212 Development LLC	45.834	57.6%
<b>Total</b>	<b>79.64</b>	<b>100.0%</b>

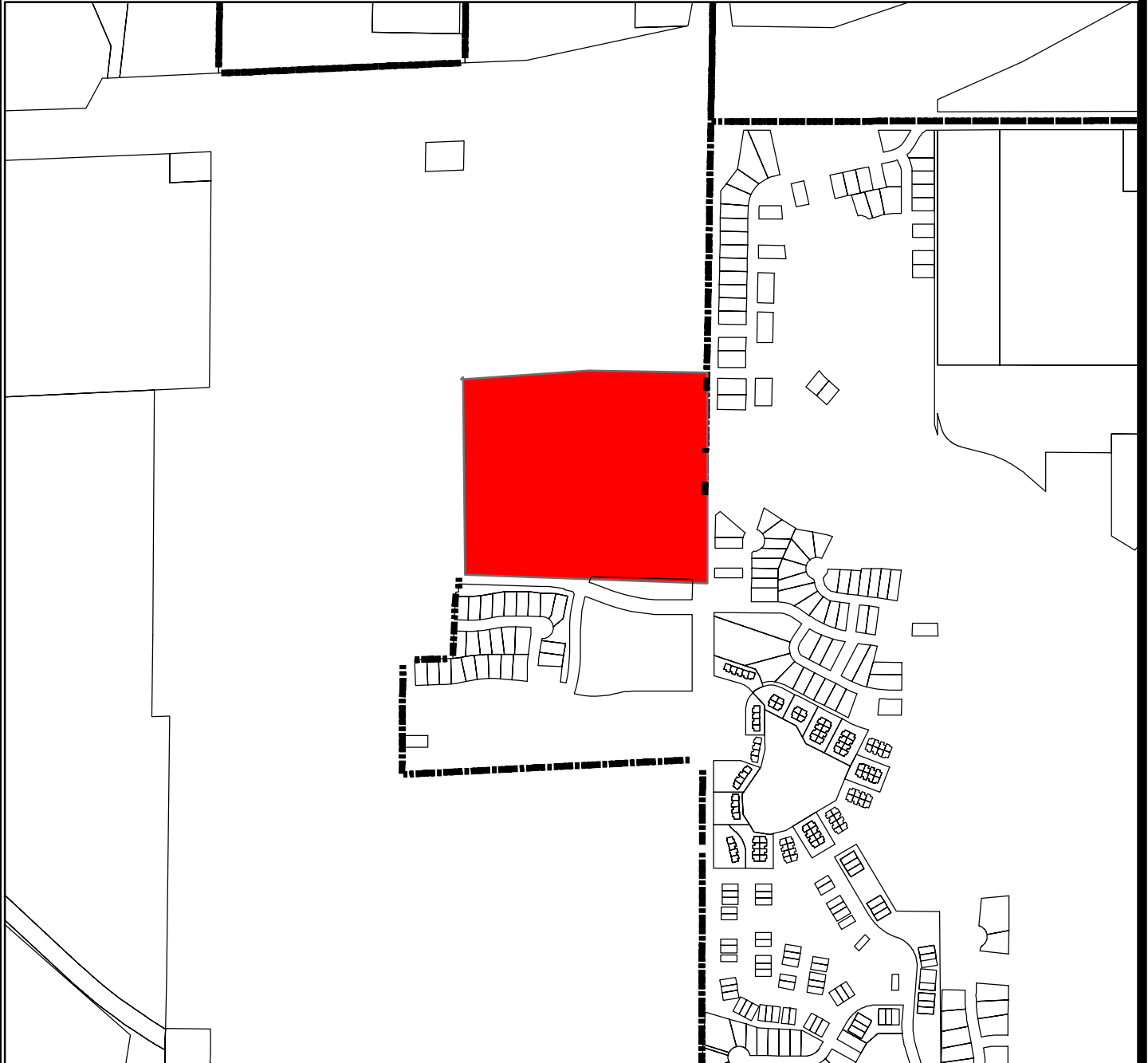
The School/Park Property and the Road Property will no longer generate taxes as they are owned by the City of Carver and/or Eastern Carver County Schools. Taxes were paid on these properties through 2016. Because the acquisition of the School/Park Property and the Road Property was a split of a larger parcel owned by a non-exempt taxpayer, all of the property taxes for 2016 were paid at closing on March 18, 2016 as required by applicable law for the School/Park Property, the Road Property, and the remaining Carver 212 Development, LLC property. As the School/Park Property and the Road Property are now tax exempt, there will be no taxes payable in 2017 and thereafter. Calculations shown in Table 2 were completed to determine the amount of taxes paid in 2005-2016 that were attributable to the School/Park and Road Properties by applying the percentages listed in Table 1 above to the taxes paid for each of those years. The tax amounts are available in existing public records found online at Carver County Taxpayer Services.

**Table 2**

	<b>Estimated Market Value</b>	<b>Total Dahlgren Township Tax Entire Parcel (79.64 acres)</b>	<b>Dahlgren Township Tax Attributable to School/Park Property (32.967 acres)</b>	<b>Dahlgren Township Tax Attributable to Road Property (0.939 acre)</b>
2005		\$31.60	\$13.04	\$0.37
2006		\$198.96	\$82.11	\$2.35
2007		\$1,910.47	\$788.44	\$22.53
2008		\$3,909.97	\$1,613.62	\$46.10
2009		\$4,536.69	\$1,872.27	\$53.49
2010		\$5,074.51	\$2,094.22	\$59.83
2011		\$5,344.51	\$2,205.65	\$63.01
2012		\$5,015.11	\$2,069.71	\$59.13
2013	\$ 3,109,500.00	\$4,573.12	\$1,887.30	\$53.92
2014	\$ 2,054,700.00	\$3,181.95	\$1,313.17	\$37.52
2015	\$ 3,265,200.00	\$4,673.56	\$1,928.75	\$55.10
2016	\$ 3,854,600.00	\$5,392.18	\$2,225.32	\$63.58



# CITY OF CARVER



## ***General Location Map School/Park and Road Annexation***

April 2016

Collaborative Planning, LLC  
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763-473-0569

