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MBA

NOV 10 2015

WACONIA TOWNSHIP RESOLUTION NO. _____

CITY OF WACONIA RESOLUTION NO. 2015-249

MUNICIPAL BOUNDARY ADJUSTMENTS DOCKET NO. _____

JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN

**THE TOWN OF WACONIA
AND THE CITY OF WACONIA,
CARVER COUNTY, MINNESOTA**

WHEREAS, the City of Waconia (hereinafter referred to as the “City”) and the Township of Waconia (hereinafter referred to as the “Town” or “Township”), both located entirely within Carver County, in the State of Minnesota, desire to accommodate growth in the most orderly fashion; and

WHEREAS, Independent School District No. 110 (“School District”) has purchased land in Waconia Township for the purpose of developing it into a school; and

WHEREAS, the School District has petitioned the City to have such land annexed into the City; and

WHEREAS, a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow, the City and Town enter into this Joint Resolution for Orderly Annexation (sometimes hereinafter referred to as the “Agreement”) and the property herein described is proposed to be annexed by the City and shall be annexed subject to the following terms and conditions:

1. **Annexation of Property.**

The Township and the City hereby agree that the property described as follows (hereafter, “Property”):

Parcel 1

The South Half of the Southwest Quarter of Section 22, Township 116, Range 25, Carver County, Minnesota, EXCEPTING THEREFROM the following described parcel:

The East 659.44 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 116, Range 25.

Parcel 2

That part of the East 659.44 feet of the Southeast Quarter of the Southwest Quarter which lies South of the North 894.89 feet thereof; together with that part of the West 10.00 acres of the Southwest Quarter of the Southeast Quarter which lies South of the North 894.86 feet thereof; all in Section 22, Township 116, Range 25, Carver County, Minnesota.

shall be immediately annexed from the Township to the City pursuant to Minnesota Statutes Section 414.0325.

A boundary map showing the Property legally described above with hatching is attached hereto as **Exhibit A** and incorporated herein by reference.

2. **Acreage and Population.**

The Property is approximately 69.71 acres in size and has a population of 0.

3. **Office of Administrative Hearings, Municipal Boundary Adjustments.**

Upon adoption by the Town Board and the City Council, this Agreement shall confer jurisdiction upon the State of Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments (hereinafter referred to as the "MBA") or its successor pursuant to Minnesota Statutes.

4. **No Alterations of Boundaries; Review and Comment Only.**

The Town and City mutually agree and state that this Agreement sets forth all the conditions for annexation of the Property and that no consideration by the MBA is necessary. The MBA may review and comment, but may not alter the boundaries of the Property to be annexed, and shall, within 30 days, order the annexation in accordance with the terms of this Agreement.

5. **Taxation Reimbursement.**

The Township acknowledges that, by agreement of the parties, all tax reimbursement payments required by Minnesota Statutes §414.036 have been satisfied.

6. **Roads Within Area Designated for Orderly Annexation.**

94th Street East of Old Orchard Road

The City shall assume maintenance responsibilities for the approximately .47 mile segment of 94th Street lying east of Old Orchard Road. Further, the City may, from

time to time, improve and replace such portion of 94th Street as it deems appropriate and the City may assess the costs of any work perform on such segment of 94th Street to current or future properties annexed into the City (including the Property) pursuant to City policy or City development agreements.

94th Street West of Old Orchard Road

The City and the Township shall assume joint responsibility of the approximately .25 mile gravel segment of 94th Street lying west of Old Orchard Road and adjacent to the Property. The City and the Township will enter a maintenance agreement regarding such segment of 94th Street, from time to time, that designates one party to perform gravel surface and winter maintenance and the other party to pay one-half of the cost thereof. Current access points within said segment may be utilized as they consist today and any change in access points shall require the approval of both parties. Further, any improvements to such segment of 94th Street shall require mutual agreement of the parties.

7. **Severability and Repealer.**

A determination that a provision of this Agreement is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein.

8. **Transfer of Zoning Authority.**

Upon the execution of this Agreement by the City and Township, the Township consents to and requests that the Carver County Board transfer its zoning authority over the Property to the City.

9. **Effective Date.**

This Agreement shall be effective upon adoption and execution of this Agreement by the governing bodies of the City and Town.

10. **Costs Associated with Orderly Annexation Agreement.**

Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement, but the City shall pay any filing fees required by the State of Minnesota.

11. **Entire Agreement.**

With respect to the Property described above, the terms, covenants, conditions, and provisions of this Agreement shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

12. **Notice.**

Any notices required under the provisions of this Agreement shall be in writing and sufficiently given if delivered in person or sent by U.S. Mail, postage prepaid, to the Waconia Township Clerk and the Waconia City Administrator at their official addresses.

PASSED, ADOPTED AND APPROVED by the Waconia Town Board of Supervisors, Carver County, Minnesota, this 4th day of November, 2015.

WACONIA TOWNSHIP



Thomas Notch, Chair



Sue Goede, Clerk

PASSED, ADOPTED AND APPROVED by the Waconia City Council, Carver County, Minnesota, this 7th day of November, 2015.

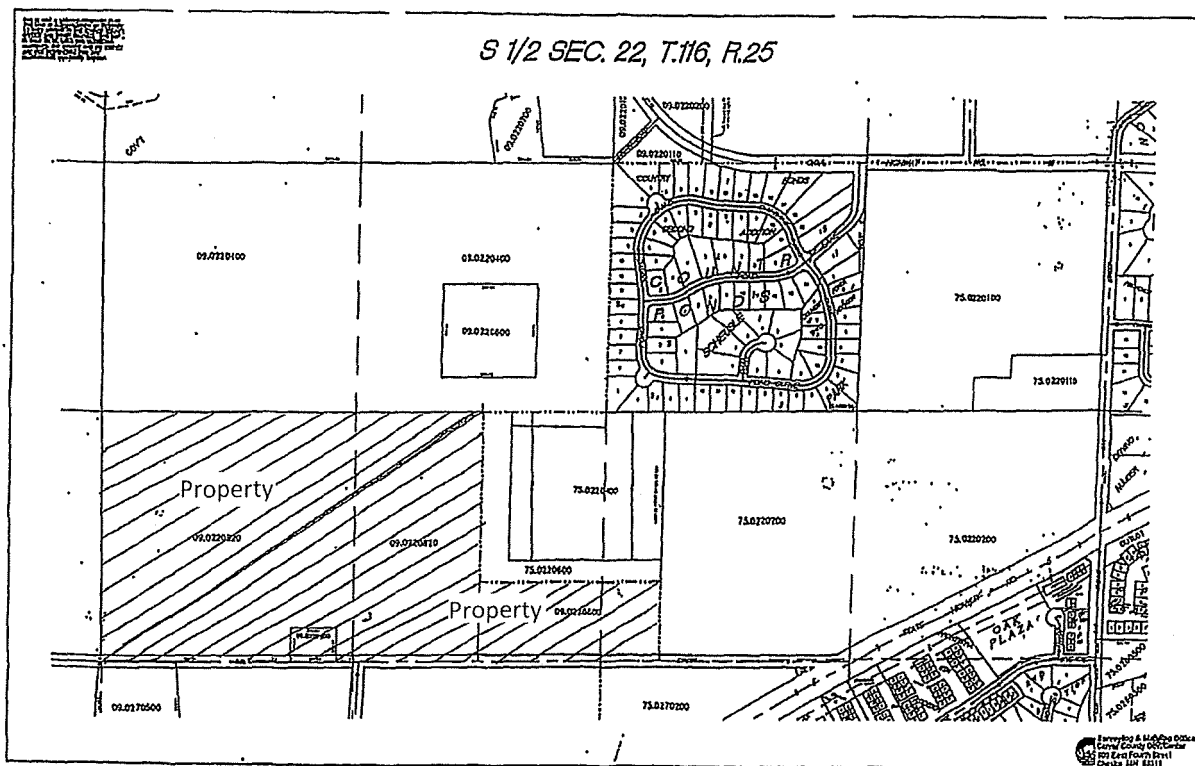
CITY OF WACONIA



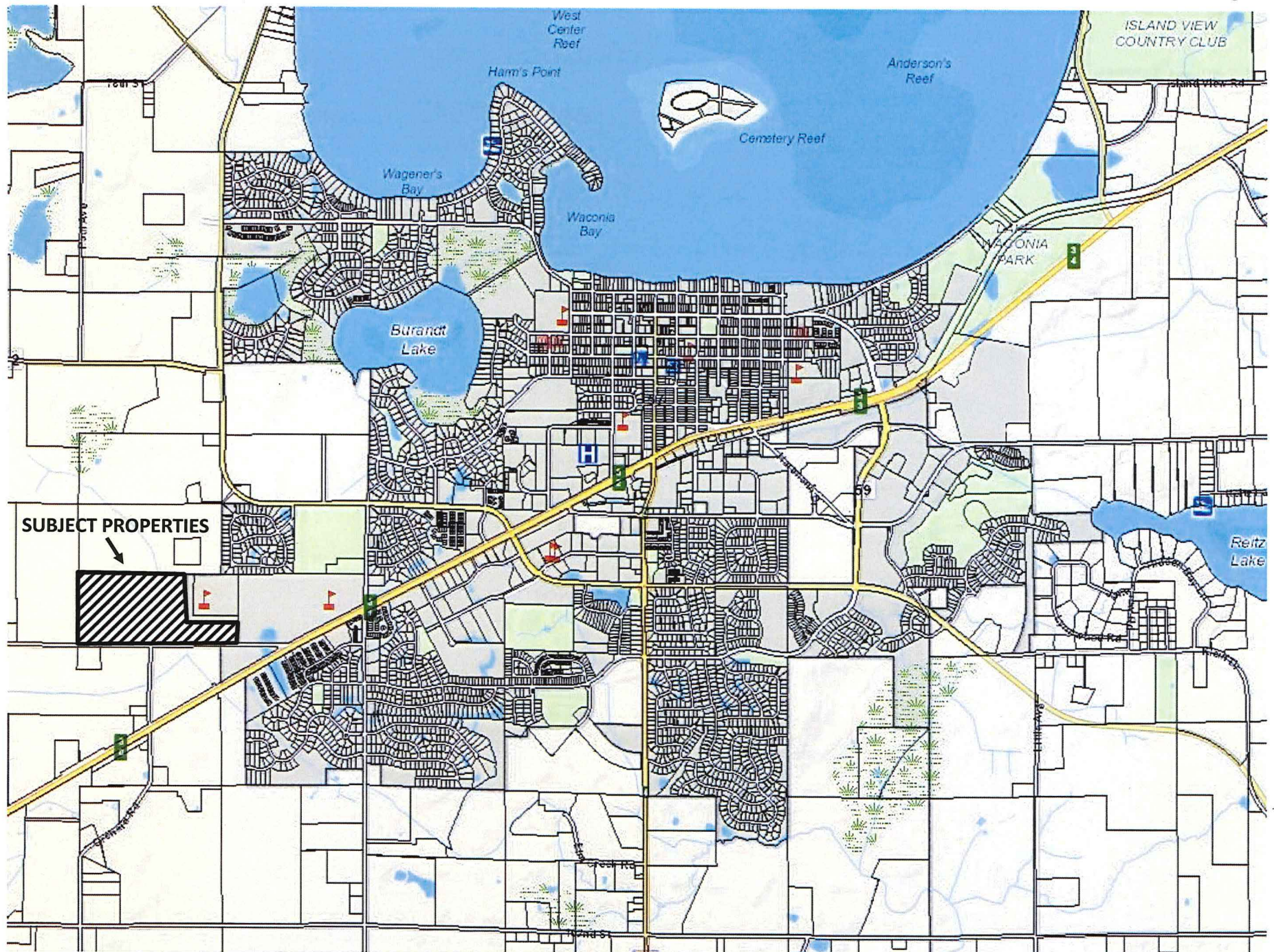
Jim Sanborn, Mayor



Susan Arntz, City Administrator



WACONIA CITY LIMITS



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MBA

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