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by OAH on October 30, 2017

RESOLUTION NO. 7874

**A RESOLUTION ANNEXING PROPERTY FROM JACKSON TOWNSHIP
PURSUANT TO AN EXISTING ORDERLY ANNEXATION AGREEMENT**

WHEREAS, the City of Shakopee (“City”) and Jackson Township (“Town”) entered into a “Joint Resolution for Orderly Annexation between the Town of Jackson & the City of Shakopee”, that was filed with the Minnesota Municipal Board on October 11, 2002, accepted by the Municipal Board on November 8, 2002, and which is identified as Docket No. OA-882 (“Orderly Annexation Agreement”);

WHEREAS, the entire Town was designated for future annexation under the Orderly Annexation Agreement and the City may annex property from the Town in accordance with the terms and conditions of the Orderly Annexation Agreement;

WHEREAS, the City proposes the annexation of approximately 98.48 acres of public right-of-way and a city owned parcel within the Town as shown on the map attached hereto as Exhibit A and as legally described in the attached Exhibit B (“Annexation Area”);

WHEREAS, the Annexation Area encompasses portions of State Highway 169 and County Road 69 right-of-way and a city owned parcel south and west of 1212 Shakopee Town Square Mall, and no one lives within the Annexation Area;

WHEREAS, the City has notified the Town of the request to annex the Annexation Area;

WHEREAS, the City finds and determines as follows with respect to the requested annexation of the Annexation Area:

- a. Under Section II, paragraph 7 of the Orderly Annexation Agreement, the “City may at any time, without a petition of the property owners, annex undeveloped property, or multiple properties, within the Township which are at least fifty (50) percent surrounded by the municipal boundary of the City, based on the perimeter of the entire area to be annexed.”;
- b. The Annexation Area is almost entirely surrounded by the City’s boundary and more than satisfies the minimum 50% required by the Orderly Annexation Agreement;

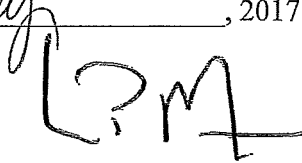
- c. Section II, paragraph 7 of the Orderly Annexation Agreement also indicates that “[I]and which is tax exempt, publicly owned, utilized for utility or transportation purposes, or other similar property shall be considered undeveloped.”;
- d. Because the Annexation Area is tax exempt public right-of-way used for transportation purposes, it is considered “undeveloped property” for the purposes of the Orderly Annexation Agreement and is subject to annexation by the City without an owner petition;
- e. Under Section III, paragraph 2 of the Orderly Annexation Agreement, “[w]here property is annexed that is publicly owned or is currently exempt from local property taxes, the exemption shall be maintained and no reimbursement shall be required from the City to the Township”;
- f. Because the Annexation Area is not subject to local property taxes, the City is not required to make a payment to the Town as reimbursement for lost property taxes;
- g. Annexation of the Annexation Area will not cause the City to exceed the 250 acre annual area limit set out in Section IV, paragraph 1 of the Orderly Annexation Agreement;
- h. Because this annexation is initiated by the City under the Orderly Annexation Agreement and not by owner petition, the utility service notice requirement under Minn. Stat. § 414.0325, subd. 1a does not apply; and
- i. The City determines that annexing the Annexation Area pursuant to this Resolution is consistent with the terms and conditions of the Orderly Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shakopee as follows:

1. The recitals set out above and the exhibits attached hereto are incorporated in and made part of this Resolution.
2. The Annexation Area shown on the attached Exhibit A, and legally described in the attached Exhibit B, is hereby annexed into the municipal boundaries of the City of Shakopee effective upon the issuance of the Chief Administrative Law Judge’s order.
3. Pursuant to Minn. Stat. § 414.0325, subd. 1(h) and Section I, paragraph 2 of the Orderly Annexation Agreement, the Chief Administrative Law Judge may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Resolution.
4. The Annexation Area is not subject to local property taxes and, pursuant to the Orderly Annexation Agreement, the City is not required to make any tax reimbursement payment to the Town related to this annexation.

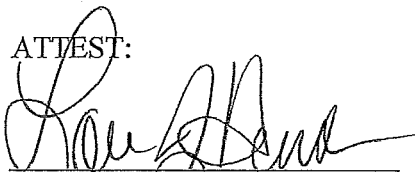
5. City staff is authorized and directed to file this Resolution with the Office of Administrative Hearings - Municipal Boundary Adjustments Office ("Boundary Adjustments Office").
6. In the event the Boundary Adjustments Office identifies any errors, omissions, or other problems with the attached map or legal description, City staff is hereby authorized to make such corrections as may be needed to accomplish the purpose of this Resolution.

Adopted in adjourned regular session of the City Council of the City of Shakopee, Minnesota, held this 2nd day of May, 2017.



Mayor of the City of Shakopee

ATTEST:



Lori Hensen, City Clerk

EXHIBIT A

That part of the Northwest Quarter of the Southwest Quarter, together with that part of the Southwest Quarter of the Northwest Quarter, together with that part of the Southeast Quarter of the Northwest Quarter, together with that part of Government Lot 2, together with that part of the Northwest Quarter of the Northeast Quarter, Section 11, Township 115, Range 23, Scott County, Minnesota, not already within the city, lying easterly and southeasterly of the following described line:

Commencing at right of way corner B18 as shown on Minnesota Department of Transportation Right of Way Plat No. 70-16, according to the recorded plat thereof on file in the office of the County Recorder, Scott County, Minnesota, thence on an azimuth of 267 degrees 02 minutes 57 seconds, a distance of 707.73 feet to right of way corner B17 as shown on said right of way plat, thence continuing on an azimuth of 267 degrees 02 minutes 57 seconds a distance of 392.24 feet to the point of beginning of the line to be described; thence on an azimuth of 359 degrees 16 minutes 01 seconds a distance of 326.62 feet, thence along a tangential curve concave to the southeast, having an arc length of 404.59 feet, a radius of 1599.29 feet, a central angle of 14 degrees 29 minutes 41 seconds, a chord distance of 403.51 feet and a chord azimuth of 6 degrees 30 minutes 52 seconds, thence on an azimuth of 38 degrees 36 minutes 47 seconds, not tangent to the last described curve, a distance of 167.34 feet, thence along a non-tangential curve concave to the southeast, having an arc length of 570.43 feet, a radius of 1584.03 feet, a central angle of 20 degrees 37 minutes 58 seconds, a chord distance of 567.35 feet and a chord azimuth of 25 degrees 53 minutes 02 seconds to right of way corner B6 as shown on said right of way plat, thence on an azimuth of 38 degrees 36 minutes 47 seconds a distance of 22.65 feet to right of way corner B7 as shown on said right of way plat, thence southeasterly along the northeasterly line of said right of way plat a distance of 3.66 feet to its intersection with the northwesterly right of way line of County Road Number 69, thence northeasterly along said right of way line to its intersection with the north line of the Northwest Quarter of the Northeast Quarter of said Section 11 and there terminating.

AND

The Southeast Quarter of the Southwest Quarter of Section 11, Township 115, Range 23, Scott County, Minnesota, not already within the city.

AND

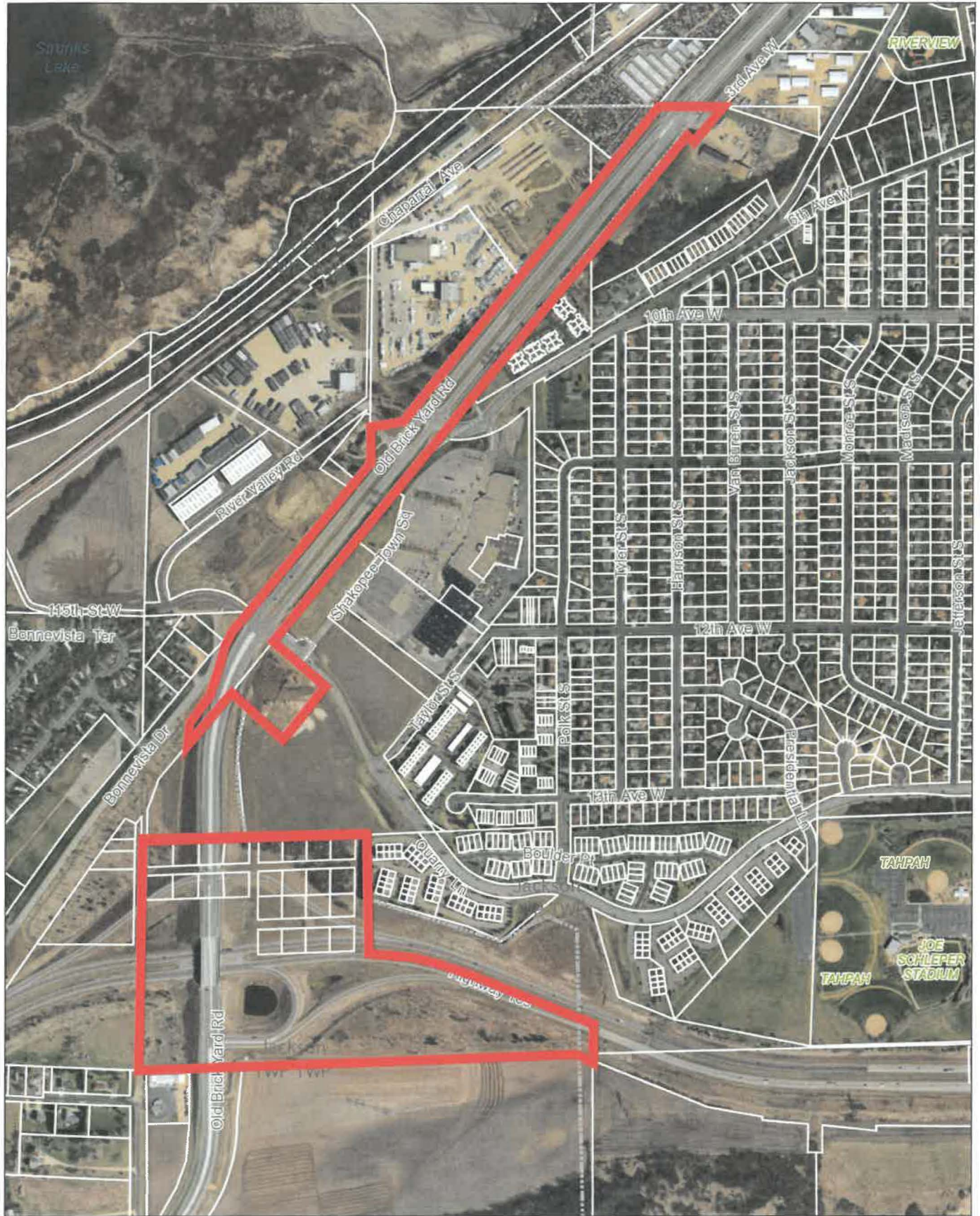
The Southwest Quarter of the Southwest Quarter of Section 11, Township 115, Range 23, Scott County, Minnesota, excepting therefrom the plats of Davies Addition and Davies 2nd Addition, according to the recorded plats thereof on file in the office of the County Recorder, Scott County, Minnesota.

AND

Davies Addition and Davies 2nd Addition, according to the recorded plats thereof on file in the office of the County Recorder, Scott County, Minnesota.

AND

That part of the Northeast Quarter of the Northwest Quarter of Section 14, Township 115, Range 23, Scott County, Minnesota, lying northeasterly of the south line of Minnesota Department of Transportation Right of Way Plat No. 70-16, according to the recorded plat thereof on file in the office of the County Recorder, Scott County, Minnesota.



January 19, 2018

Shakopee Annexation: OA-882-6

1 inch = 752 feet

