

RESOLUTION NO. 2008 – 33**A RESOLUTION ANNEXING PROPERTY (RAILROAD RIGHT OF WAY)
FROM THE TOWN OF HASSAN INTO THE CITY OF ROGERS
(MBA DOCKET OA-992)**

WHEREAS, the City of Rogers (“City”) and the Town of Hassan (“Hassan”), have entered into an orderly annexation agreement entitled, “Agreement between the Town of Hassan and the City of Rogers for Growth Management, Orderly Annexation and the Exercise of Joint Powers for the Extension of Municipal Services and Transportation Improvements” identified as MBA Docket No. OA-992; and

WHEREAS, said Agreement constitutes a “Joint Resolution” between the City and the Town authorized by Minn. Statutes §414.0325; and

WHEREAS, said Agreement designates the land shown on the attached map and legally described in Exhibit A as Phase II property and which may be annexed only in a contiguous manner to the City during the period of January 1, 2004 and August 15, 2010 (said described land is so contiguous) and provides for annexation of said land; and

WHEREAS, pursuant to said Annexation Agreement between the City and the Township (Docket No. OA-992), the City of Rogers states:

1. That the following described property in Hassan Township is subject to annexation pursuant to Minnesota State Statutes 414.0325 and the said “Joint Resolution” and hereby requests annexation of the following described properties to wit:

SEE ATTACHED EXHIBIT A

2. That the annexation as contemplated herein pursuant to subparagraph 4.02(c) of the Joint Resolution has been triggered by all the landowner(s) filing a petition with the City for annexation and connection with the City municipal sewer and water services and the City filing this Resolution with the Department of Administration and Municipal Boundary Adjustments following receipt of such Petition.
3. Said Joint Resolution provides that the City may execute a resolution for annexation of property and file the same with the Department of Administration, Municipal Boundary Adjustments, or its successors upon the occurrence of any event triggering annexation as provided in said Joint Resolution.

4. Upon receipt of this Resolution from the City providing for annexation of a designated area and a copy of the initial Joint Resolution, the Department of Administration and Municipal Boundary Adjustments pursuant to Minnesota Statutes 414.0235, may review and comment, but shall, within 30 days of receipt of this Resolution order the annexation of the area designated therein in accordance with the terms and conditions of the Joint Resolution.
5. The City acknowledges that after annexation of any portion of Phase II, pursuant to the terms of the Joint Resolution, the City shall provide municipal governmental services to such area, and the parcels therein shall then be required to connect to municipal sewer and water services as directed by the City from time to time.
6. Pursuant to paragraph 5.01 of the Joint Resolution, the City of Rogers' portion of the property taxes for these properties is phased over a five year period.

NOW, THEREFORE, be it resolved by the City Council of the City of Rogers, that:

- A. The recitals set forth above are incorporated herein.
- B. The City of Rogers has approved the proposed annexation of the aforementioned property of Hassan Township in the City of Rogers.
- C. The staff is hereby directed to forward this Resolution to Minnesota Municipal Boundary Adjustments for review and comment.


Moved by Councilmember Rauenhorst, seconded by Councilmember Adams

The following voted on favor of said Resolution: Adams, Davis, Grimm, Przybilla, Rauenhorst

The following voted against the same: None

Whereupon said Resolution was declared carried.

Dated this 12th day of August, 2008.



Mayor

ATTEST:



Asst. City Administrator/City Clerk

(SEAL)

EXHIBIT A**LEGAL DESCRIPTION****Annexation Description:**

That part of Burlington Northern Sante Fe Railway right-of-way located within that part of the Northeast Quarter of Section 16 and those parts of the Southwest Quarter of the Northwest Quarter, Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 15, all in Township 120, Range 23, Hennepin County, Minnesota.

Railroad right-of-way.

13.2 acres

REC'D BY
MMB

SEP 05 2008

ANNEXATION EXHIBIT

COUNTY ROAD 144

INTERSTATE HWY 94

NE 1/4
SEC.
T120

NORTH LINE OF NE 1/4

16
R23

BNSF RAILWAY

NW 1/4

SE 1/4
NW 1/4

15

SW 1/4

INDUSTRIAL BOULEVARD

BNSF RAILWAY

SEC.
T120

EDGEWATER PARKWAY

HYNES ROAD

NE 1/4

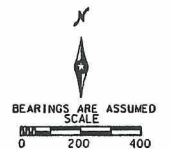
SW 1/4

HYNES COURT

ANNEXATION DESCRIPTION:
THAT PART OF BURLINGTON NORTHERN
SANTE FE RAILWAY RIGHT-OF-WAY
LOCATED WITHIN THAT PART OF THE
NORTHEAST QUARTER OF SECTION 16 AND
THOSE PARTS OF THE SOUTHWEST
QUARTER OF THE NORTHWEST QUARTER,
SOUTHEAST QUARTER OF THE NORTHWEST
QUARTER AND THE NORTHEAST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION
15 ALL IN TOWNSHIP 120, RANGE 23,
HENNEPIN COUNTY, MINNESOTA.

NOTE: THE CURRENT CITY LIMITS
DO NOT INCLUDE THE BNSF
RAILWAY RIGHT OF WAY WEST OF
THE CENTER LINE OF HYNES COURT

AREA NOT GENERATING
MSA NEEDS



1200 25TH AVE. SO.
P.O. BOX 1717
ST. CLOUD, MN 56302-1717
320.229.4300

SEH PROJ. NO.
R08ER 0711-00

REC'D BY
JAMB SEP 05 2008

Annexed

