

**JOINT RESOLUTION STIPULATING TO THE AMENDMENT OF THE ORDERLY  
ANNEXATION AGREEMENT NO. 76-47 AND THE ORDERLY ANNEXATION OF  
PROPERTY**

**CITY OF CHASKA RESOLUTION NO. 2022- 26**

**TOWNSHIP OF LAKETOWN RESOLUTION NO. 2022- 06**

TO: Chief Administrative Law Judge  
State Office of Administrative Hearings  
Municipal Boundary Adjustments Unit  
P.O. Box 64620  
St. Paul, MN 55164-0620

**WHEREAS**, the municipalities of Chaska, Victoria, and Waconia, and the Township of Laketown, agreed to Orderly Annexation Agreement No. 76-47 (the "Annexation Agreement") pursuant to Minnesota Statutes Chapter 414 for the annexation of certain unincorporated territory in the Township of Laketown; and

**WHEREAS**, the City of Chaska (the "City") has received a request for the annexation of the property totaling 73.65 acres of real property shown on attached Exhibit A and legally described on attached Exhibit B (the "Property"), which Property lies within the area designated in the Annexation Agreement for orderly annexation by the City but which was specifically exempted from annexation pursuant to the terms of the Annexation Agreement; and

**WHEREAS**, the Property is about to become urban and suburban in character; and

**WHEREAS**, the City and the Township of Laketown (the "Township") hereby intend to amend the Annexation Agreement relating to the rights, duties, and responsibilities of the Township and the City in regard to the Property; and

**WHEREAS**, the City and the Township are in agreement as to the orderly annexation of the unincorporated land described; that both believe it will be to their benefit and to the benefit of their respective residents; and

**WHEREAS**, Minnesota Statutes § 414.0325 provides a procedure whereby the City and the Township may agree on a process of orderly annexation of a designated area; and

**WHEREAS**, the City and the Township have agreed to all the terms and conditions for the annexation of the Property and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

**NOW, THEREFORE, BE IT JOINTLY RESOLVED**, by the City Council of the City of Chaska and the Township Board of Supervisors of the Township of Laketown, Carver County, Minnesota, as follows:

1. **Affected Lands.** The terms of this Joint Resolution shall only apply to the Property graphically depicted on attached Exhibit A and legally described on attached Exhibit B. This Joint Resolution does not affect the terms of the Annexation Agreement in regard to any other real property subject to the Annexation Agreement.

2. **Jurisdiction.** That the Township and the City, by submission of this Joint Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings (the "OAH"), confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.

3. **No Alteration of Boundaries.** The Township and the City agree that no alteration of the stated boundaries of the Property as described in this Joint Resolution is appropriate. No consideration by the Chief Administrative Law Judge is necessary, Therefore, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation of the Property in accordance with the terms of this Joint Resolution.

4. **Need.** The Township and City agree that the Property is in need of orderly annexation, that the Property is urban or suburban or about to become so, that the City is capable of providing services to the Property within a reasonable time, and that annexation is in the best interest of the Property and surrounding area.

5. **Annexation.** The Township and the City agree that the conditions of annexation shall be governed by this Joint Resolution and pursuant to paragraph 26 of the Annexation Agreement, which states that the mill levy of the City of Chaska on any area annexed shall be increased in substantially equal proportions over a period of three (3) years such that in the fourth year following annexation the mill rate on such property shall be the same as the City of Chaska.

6. **Tax Reimbursement.** The Township and the City acknowledge that the reimbursement for taxable property has been satisfied. The Developer and Township have agreed that a single payment of \$~~36,423.~~<sup>00</sup> will be made to the Township in exchange for the taxable property annexed by this Joint Resolution. This payment has already been made and a copy of the Township's receipt acknowledging payment is attached as Exhibit C.

7. **Special Assessments.** There are no special assessments assigned by or due to the Township regarding the Property and no debt incurred by the Township prior to the annexation and attributable to the Property that needs to be reimbursed.

8. **Corporate Boundaries.** Minnesota Boundary Adjustments shall amend the corporate boundaries for Chaska consistent with this Joint Resolution.



9. **Authorization.** The appropriate officers of the City and the Township are hereby authorized to carry the terms of this Joint Resolution into effect.

10. **Severability and Repealer.** A determination that a provision of this Joint Resolution is unlawful or enforceable shall be severed from this Joint Resolution and shall not affect the validity or enforceability of the provisions herein.

11. **Costs.** Each party shall pay its own costs incurred in the negotiation, development, and implementation of the Annexation Agreement and this Joint Resolution.

12. **Venue.** The venue for all actions concerning this Joint Resolution shall be Carver County, Minnesota.

13. **Entire Agreement.** With respect to the Property only, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

14. **Notice.** Any notices required under the provisions of this Joint Resolution shall be in writing and deemed sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, to the City Administrator or to the Township Clerk at their official addresses.

15. **Legal Description and Mapping.** The Township and the City agree that in the event there are errors, omissions or any other problems with the mapping provided in Exhibit A or the legal description provided in Exhibit B, in the judgment of the OAH, the City and the Township agree to make such corrections and file any additional documentation, including new Exhibit A or Exhibit B making the corrections requested or required by the OAH as necessary to make effective the annexation of said Property in accordance with the terms of this Joint Resolution.

16. **Review and Comment.** The City and the Township agree that upon receipt of this Joint Resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the Joint Resolution.

This Joint Resolution shall be effective upon approval by both the Board of Supervisors of the Township of Laketown and the City Council of the City of Chaska.

Passed and adopted by the Board of Supervisors of the Township of Laketown this 14 day of March 2022.

By: Mike Klingbeil  
Chairperson  
Board of Supervisor

ATTEST:

By: Jean Marie Moore  
Township Clerk



Adopted by affirmative vote of the City Council of the City of Chaska, this 21<sup>st</sup> day of MARCH 2022.

By: Mark Windschitl  
Mark Windschitl  
Mayor

ATTEST:

By: Denise Beebe  
Denise Beebe  
City Clerk



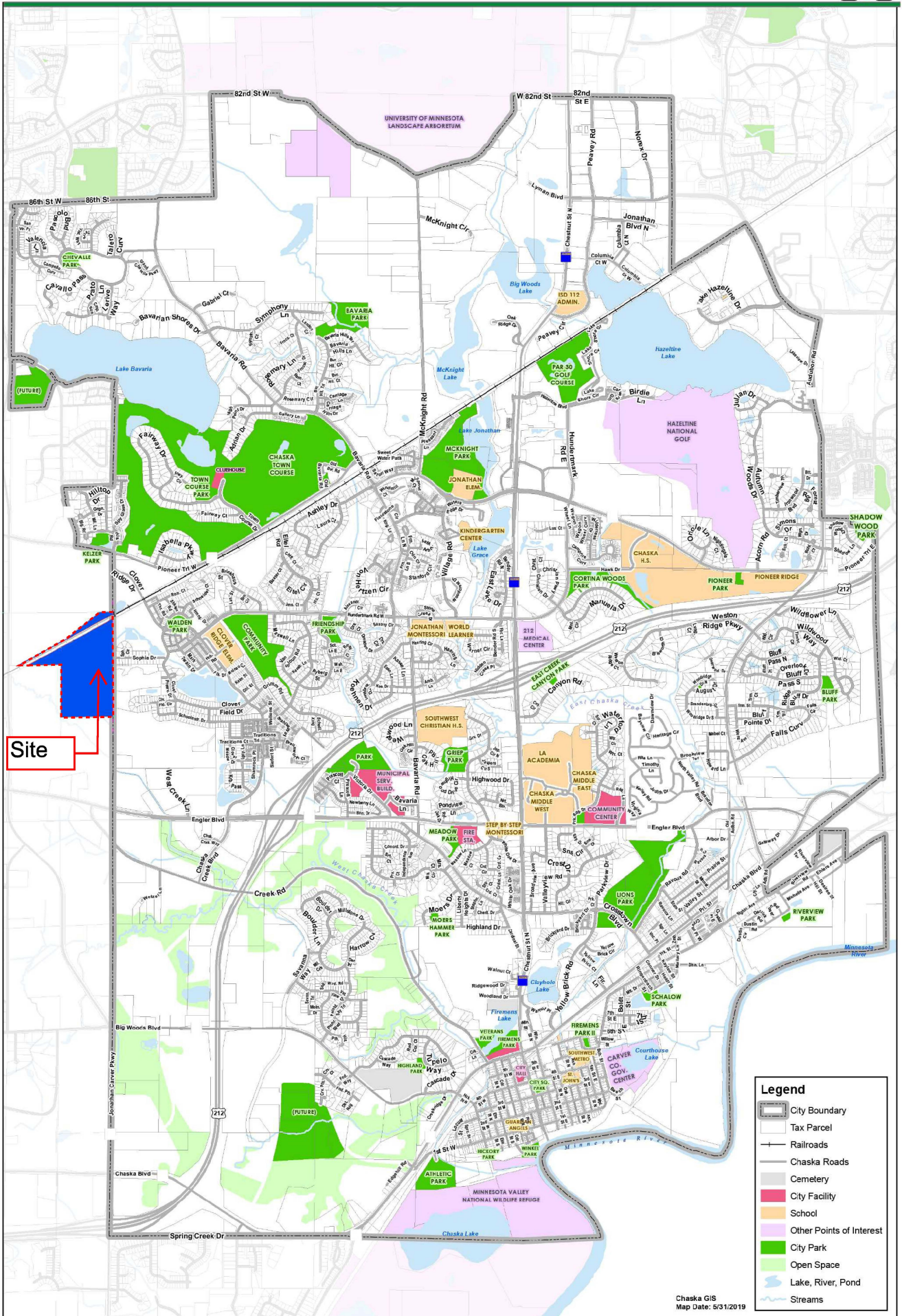
# Annexation Site - City Location

## City of Chaska, MN

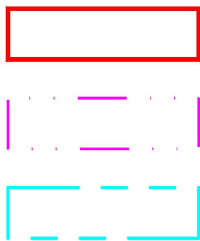
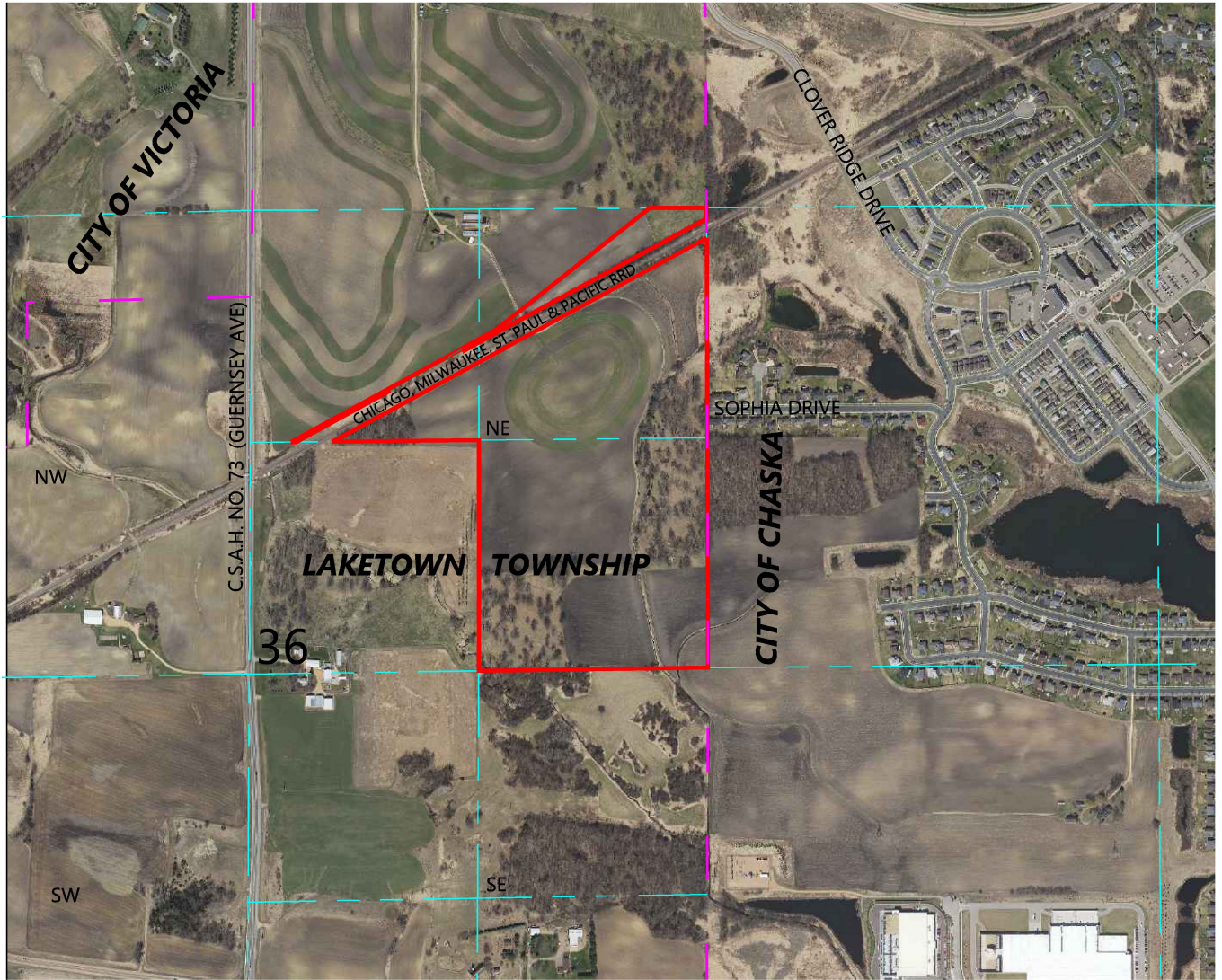
Exhibit A-1

# EXHIBIT A

0 975 1,950 2,925 3,900 Feet  
1 inch = 2,185 feet (Print Size = 11in x 17in)







SITE

TOWNSHIP LINE

SECTION LINE



TWP. 116, RGE. 24, SECTION 36

**KELZER PROPERTY**  
CHASKA, MINNESOTA

**Westwood**

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300  
Fax (952) 937-5822 Minnetonka, MN 55343  
Toll Free (888) 937-5150 [westwoodps.com](http://westwoodps.com)  
Westwood Professional Services, Inc.

**ANNEXATION  
EXHIBIT**

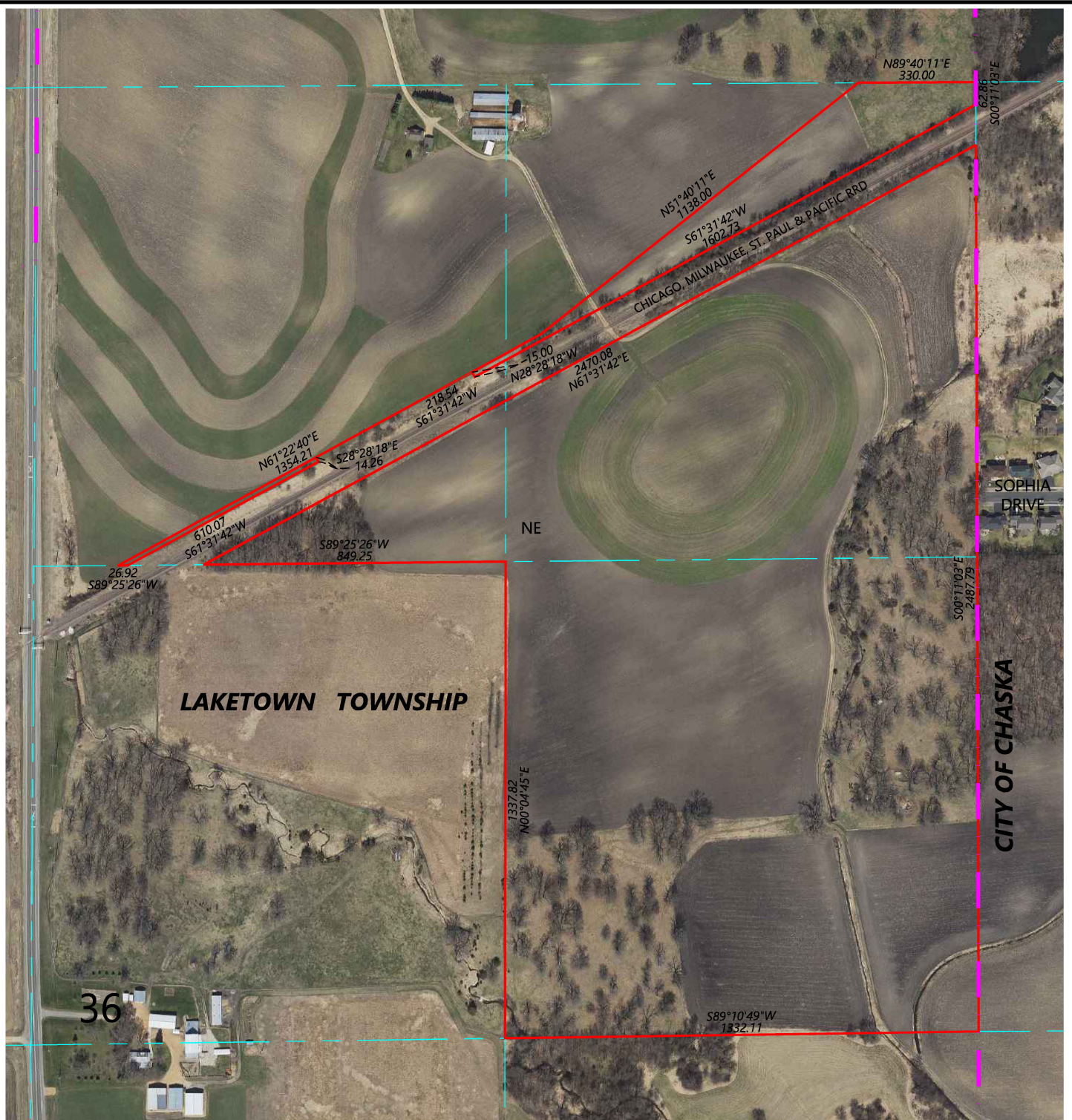
SHEET NUMBER:

**1** OF **1**

DATE: 02/08/2022

PROJECT NUMBER: 0024429.00





AREA = 3,208,053 Sq.Ft. or 73.65 ac

TWP. 116, RGE. 24, SECTION 36



KELZER PROPERTY

**KELZER PROPERTY**  
CHASKA, MINNESOTA

**Westwood**

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300  
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**ANNEXATION  
EXHIBIT**

SHEET NUMBER:

1 OF 1

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# EXHIBIT B

Tract 1:

The Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section 36, Township 116 North, Range 24 West of the Fifth Principal Meridian.

(Abstract)

Tract 2:

All that part of the North Half of the Northeast Quarter (N 1/2 of NE 1/4) of Section 36, Township 116, Range 24, lying Southerly of the Northerly boundary line of the old right of way of the Hastings and Dakota Railway Co. as located prior to the year 1912, and described by metes and bounds, as follows:

Beginning at the Northeast corner of said Section 36, running thence West on the North line of said Section 36, 330 feet to a point on the Northerly boundary line of said right of way; thence South 52 degrees West along said boundary line 1138 feet; thence South 61 degrees, 5 minutes West along said boundary line 1357 feet to a point on the South line of the North Half of the Northeast Quarter (N 1/2 of NE 1/4) of said Section 36, said point being 236 feet East from the Southwest corner of the North Half of the Northeast Quarter (N 1/2 of NE 1/4) of said Section 36 thence East along the South line of the North Half of the Northeast Quarter (N 1/2 of NE 1/4) of said Section 36, to the Southeast corner thereof; thence North on the section line to the place of beginning, EXCEPTING THEREFROM the right of way of the Chicago, Milwaukee and St. Paul Railway Co. as now located across said land as conveyed by deed, recorded in the office of the County Recorder, Carver County, Minnesota, in Book 23 of Deeds on page 304.

(Abstract)

## EXHIBIT C

### LAKETOWN TOWNSHIP

#### RECEIPT FOR REIMBURSEMENT TO TOWNSHIP

#### FOR ANNEXATION OF TAXABLE PROPERTY

March 14, 2022

Pursuant to Minnesota Statutes Section 414.036, the Township of Laketown hereby acknowledges the receipt of \$ 36,823.00\_\_ as reimbursement for all of the taxable property being annexed to the City of Chaska as depicted on Exhibit A and as legally described on Exhibit B of the attached Joint Resolution and approves the annexation of such land. There are no special assessments assigned by the Township of Laketown to the annexed property and no debt incurred by the Township of Laketown prior to the annexation attributable to the property annexed.

Laketown Township

  
Chairperson, Board of Supervisors

  
Township Clerk

