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RECEIVED
By: OAH on May 12, 2020

Resolution No. 2020-13

Moved by McMillan
Seconded by Funk

LAKETOWN TOWNSHIP RESOLUTION NO. 2020-04

A JOINT RESOLUTION STIPULATING THE AMENDMENT OF ORDERLY ANNEXATION AGREEMENT NO. 76-47 AMONG THE MUNICIPALITIES OF CHASKA, VICTORIA AND WACONIA AND THE TOWNSHIP OF LAKETOWN

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, entered an orderly annexation agreement (the "Agreement") pursuant to Minnesota Statutes Chapter 414 for the annexation of certain unincorporated territory in the Township of Laketown; and

WHEREAS, the Minnesota Municipal Board approved and ordered the implementation of the Agreement pursuant to Resolution Number 76-47; and

WHEREAS, among other terms, the Agreement provides that all land in the Township of Laketown (the "Township") is appropriate for annexation by the municipalities; and

WHEREAS, the Agreement designates particular areas of the Township for future annexation by each of the respective municipalities; and

WHEREAS, subsequent to entering the Agreement, the City of Victoria (the "City") and the Township have adopted several Joint Resolutions providing for annexation of particular tracts or parcels designated by the Agreement for annexation into the City; and

WHEREAS, the City and Township wish to establish an understanding and process for annexation of all remaining lands designated by the Agreement for annexation by the City; and

WHEREAS, the City and Township intend for this Joint Resolution to modify only those portions of the Agreement related to the City and do not intend that this Agreement in any way affect the rights of the City of Waconia or the City of Chaska as they relate to Laketown nor do the parties intend that this Agreement in any way affect the rights of Laketown Township as they relate to the City of Waconia or the City of Chaska.

NOW, THEREFORE BE IT JOINTLY RESOLVED BY THE CITY COUNCIL OF VICTORIA, MINNESOTA AND THE TOWN BOARD OF THE TOWNSHIP OF LAKETOWN, MINNESOTA:

1. **Remaining Orderly Annexation Area.** This Joint Resolution covers all remaining land designated in the Agreement for annexation by Victoria which has not previously been annexed by the City (the "Annexation Area"). The Annexation Area consists of approximately 13,568 acres depicted in Exhibit A. The Township and the City hereby reaffirm designation of the Annexation Area for orderly annexation pursuant to Minnesota Statute § 414.0325.

2. **Future Annexations.** The Township and the City agree that development and annexation of the Annexation Area will occur in phases. The City may initiate annexation of portions of the Annexation Area as provided in paragraph 10 of this Joint Resolution. No further Township action is required except as provided in paragraph 8a of this Joint Resolution.

3.Roads Abutting Annexation Areas. At such time as the City annexes any portion of the Annexation Area, the City shall be responsible for maintaining the entire width of that portion of the road right of way which abuts such annexed property.

4.Protection of Township Roads. As property is annexed under this Joint Resolution, the City shall require that developers divert construction traffic to County highways or City streets to the extent possible so that construction traffic avoids use of Township roads except where no other road is available. The City shall be responsible for the reasonable cost to repair any road damage that occurs when construction traffic uses Township roads in violation of this paragraph, provided that the City may require, pursuant to development agreement or otherwise, that any payment to the Township be made by the developer causing such damage.

5.Connections to City Sewer and Water Systems. As part of planning sanitary sewer and water service extensions to serve properties in the Annexation Area, the City shall consider the feasibility of connecting existing Township sanitary sewer systems to the City collection system.

6.City Tax Rates. The City's rural tax rate, if any, will be initially applied to all property annexed under this Joint Resolution. Properties shall become subject to any urban tax rate no later than issuance of any subdivision, plat, or other development approval, or completion of connections to sanitary sewer or water services.

7.Reimbursement of Special Assessments. If special assessments have been levied on one or more properties by the Township prior to annexation, the City shall pay the same to the Township within 60 days of receipt from the County.

8.Tax Reimbursement.

a. To reimburse the Township for the permanent loss of taxable property, the City may not initiate annexation under paragraph 10 below until such time as the Township acknowledges, in writing, receipt of such tax reimbursement payment as it may require by resolution, provided, however, that such resolution may not require that the payment be made by the City, nor require tax reimbursement payments for tax exempt property or for that portion of properties that are delineated as wetlands under Minnesota or Federal law.

b.The City agrees that it shall remit all delinquent taxes, charges and assessments collected from any portion of the Orderly Annexation Area after annexation of such property if such taxes or charges were originally payable while the delinquent property remained in the Township. Additionally, when a property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserve, 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.

c.No other tax reimbursement payments shall be owed by the City to the Township except as set forth in this paragraph 8.

9. Planning and Building Code Enforcement Authority. The Township and City agree that it may be appropriate to designate the City as the building code enforcement authority pursuant to Minn. Stat. § 16B.62, Subd. 1, with respect to portions of the Annexation Area. The parties agree that Carver County shall continue to administer planning and zoning pursuant to Minn. Chapter 394 in the Annexation Area provided, however, that the parties may, by separate written agreement, assign planning and zoning authority over designated portions of the Annexation Area to the City. If planning and zoning authority is assigned to the City, the parties will notify Carver County of such agreement.

10.Procedures for Annexation.

a. This Joint Resolution reaffirms conference of jurisdiction over the Annexation Area 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. MBA may issue orders consistent with this Joint Resolution. Annexations by the City shall be initiated by filing with the MBA:

i. A resolution of the City pursuant to this Joint Resolution describing the property to be annexed; and

ii.A boundary map identifying the lands being annexed; and

iii.A petition of the owners of the property or properties to be annexed; and

iv.An acknowledgement by the Township of receipt of the tax reimbursement amount required pursuant to paragraph 8a above.

MBA shall then amend the corporate boundary for the City of Victoria consistent with such annexation resolution and accompanying boundary maps.

b.Anything above to the contrary notwithstanding, the City of Victoria shall be required at any time to annex all of the lands remaining within the Annexation Area upon a petition for such annexation filed by the Township of Laketown with the MBA.

c.During the term of this Joint Resolution, unless otherwise agreed, the City shall not annex property from the Township except as provided herein. This Joint Resolution sets the exclusive geographical boundaries of land which may be annexed by the City from the Township and sets the exclusive procedures under which annexations from the Township to the City may occur.

d.The parties recognize that Property owners may have options available by law at the time of their action to pursue municipal boundary adjustments. However, during the term of this Agreement, the City will not support any property owner initiated annexation petition of land within the Township and will not approve any resolutions that may be required for a property owner to initiate such an annexation.

11. [Intentionally Omitted].

12.Review and Comment by Municipal Boundary Adjustments. This Joint Resolution sets forth all conditions for annexations within the Annexation Area designated on Exhibit A, and no further consideration by the MBA is necessary. Upon receipt of a resolution for annexation from the City, MBA may review and comment, but shall, within 30 days of receipt of the City's resolution, order annexation in accordance with the annexation resolution, this Joint Resolution, and the Agreement. No alteration of the stated boundaries of the designated area being annexed is appropriate.

13.Responsibility for Costs. 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 or other costs or fees required by the State of Minnesota.

14.Review of Plans. The City shall provide the Township with notice of any preliminary plat application submitted by the owner or developer of any property annexed pursuant to this agreement at least ten days prior to a planning commission hearing on the preliminary plat application. The

Township may provide comments on such documentation to the City's planning commission or City Council.

15.Future Annexation Discussions. If there is a disagreement over the implementation or interpretation of this Joint Resolution, or if either party concludes that modification of this Joint Resolution is necessary, the parties shall proceed as follows:

a. Negotiation: Representatives of the City and Township will meet a minimum of one (1) time at a mutually convenient time and place.

b.Mediation: If negotiations are not successful, the parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator.

c.Binding Arbitration/Adjudication: If mediation is not successful, the parties may agree to submit their respective grievances to binding arbitration or may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel performance. Venue for any action shall be Carver County District Court.

16. Amendment. Both parties reserve the right to request an amendment or revision to this Agreement at any time. Upon initiation, the parties agree to meet and discuss the proposed amendment or revision, but neither party shall be required to approve such amendment or revision. The parties may amend this Joint Resolution by mutual written agreement at any time. In the event that there are errors, omissions or any other problems with the legal description or mapping provided in the attached Exhibit A, the parties agree to make corrections or prepare a replacement Exhibit A making any necessary corrections.

17.Severability. A determination that a provision of this Agreement is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein, provided, however, that should any element of paragraph 8a relating to "Tax Reimbursement" be deemed unlawful or unenforceable, the Township, at its discretion may immediately terminate this Agreement. In such event, any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibit A shall have the same legal standing as if this Agreement had not been executed.

18.Heading and Captions. Headings and Captions are for convenience only and are not intended to alter any of the provisions of this Second Amended Agreement.

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

20.Term. This Joint Resolution shall be effective for fifty (50) years provided that the expiration date shall be deemed to be January 1, 2069, and further provided that this Joint Resolution may be terminated earlier than January 1, 2069 pursuant to the provisions of paragraph 17 above.

21.Conflict Between Agreements. If there is a conflict between the terms of this Second Amended Agreement and the Agreement, the terms of this Second Amended Agreement shall control. In the event there is no conflict, the parties intend for the terms of both the Second Amended Agreement and the Agreement to be enforceable.

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

This resolution is adopted by the Township of Laketown and approved by its Chairman this 13 day of April, 2020.

Mike Klingelhutz
Chairman

ATTEST:

Melissa Lano
Clerk

This Resolution is adopted by the City of Victoria and approved by the Mayor this 09 day of March 2020

Thomas C. Funk, Mayor

ATTEST:

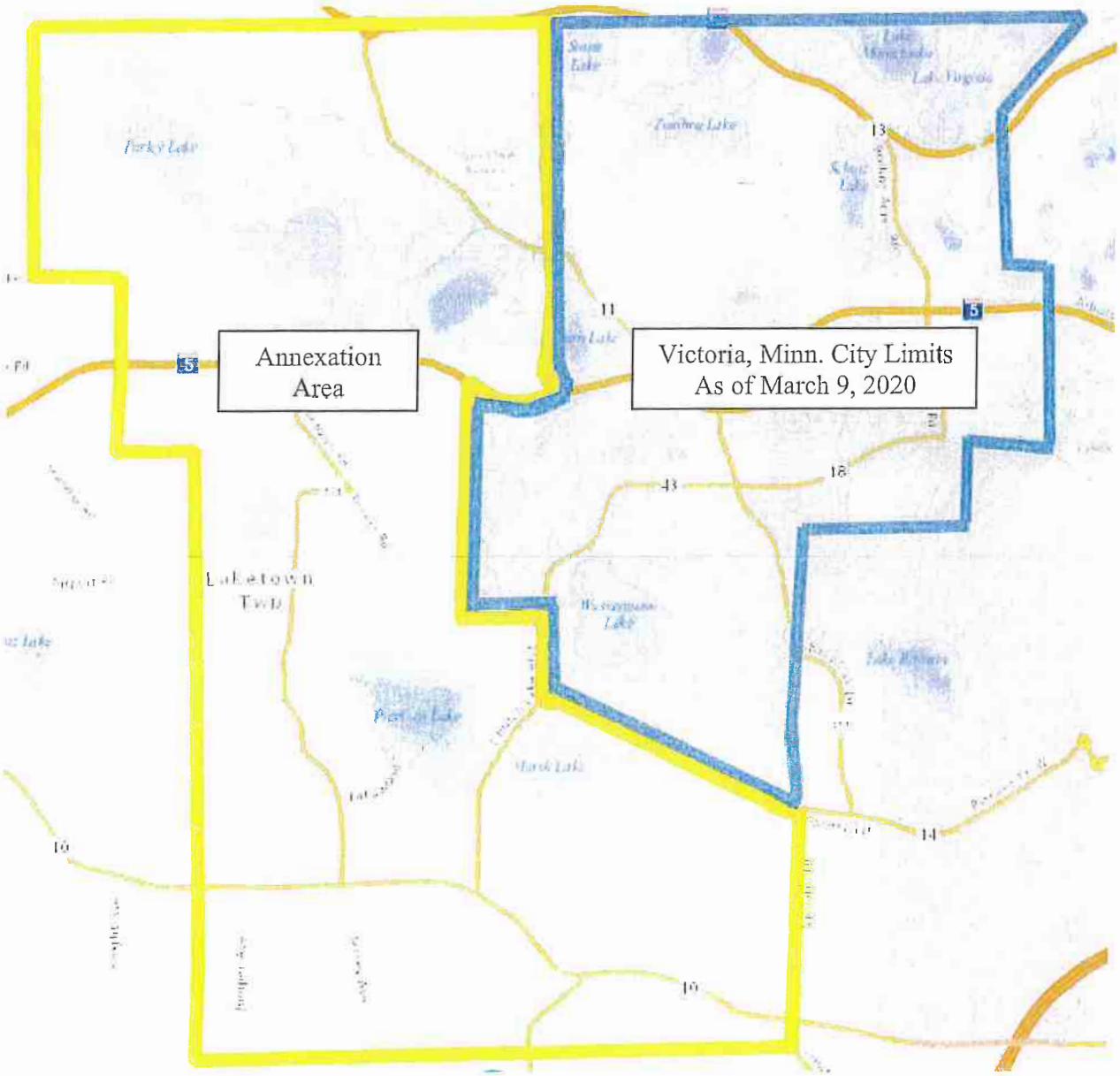
Cindy Patnode, City Clerk

EXHIBIT A

DEPICTION OF ANNEXATION AREA

BLUE BOUNDARY: VICTORIA CITY LIMITS AS OF MARCH 9, 2020

YELLOW BOUNDARY: ANNEXATION AREA



CITY OF VICTORIA
RESOLUTION NO. 11-85

REC'D BY MBA SEP 30 2011

TOWNSHIP OF LAKETOWN RESOLUTION 2011-03

JOINT RESOLUTION STIPULATING TO THE AMENDMENT OF THE ORDERLY ANNEXATION AGREEMENT NO. 76-47 AMONG THE MUNICIPALITIES OF CHASKA, VICTORIA AND WACONIA, AND THE TOWNSHIP OF LAKETOWN

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed to an orderly annexation agreement (the "Agreement") pursuant to Minnesota Statutes Chapter 414 for the annexation of certain unincorporated territory in the Township of Laketown;

WHEREAS, the Municipal Board of the State of Minnesota pursuant to Resolution Number 76-47 has approved and ordered the implementation of such Agreement;

WHEREAS, the City of Victoria and the Township of Laketown (the "Township") pursuant to the Agreement request annexation of Marsh Lake Road as described in part in Exhibit A;

WHEREAS, pursuant to City of Victoria Resolution 04-08 and Township of Laketown Resolution 2004-01 the City and Township request annexation of property as described in part in Exhibit A;

WHEREAS, the City of Victoria and the Township wish to enter into a separate maintenance agreement to modify the existing maintenance requirements of Marsh Lake Road as described in Exhibit B;

WHEREAS, the City and the Township amend the Agreement to include the 30 day review and comment pursuant to Statute 414 and the Chief Administrative Law Judge shall within 30 days of the date that the Office of Boundary Adjustment receives the resolution shall order the annexation pursuant to Resolution 76-47.

NOW, THEREFORE, BE IT RESOLVED,

1. That the City along with the Township jointly request that the Office of Administrative Hearings – Municipal Boundary Adjustments annex the land described in Exhibit A to the City of Victoria and amend Resolution Number 76-47 to reflect the annexation of Marsh Lake Road into the City of Victoria.
2. That this joint resolution be submitted to the Office of Administrative Hearings – Municipal Boundary Adjustments for the purposes set forth herein.

Adopted this 22nd day of **August, 2011** by the Victoria City Council.

Mary Hershberger Thun, Mayor	AYE	Jim Crowley	AYE
Tom O'Connor	AYE	Kim Roden	AYE
Tom Strigel	AYE		

ATTEST:

Jennifer Kretsch, City Clerk

Mary Hershberger Thun, Mayor

REC'D BY MBA SEP 30 2011

CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the City of Victoria, hereby certifies the foregoing Resolution No. 11-85 is a true and correct copy of a resolution presented to and adopted by the Council of the City of Victoria at a duly authorized meeting thereof held on the 22nd day of August 2011, as shown by the minutes of the aforesaid meeting in possession of the undersigned.

Jennifer Kretsch

Jennifer Kretsch, City Clerk

(Seal)

Approved by the Township of Laketown this 22nd day of August, 2011.

Charles Held

Charles Held, Board Chair

ATTEST:

Karen L. McMullen

Karen McMullen, Town Clerk

KAREN L. MCMULLEN
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2012

REC'D BY MBA SEP 30 2011

Description for Proposed Annexation

That part of the recorded plat of PREMIER LAKESHORE ESTATES, that part of the South Half of Section 23, Township 116, Range 24, that part of the North Half of Section 26, Township 116, Range 24, and that part of the Northwest Quarter and the Southwest Quarters of Section 25, Township 116, Range 24 all in Carver County, Minnesota described as follows:

Beginning at the Northwest corner of the recorded plat of said PREMIER LAKESHORE ESTATES; thence Southerly along the West line of said PREMIER LAKESHORE ESTATES to the Northwest corner of said South Half of Section 23, Township 116, Range 24; thence Southerly along the West line of said South Half of Section 23 to its intersection with the centerline of County State Highway No. 43, said centerline is also described as being the most Easterly lines of Tracts A and C, Registered Land Survey No. 90; thence Southerly along said centerline to its intersection with the Southerly right of way line of Marsh Lake Road and its Westerly extension; thence Easterly and Southeasterly along said Southerly right of way line and its Easterly and Westerly extensions to the centerline of County State Aid Highway No. 11; thence Northerly along said centerline of County State Aid Highway No. 11 to its intersection with the South line of the recorded plat of LAKETOWN 4TH ADDITION and its Easterly extension across said County State Aid Highway No. 11; thence Westerly along said South line of LAKETOWN 4TH ADDITION to the Southwest corner of said LAKETOWN 4TH ADDITION; thence Northerly along the West line of said LAKETOWN 4TH ADDITION to the Northeast Corner of said North Half of Section 26, Township 116, Range 24, said corner also being on the South line of the recorded plat of LAKETOWN 1ST ADDITION; thence Westerly along the North line of said North Half of Section 26, Township 116, Range 24 also being the South line of Outlot P, said LAKETOWN 1ST ADDITION to the Southwest corner of said Outlot P, LAKETOWN 1ST ADDITION; thence Northerly along the Westerly lines of Outlots P and Q, said LAKETOWN 1ST ADDITION to the Southwest corner of Outlot R, said LAKETOWN 1ST ADDITION; thence northerly and westerly along the Westerly and Southerly lines of said Outlot R, LAKETOWN 1ST ADDITION to the South line of Outlot A, said LAKETOWN 1ST ADDITION; thence Westerly and Northerly along the Southerly and Westerly lines of said Outlot A to the Ordinary High Water line of Wassermann Lake; thence Westerly, Southwesterly, Southerly, Southwesterly, Westerly, Northwesterly, and Northerly along said Ordinary High Water line of Wassermann Lake to its intersection with the Northerly line of said PREMIER LAKESHORE ESTATES; thence Westerly along said Northerly line of said PREMIER LAKESHORE ESTATES to the point of beginning.

Description written by E.G. Rud & Sons, Inc. 8/10/2011

SKETCH AND DESCRIPTION

~of~ ANNEXATION PETITION

~for~ THE CITY OF VICTORIA

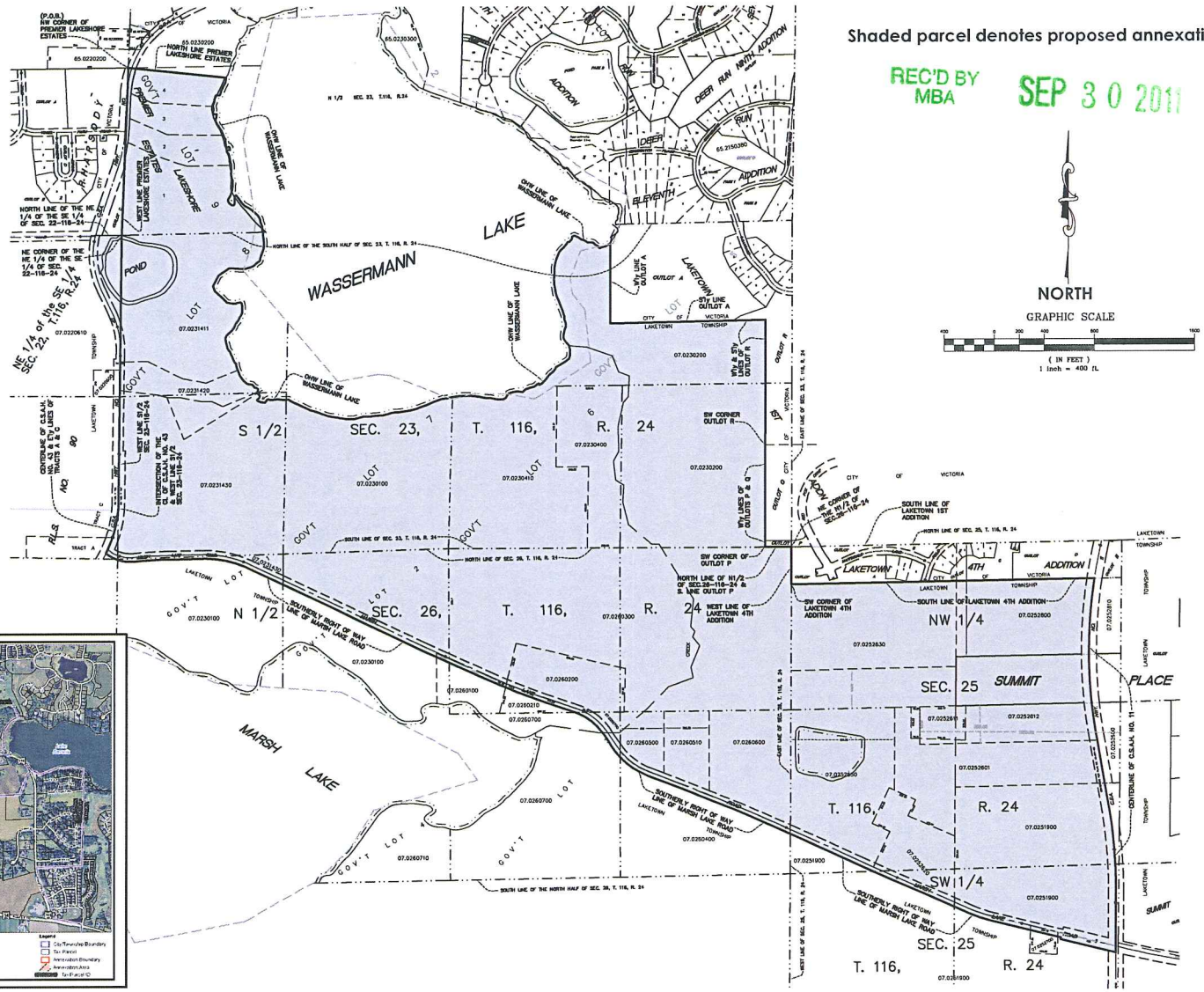
Description for Proposed Annexation:

That part of the recorded plat of PREMIER LAKESHORE ESTATES, that part of the Northeast Quarter of the Southeast Quarter of Section 22, Township 116, Range 24, that part of the South Half of Section 23, Township 116, Range 24, that part of the North Half of Section 26, Township 116, Range 24, and that part of the Northwest Quarter and the Southwest Quarters of Section 25, Township 116, Range 24 all in Carver County, Minnesota described as follows:

Beginning at the Northwest corner of the recorded plat of said PREMIER LAKESHORE ESTATES; thence Southerly along the West line of said PREMIER LAKESHORE ESTATES to the Northeast corner of said Northeast Quarter of the Southeast Quarter of Section 22, Township 116, Range 24; thence Westerly along the North line of said Northeast Quarter of the Southeast Quarter of Section 22 to the centerline of County State Aid Highway No. 43; thence Southerly along said centerline to its intersection with the Southerly right of way line of Marsh Lake Road and its Westerly extension; thence Easterly and Southeasterly along said Southerly right of way line and its Easterly and Westerly extensions to the centerline of County State Aid Highway No. 11; thence Northerly along said centerline of County State Aid Highway No. 11 to its intersection with the South line of the recorded plat of LAKETOWN 4TH ADDITION and its Easterly extension across said County State Aid Highway No. 11; thence Westerly along said South line of LAKETOWN 4TH ADDITION to the Southwest corner of said LAKETOWN 4TH ADDITION; thence Northerly along the West line of said LAKETOWN 4TH ADDITION to the Northeast Corner of said North Half of Section 26, Township 116, Range 24, said corner also being on the South line of the recorded plat of LAKETOWN 1ST ADDITION; thence Westerly along the North line of said North Half of Section 26, Township 116, Range 24 also being the South line of Outlot P, said LAKETOWN 1ST ADDITION to the Southwest corner of said Outlot P, LAKETOWN 1ST ADDITION; thence Northerly along the Westerly lines of Outlots P and Q, said LAKETOWN 1ST ADDITION to the Southwest corner of Outlot R, said LAKETOWN 1ST ADDITION; thence northerly and westerly along the Westerly and Southerly lines of said Outlot R, LAKETOWN 1ST ADDITION to the South line of Outlot A, said LAKETOWN 1ST ADDITION; thence Westerly and Northerly along the Southerly and Westerly lines of said Outlot A to the Ordinary High Water line of Wassermann Lake; thence Westerly, Southwesterly, Southerly, Southwesterly, Westerly, Northwesterly, and Northerly along said Ordinary High Water line of Wassermann Lake to its intersection with the Northerly line of said PREMIER LAKESHORE ESTATES; thence Westerly along said Northerly line of said PREMIER LAKESHORE ESTATES to the point of beginning.

Area Calculation:

Approximate area of proposed annexation is 495.12 Acres. Area calculation is based on Carver County digital mapping acquired from the Carver County Surveyors Office in August 2011.

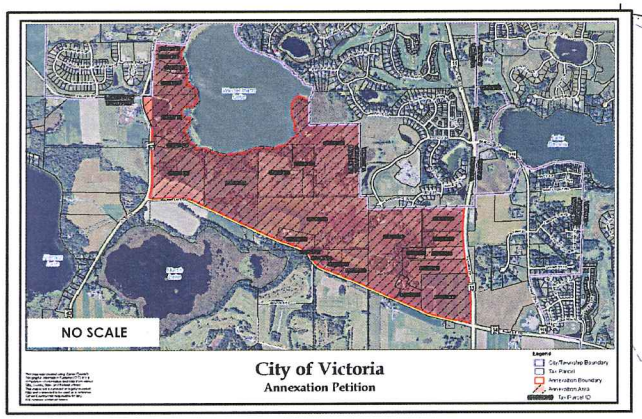


Shaded parcel denotes proposed annexation area.

REC'D BY MBA SEP 30 2011

GRAPHIC SCALE

(IN FEET)
1 inch = 400 ft.



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

DANIEL W. OBERMILLER

Date: 8/16/11 License No. 25341

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

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DRAWN BY: BAB	JOB NO: 11351HS	DATE: 8/10/11	
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1	8/16/11	ADD PARCEL TO ANNEX.	DWO
2			
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NO.	DATE	DESCRIPTION	BY

REC'D BY MBA SEP 3 0 2011

MARSH LAKE ROAD MAINTENANCE AGREEMENT

THIS AGREEMENT is made by and between the CITY OF VICTORIA, a Minnesota municipal corporation (the "City") and the TOWN OF LAKETOWN, a political subdivision under the laws of Minnesota (the "Town").

Recitals

A. The City and the Town have entered into that certain "Stipulation By Joint Resolution As To Orderly Annexation No 76-47", as amended by that certain "Joint Resolution Stipulating To The Amendment Of The Orderly Annexation Agreement No.76-47" (collectively, the "Annexation Agreement") providing for the phased annexation of land described therein from the Town by the City.

B. The City intends to implement annexation of certain land in the southern portion of the annexation area as permitted by the Annexation Agreement (the "Master Plan Area" as described in the Annexation Agreement) including an area containing the complete right of way of Marsh Lake Road as it is described in the Annexation Agreement (the "Road"), by a amendment to the Annexation Agreement by the City and the Town.

C. The Annexation Agreement currently provides for joint maintenance of the Road. Since the City is annexing additional land adjacent to or served by the Road and the entire right of way of the Road, the City and Town desire to enter into an agreement with respect to the future maintenance of the Road subsequent to the pending annexation.

Terms of Agreement

1. Commencement Date. This Agreement is binding on the parties as of the date the pending annexation is approved by the State of Minnesota. The pending annexation shall provide for the annexation by the City of the entire right of way of the Road from CSAH 43 to CSAH 11. The parties' future obligations with respect to maintenance of the Road will commence on the first day of the month next following the date of such approval (the "Commencement Date"). Thereafter, the City shall have control of all existing or proposed access points to the Road.

2. Town Road Maintenance. The Town agrees to perform all maintenance and repair of the unimproved (gravel) portions of the Road, all in accordance with the Town's policies and practices with respect to similar roads in the Town, including but not limited to: grading, snow plowing, the addition of class 5 gravel; dust control; mowing of right-of-way, tree removal, maintenance and repair of ditches and culverts; maintenance and replacement of signage (the "Town Road Maintenance").

3. Payment for Town Road Maintenance. Until termination as provided in paragraph 6 of this Agreement, the City agrees to annually pay the Town a sum of money equal to the Town's costs for labor and materials to defray the cost of the Town Road Maintenance (the "Maintenance Payment"). The Town shall bill the City for the Maintenance Payment annually in December.

REC'D BY MBA SEP 30 2011

4. City Road Maintenance. The City shall continue to maintain those sections of the Road currently constructed to City specifications as an urban road, and any sections of the Road constructed to City specifications as an urban road subsequent to the pending annexation, all in accordance with the City's policies and practices with respect to similar roads in the City, at its sole cost and expense.

5. Indemnity; Insurance. A. The Town agrees to indemnify and hold harmless the City, and the City's officers, employees or agents, from and against all claims, costs, expenses, damages or liabilities (including reasonable attorney's fees and costs) arising or resulting from the negligent or willful act or omission of the Town or the Town's officers, employees or agents relating to the Town's performance of its maintenance activities under this Agreement. Nothing herein shall be deemed a waiver by either party of the limitations on liability set forth in Minnesota Statutes, Chapter 466, as amended.

B. The City agrees to indemnify and hold harmless the Town and the Town's officers, employees or agents, from and against all claims, costs, expenses, damages or liabilities (including reasonable attorney's fees and costs) arising or resulting from the negligent or willful act or omission of the City or the City's officers, employees or agents relating to the City's performance of its maintenance activities under this Agreement. Nothing herein shall be deemed a waiver by either party of the limitations on liability set forth in Minnesota Statutes, Chapter 466.

C. The parties shall each carry appropriate policies of insurance for the purpose of providing insurance coverage for the respective duties under this Agreement.

6. Term; Modification. This Agreement shall remain in full force and effect until the Road is fully paved as an urban road by the City, or sooner terminated by a resolution of each party. This Agreement may be modified by the parties at any time.

7. Notices. Any notice required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given upon deposit in the United States Mail as Certified Mail or Registered Mail, Return Receipt Requested, postage prepaid, and addressed to the party being notified at the address given below (or such other address which a party may designate for itself from time to time hereafter by written notice to the other party):

If to City: City Administrator
City of City of Victoria
7951 Rose Street
Victoria, MN 55386

If to Town: Town Clerk
Laketown Town Hall
9530 Laketown Road
Chaska, MN 55318

REC'D BY MBA SEP 30 2011

CITY OF VICTORIA

By Mary Hershberger Thun
Mary Hershberger Thun
Its Mayor

By Jennifer Kretsch
Jennifer Kretsch
Its City Clerk

TOWN OF LAKETOWN

By Charles Held
Charles Held
Its Town Board Chair

By Karen L McMullen
Karen L McMullen
Its Town Board Clerk

KAREN L. MCMULLEN
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2012

REC'D BY MBA NOV 12 2010

CITY OF VICTORIA
RESOLUTION NO. 10-103

TOWNSHIP OF LAKETOWN RESOLUTION 2010-05

CITY OF CHASKA
RESOLUTION NO. 10-88

JOINT RESOLUTION STIPULATING TO THE AMENDMENT OF THE ORDERLY ANNEXATION AGREEMENT NO. 76-47 AMONG THE MUNICIPALITIES OF CHASKA, VICTORIA AND WACONIA, AND THE TOWNSHIP OF LAKETOWN

WHEREAS, certain real property (hereafter referred to as the "Property") legally described as:

Exhibit A attached hereto and incorporated herein

is approximately 2.03 acres in size and located within the boundaries of Laketown Township

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed to an orderly annexation agreement (the "Agreement") pursuant to Minnesota Statutes Chapter 414 for the annexation of certain unincorporated territory in the Township of Laketown;

WHEREAS, the Municipal Board of the State of Minnesota pursuant to Resolution Number 76-47 has approved and ordered the implementation of such Agreement;

WHEREAS, the City of Victoria, the City of Chaska and the Township of Laketown (the "Township") intend to amend that portion of the Agreement relating to annexation of the Property;

WHEREAS, the Property is currently located within the Township, but included in the Orderly Annexation for the City of Chaska;

WHEREAS, the Property is right-of-way of 86th Street and the City of Victoria wishes to place 86th Street on the Municipal State Aid street system;

NOW, THEREFORE, BE IT RESOLVED,

1. That the City of Chaska and the City of Victoria along with Laketown Township jointly request that the Office of Administrative Hearings – Municipal Boundary Adjustments annex the Property to the City of Victoria and amend Resolution Number 76-47 to reflect the annexation into the City of Victoria versus the City of Chaska.
2. That this joint resolution be submitted to the Office of Administrative Hearings – Municipal Boundary Adjustments for the purposes set forth herein.

Approved by the City of Chaska this 18th day of October, 2010.

Mark Windschitl, Mayor

ATTEST:

Matthew Podhradsky, City Clerk

Approved by the City of Chaska this 18th day of October, 2010.

REC'D BY MBA NOV 12 2010

Mark Windschitl, Mayor

ATTEST:

_____, City Clerk

Approved by the City of Victoria this 25th of October, 2010.

Mary Hershberger Thun, Mayor

ATTEST:

Jennifer Kretsch, City Clerk

Approved by the Township of Laketown this 12th day of October, 2010.

Charles Johnson, Board Chair

ATTEST:

Karen McMullen, Town Clerk

KAREN L. MCMULLEN
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2012

86th Street as donated and dedicated to the public on the record plat of CHEVALLE, Carver County, Minnesota. (Annexation Area=53,143sf or 1.22 Acres)

and

The North 33 feet of the following described property:

> Commencing at the Northeast corner of Northeast Quarter of Section 24, Township 116, Range 24, Carver County, Minnesota; thence Westerly along the Northerly line thereof, a distance of 608.72 feet to the actual point of beginning of the land to be described; thence deflect to the left 72 degrees 30 minutes a distance of 619.60 feet; thence Westerly and parallel with the Northerly line of said Northeast quarter, a distance of 275.55 feet; thence Northerly, along a line drawn perpendicular to the Northerly line of said Northeast Quarter from a point on said Northerly line distance 461.85 feet Westerly of the point of beginning, to said Northerly line; thence Easterly along said Northerly line distant 461.85 feet to the point of beginning, according to the Government Survey thereof. (Annexation Area=15,070sf or 0.35 Acres)

and

The North 33 feet of the following described property:

> That part of the Northeast Quarter of Section 24, Township 116, Range 24, Carver County, Minnesota, described as follows: Beginning at the Northeast corner of said Northeast Quarter; thence Westerly along the Northerly line thereof, a distance of 608.72 feet; thence deflect to the left 72 degrees 30 minutes, a distance of 351.25 feet; thence Easterly and parallel with the North line of the said Northeast Quarter to the Easterly line thereof; thence Northerly along the said Easterly line to the point of beginning. (Annexation Area=20,231sf or 0.46 Acres)

ANNEXATION SKETCH

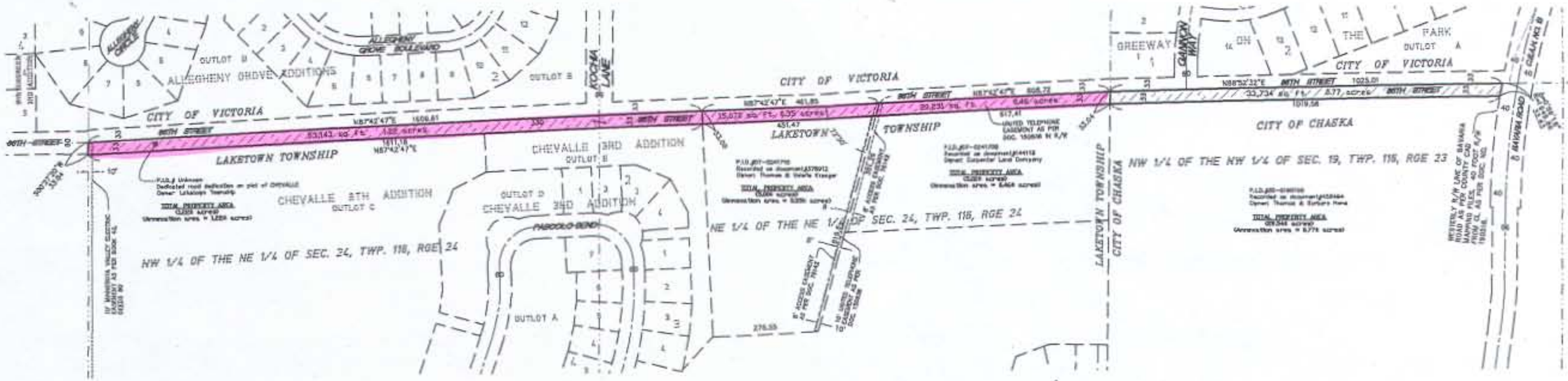
FOR: THE CITY OF VICTORIA

DENOTES ANNEXATION AREA.
DENOTES ANNEXATION BOUNDARY LINES.
DENOTES PROPERTY AND RIGHT OF WAY LINES.
DENOTES SECTION LINES.
DENOTES EASEMENT LINES.
DENOTES ADJACENT LOT LINES.
DENOTES INTERIOR PARCEL BOUNDARY WITHIN PROPOSED ANNEXATION AREA

REC'D BY MBA NOV 16 2010

GRAPHIC SCALE

(IN FEET)
1 inch = 150 ft.



A-2205(OA)-15 Victoria/Laketown Township

OVERALL PROPERTY DESCRIPTION FOR ANNEXATION:

The North 33 feet of the Northeast Quarter of Section 24, Township 116, Range 24, Carver County, Minnesota.

and

The North 33 feet of the Northwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 23, Carver County, Minnesota lying Westerly of the Westerly right of way line of Bavaria Road.

(Annexation Area=122,116sf or 2.80 Acres)

INDIVIDUAL PROPERTY DESCRIPTIONS IN THE ANNEXATION OF PROPERTY FROM LAKETOWN TOWNSHIP INTO VICTORIA:

[ANNEXATION RESOLUTION NO. 10-103]

(Property Owner: Laketown Township)
PID# Not Assigned

PROPERTY DESCRIPTION OF PROPERTY TO BE ANNEXATED:

86th Street as donated and dedicated to the public on the record plat of CHEVALLE, Carver County, Minnesota.
(Annexation Area=53,142sf or 1.22 Acres)

(Property Owner: Thomas E. Kreager and Valerie A. Kreager)
PID# 07-0241710

PROPERTY DESCRIPTION OF PROPERTY TO BE ANNEXATED:

The North 33 feet of the following described property:

Commencing at the Northeast corner of Northeast Quarter of Section 24, Township 116, Range 24, Carver County, Minnesota; thence Westerly along the Northerly line thereof, a distance of 608.72 feet to the actual point of beginning of the land to be described; thence deflect to the left 72 degrees 30 minutes a distance of 819.60 feet; thence Westerly and parallel with the Northerly line of said Northeast quarter, a distance of 275.55 feet; thence Northerly, along a line drawn perpendicular to the Northerly line of said Northeast Quarter from a point on said Northerly line distance 461.85 feet Westerly of the point of beginning, to said Northerly line; thence Easterly along said Northerly line distant 461.85 feet to the point of beginning, according to the Government Survey thereof.
(Annexation Area=15,070sf or 0.35 Acres)

(Property Owner: Carpenter Land Company)
PID# 07-0241700

PROPERTY DESCRIPTION OF PROPERTY TO BE ANNEXATED:

The North 33 feet of the following described property:

That part of the Northeast Quarter of Section 24, Township 116, Range 24, Carver County, Minnesota, described as follows: Beginning at the Northeast corner of said Northeast Quarter; thence Westerly along the Northerly line thereof, a distance of 608.72 feet; thence deflect to the left 72 degrees 30 minutes, a distance of 351.25 feet; thence Easterly and parallel with the North line of the said Northeast Quarter to the Easterly line thereof; thence Northerly along the said Easterly line to the point of beginning.
(Annexation Area=20,231sf or 0.46 Acres)

INDIVIDUAL PROPERTY DESCRIPTIONS IN THE ANNEXATION OF PROPERTY FROM CHASKA INTO VICTORIA:

[ANNEXATION RESOLUTION NO. 10-104]

(Property Owner: Thomas R. Hane and Barbara J. Hane)
PID# 30-0190100

PROPERTY DESCRIPTION OF PROPERTY TO BE ANNEXATED:

The North 33 feet of the following described property:

That part of the North one-half of the Northwest Quarter of Section 19, Township 116, Range 23 West, Carver County, Minnesota which lies Westerly of the Westerly right of way of Bavaria Road, according to the United States Government Survey thereof, Carver County, Minnesota.
(Annexation Area=33,734sf or 0.77 Acres)

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

DANIEL W. OBERMILLER

Date: 11/16/10 License No. 25341

E. G. RUD & SONS, INC.
EST. 1937
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com

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1 11/16/10	separate description boxes	dwo
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SURVEY NOTES

1.) No field work preformed for this sketch.

2.) Title search conducted by Carver County Abstract and Title CO., Inc. on March 29, 2010. A search was made for all easements within annexation property boundaries shown. All easements found by that search are shown on this sketch with the exception of Doc. 147167 (Easement release) which is unreadable and Doc. A394491 (Roadway Easement) which untraceable due to a bad call.

3.) Ownership of the 86th Street right of way as donated and dedicated on the plat of "CHEVALLE" is unclear. Legal consultation is advised to determine correct ownership of this property.

4.) Section breakdown as per Carver County Survey Office.

NORTH

REC'D BY
MMB MAY 25 2006

CITY OF WACONIA
RESOLUTION 2006-90

TOWNSHIP OF LAKETOWN RESOLUTION n/a.

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

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed to an orderly annexation agreement (the "Agreement") pursuant to Minnesota Statutes Chapter 414 for the annexation of certain unincorporated territory in the Township of Laketown; and

WHEREAS, the Municipal Board of the State of Minnesota, pursuant to Resolution Number 76-47, has approved and ordered the implementation of such Agreement; and

WHEREAS, the City of Waconia (the "City") has received a request for the annexation of approximately 187 acres of real property shown in **Exhibit A** and legally described on **Exhibit B** (the "Property"), which Property lies within the area designated in the Agreement for orderly annexation by the City; and

WHEREAS, the Property is to be part of a master planned, mixed-use development that will be serviced by utilities provided by the City of Waconia, and, therefore, is or 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 Agreement relating to the rights, duties and responsibilities of the Township and the City in regard to the Property;

NOW, THEREFORE, be it resolved by the City Council of Waconia, Minnesota and the Town Board of the Township of Laketown:

1. **The Property.** The terms of this Amendment shall only apply to the Property. This Amendment does not affect the terms of the Agreement in regard to any other real property subject to the Agreement.

2. **Annexation Designation.** The Township and the City hereby designate the Property for orderly annexation, pursuant to Minnesota Statute § 414.0325.

REC'D BY MMB MAY 25 2006

3. **Jurisdiction**. Upon approval of this Joint Resolution by the Township and the City, this Joint Resolution shall confer jurisdiction upon the Office of Administrative Hearings, Municipal Boundary Adjustments, or its successor, so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.

4. **No Alteration of Boundaries.** The Township and the City agree that the Property is in need of orderly annexation and that no alteration of the stated boundaries as described in this Joint Resolution is appropriate.

5. **Annexation.**

   A. The Township and the City agree that the conditions of annexation shall be governed by this Joint Resolution and that no further consideration by the director is necessary. Therefore, the director may review and comment, but shall, within 30 days, approve and order annexations of the Property in accordance with the terms of this Joint Resolution.

   B. Annexation of any portion of the Property shall occur upon the occurrence of all of the following events:

      i. Delivery of a petition of the owner of the Property to the City for the annexation of all or a portion of the Property; and

      ii. Passage of a resolution by the City requesting Minnesota Boundary Adjustments to annex such portion of the Property; and

      iii. Written confirmation from the Township Clerk to Minnesota Boundary Adjustments and the City Clerk that the owner of the Property has complied with the taxation reimbursement requirements of that certain agreement titled "Annexation Agreement" between Laketown Township and Plowshares Development dated March 13, 2006 as to the portion of the Property petitioned for annexation.

6. **Corporate Boundaries.** As properties are annexed to the City consistent with the terms of this agreement, Minnesota Boundary Adjustments shall amend the corporate boundaries for Waconia consistent with this Joint Resolution.

7. **Storm Water Drainage.** The city shall require the installation of wet storm water ponds to control the rate of runoff and provide water quality treatment. The City shall require storm water ponds with sufficient live storage to attenuate post-development runoff rates to pre-development runoff rates for the 2-year, 10-year, and 100-year 24-hour storm events; and the 100-year 10-day runoff event. From a water quality standpoint, the permanent pool volume shall be sized in accordance with National Urban Runoff Program (NURP) recommendations. Furthermore, the City will be responsible to maintain conformance with MPCA and NPDES rules for pollutant and runoff volume

REC'D BY MMB MAY 25 2006

reduction. In addition, unless otherwise agreed to by the parties, the City, through its developer's agreement, shall require that any drain tile lines located on the Property and serving adjacent property within the Township either: 1) not be materially impacted by the development; 2) be connected to the City's storm sewer system; or 3) be relocated, as necessary, so as to allow such tile lines to serve their intended purpose.

8. **Levied Assessments.** 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 the Township levied special assessments. If the Property is paying special assessments levied by the Township, the City shall collect such money and return such money to the Township within 30 days of receipt by the City.

9. **Property Taxes**. Section 33 of the Agreement is hereby deleted in its entirety in regard to the Property. The mill levy of the City for the Property shall be the City's full rate.

10. **Development**. In regard to the Property, the City agrees as follows:

    A. The City shall follow the development procedures outlined in the City of Waconia Subdivision Code.

    B. The City shall forward to the Town Clerk all preliminary plat submissions for the Property, and shall send the Town Clerk notice of all public meetings for concept plan approval, preliminary plat approval and final plat approval for the Property.

11. **Uses**. The City and the Township acknowledge that Minnesota Statutes Section 462.357 Subd. 1c provides that a municipality must not enact, amend, or enforce an ordinance providing for the elimination or termination of a use by amortization which use was lawful at the time of its inception. The City and Township agree to work in good faith to address issues that may arise as anticipated property use conflicts arise.

12. **Deferred Assessments.** With respect to road, sewer and water improvements to be constructed within the Property, the City's policy for deferred, delayed, or future assessments for such improvements against real property still located in the Township shall be as follows:

    A. Sanitary Sewer and Water Utilities. The City shall not specially assess any properties in the Township related to the cost of construction of sanitary sewer and water utilities installed as part of the development of the Property until such properties are annexed into the City, if ever. The City may not impose connection, access and area charges on properties in the Township until such properties are annexed into the City, at which point charges shall be applied as allowed by law or City code.

    B. Street and Curb and Gutter and Storm Sewer Utilities. The City shall not specially assess any properties in the Township related to the cost of construction of streets, curb, gutter or storm sewer for the Property until such properties are annexed into the City, if ever.

REC'D BY MMB MAY 25 2006

C. Reservation of Rights. The City of Waconia reserves the right to enter into development agreements with the developer of the Property that vary from the terms of this paragraph with respect to such parcel.

14. **Planning Authority.** Planning, zoning, and subdivision authority over the Property shall be under the jurisdiction of the City, and all City zoning and subdivision ordinances and the City's Comprehensive Plan shall apply to the Property. The City and the Township shall jointly request the County of Carver transfer planning, zoning, and subdivision authority over the Property to the City of Waconia.

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

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

17. **Costs Associated with the Orderly Annexation Agreement.** Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement.

18. **Venue.** The venue for all actions concerning this Agreement shall be Carver County, Minnesota.

19. **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.

20. **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.

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

This Joint Resolution shall be effective solely upon approval by both the Laketown Township Board and the Waconia City Council.

APPROVED BY THE TOWNSHIP OF LAKETOWN THIS 13th DAY OF March, 2006.

RECD BY MMB MAY 25 2006

Chairman

ATTEST:

Deb Vanderlinde, Clerk

APPROVED BY THE CITY COUNCIL OF THE CITY OF WACONIA THIS 17th

DAY OF April, 2006.

By: _____
Mayor

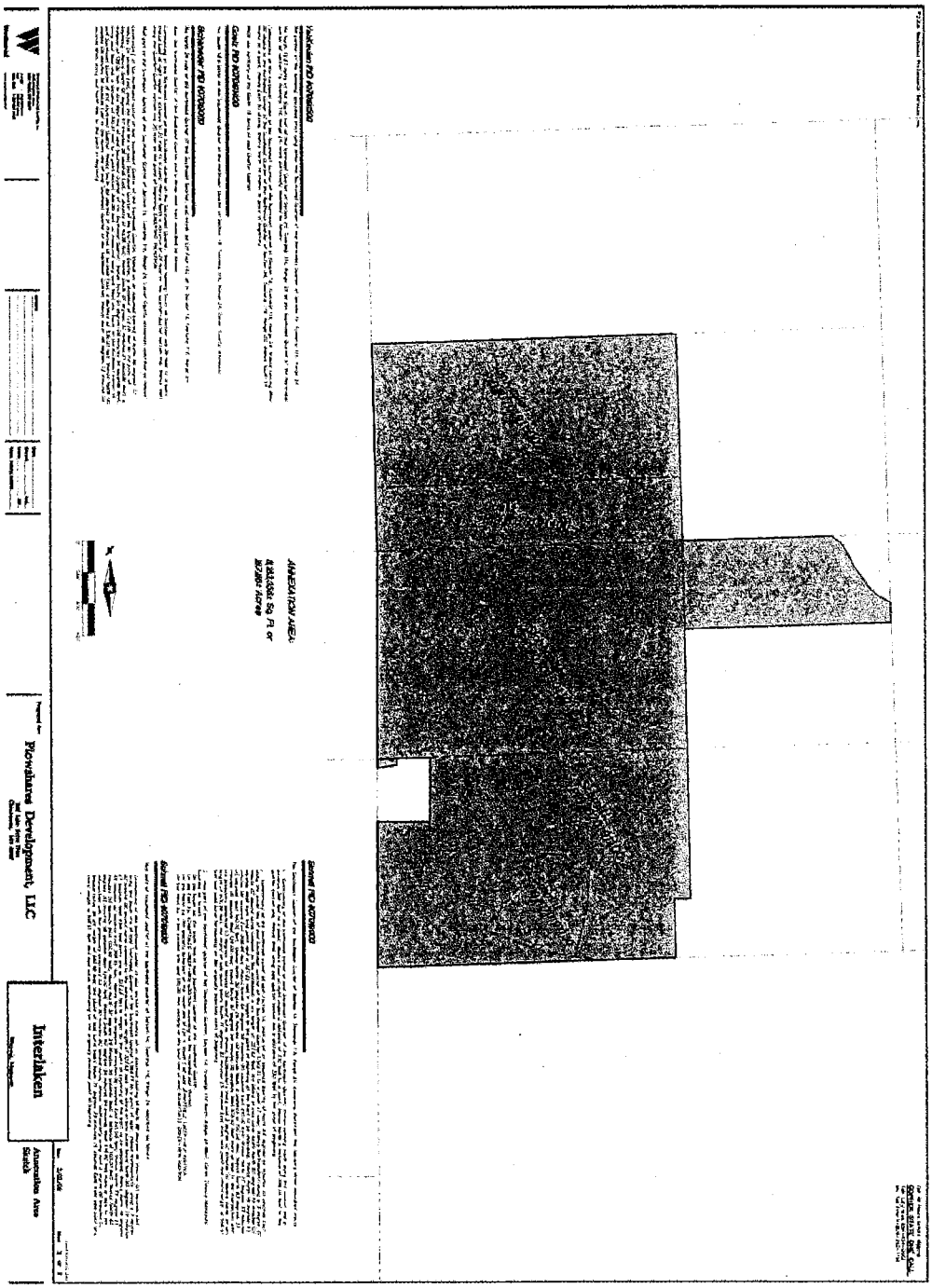
ATTEST:

By: _____, City Clerk

RECD BY MMB MAY 25 2006

EXHIBIT A

Depiction of Property



REC'D BY MMB MAY 25 2006

EXHIBIT B

Legal Description of Property

VanKeulen PID #070191500
The portion of the following described tract lying within the Southwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 24:

The North 72.67 acres of the South Half of the Northeast Quarter of Section 24, Township 116, Range 25 of the Southwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 24, more particularly described as follows:

Commencing at the northeast corner of the Southwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 24; thence running West 50 chains to the northwest corner of the Southeast Quarter of the Northeast Quarter of Section 24, Township 116, Range 25; thence South 14 chains to a post; thence East 50 chains; thence North 14 chains to place of beginning.

Which lies northerly of the South 18 acres of said Quarter Quarter.

Goetz PID #070191400
The South 18.0 acres of the Southwest Quarter of the Northwest Quarter of Section 19, Township 116, Range 24, Carver County, Minnesota.

Sicheneder PID #070190110
The North 34 rods of the Northeast Quarter of the Southwest Quarter, also known as Lot Four (4), all in Section 19, Township 116, Range 24,

Also, the Northwest Quarter of the Southwest Quarter and a three acre tract described as follows:

Commencing at the Northwest corner of the Southwest Quarter of the Southwest Quarter; thence running South on Section line 24 rods to a point; thence East at right angles a distance of 20 rods to a point; thence North a distance of 24 rods to the Quarter-Quarter section line; thence West along the Quarter-Quarter section line 20 rods to the place of beginning, EXCEPTING THEREFROM:

That part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 116, Range 24, Carver County, Minnesota described as follows:

Commencing at the Northwest corner of said Southwest Quarter of the Southwest Quarter; thence on an assumed bearing of North 88 degrees 12 minutes 04 seconds East, along the North line of said Southwest Quarter of the Southwest Quarter, a distance of 122.28 feet to the point of beginning; thence South 01 degrees 47 minutes 56 seconds East, a distance of 40.56 feet; thence South 81 degrees 32 minutes 21 seconds West, a distance of 125.00 feet to the West line of said Southwest Quarter of the Southwest Quarter; thence South 00 degrees 08 minutes 54 seconds West, along said West line, a distance of 340.91 feet to a point distant 396.00 feet, as measured along said West line, South of the Northwest corner of said Southwest Quarter of the Southwest Quarter; thence South 89

RECD BY MMB MAY 2 5 2006

degrees 51 minutes 06 seconds East, a distance of 330.00 feet; thence North 00 degrees 08 minutes 54 seconds East to the North line of said Southwest Quarter of the Southwest Quarter; thence South 88 degrees 12 minutes 04 seconds West, along said North line, to the point of beginning.

Schmitt PID #070191100
The Southwest Quarter of the Southwest Quarter of Section 19, Township 116, Range 24, Excepting therefrom the following three described tracts:

1. Commencing at the northwest corner of said Southwest Quarter of the Southwest Quarter; thence running South along the section line a distance 396 feet to a point; thence East at right angles a distance of 330 feet to a point; thence North a distance of 396.00 feet to the quarter section line; thence West along said quarter section line a distance of 330 feet to the place of beginning.

2. Commencing at the southwest corner of said Section 19; thence on an assumed bearing of North 89 degrees 46 minutes 00 seconds East along the south line of said Southwest Quarter of the Southwest Quarter 1,569.77 to a point of cusp; thence Northwesterly along a 3 degree 00 minute 00 second curve concave to the northeast, a arc length of 327.62 feet, the chord of said curve bears North 85 degrees 19 minutes 07 seconds West from said point and is 327.22 feet in length to the point of beginning of the tract to be described; thence North 16 degrees 45 minutes 00 seconds East 308.95 feet; thence North 04 degrees 58 minutes 00 seconds East 241.00 feet; thence North 77 degrees 25 minutes 00 seconds West 100.00 feet; thence North 30 degrees 29 minutes 00 seconds West, a distance of 100.00 feet; thence North 83 degrees 33 minutes 00 seconds West 124.00 feet; thence South 40 degrees 59 minutes 00 seconds West 618.40 feet more or less to the intersection with the previously described 03 degrees 00 minutes 00 second curve; thence Southeasterly along said 3 degree 00 minutes 00 second curve, an arc length of 600.98 feet, the chord of said curve bears South 71 degrees 23 minutes 25 seconds East from said point and chord length is 598.51 feet and said curve terminating on the originally described point of beginning.

3. That part of the Southwest Quarter of the Southwest Quarter, Section 19, Township 116 North, Range 24 West, Carver County, Minnesota, bounded as follows:
On the South by; the south line of said Southwest Quarter of the Southwest Quarter.
On the East by; SCHMITTVILLE CREEK-VIEW ADDITION, according to the recorded plat thereof.
On the North by; the westerly extension of the north line of Lot 4, Block 1 of said SCHMITTVILLE CREEK-VIEW ADDITION.
On the West by; a line parallel with and 100.00 feet westerly of the west line of said SCHMITTVILLE CREEK-VIEW ADDITION.

Schmitt PID #070191130
That part of Southwest Quarter of the Southwest Quarter of Section 19, Township 116, Range 24, described as follows:

Commencing at the southwest corner of said Section 19; thence on an assumed bearing of North 89 degrees 46 minutes 00 seconds East along the south line of said Southwest

2006

Quarter of the Southwest Quarter 1,569.77 to a point of cusp; thence Northwesterly along a 3 degree 00 minute 00 second curve concave to the northeast, a arc length of 327.62 feet, the chord of said curve bears North 85 degrees 19 minutes 07 seconds West from said point and is 327.22 feet in length to the point of beginning of the tract to be described; thence North 16 degrees 45 minutes 00 seconds East 308.95 feet; thence North 04 degrees 58 minutes 00 seconds East 241.00 feet; thence North 77 degrees 25 minutes 00 seconds West 100.00 feet; thence North 30 degrees 29 minutes 00 seconds West, a distance of 100.00 feet; thence North 83 degrees 33 minutes 00 seconds West 124.00 feet; thence South 40 degrees 59 minutes 00 seconds West 618.40 feet more or less to the intersection with the previously described 03 degrees 00 minutes 00 second curve; thence Southeasterly along said 3 degree 00 minutes 00 second curve, an arc length of 600.98 feet, the chord of said curve bears South 71 degrees 23 minutes 25 seconds East from said point and chord length is 598.51 feet and said curve terminating on the originally described point of beginning.

REC'D BY MMB MAR 12 2004

CITY OF VICTORIA
RESOLUTION O4-08

TOWNSHIP OF LAKETOWN RESOLUTION 2004-01.

JOINT RESOLUTION STIPULATING TO THE AMENDMENT OF THE ORDERLY ANNEXATION AGREEMENT NO. 76-47 AMONG THE MUNICIPALITIES OF CHASKA, VICTORIA AND WACONIA, AND THE TOWNSHIP OF LAKETOWN

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed to an orderly annexation agreement (the "Agreement") pursuant to Minnesota Statutes Chapter 414 for the annexation of certain unincorporated territory in the Township of Laketown; and

WHEREAS, the Municipal Board of the State of Minnesota pursuant to Resolution Number 76-47 has approved and ordered the implementation of such Agreement; and

WHEREAS, the City of Victoria (the "City") and the Township of Laketown (the "Township") intend to amend that portion of the Agreement relating to the rights, duties and responsibilities of the Township and the City in the Victoria portion of the Agreement; and

WHEREAS, the City has completed the Victoria South Subarea Study (the "Study") and has developed the Victoria South Master Plan (the "Master Plan") for a portion of the area designated to be annexed by Victoria in the Agreement; and

WHEREAS, the City and the Township intend to have annexation in this area proceed in phases according to the Master Plan.

NOW, THEREFORE, be it resolved by the City Council of Victoria, Minnesota and the Town Board of the Township of Laketown:

1. The area covered by this amendment studied and defined in the Master Plan, consists of approximately 1300 acres. The depiction of the area to be annexed is shown in Exhibit A ("Master Plan Area"), and is legally described on Exhibit B.

2. The Township and the City agree that development and annexation will occur in phases according to the provisions of the Master Plan. All land to be annexed in the Master Plan Area shall abut the City. The Township and the City agree that as the City implements the Master Plan by granting required zoning approvals, the City may by resolution annex those areas designated for annexation in the Master Plan Area without further action of the Township. The City will advise the Township of its intention to enact such annexation resolution at least thirty (30) days prior to any such City approval.

REC'D BY MMB MAR 12 2004

3. The first area subject to annexation in the Master Plan Area, is the location for a proposed residential development which may include the development and construction of a public school. The City has identified the land comprising this proposed development, as well as additional parcels, which collectively, will be the first phase of annexation under the Master Plan (Phase I). Phase I is depicted on Exhibit C and is legally described on Exhibit D.

4. The Township and the City hereby designate the Master Plan Area for orderly annexation, pursuant to Minnesota Statute § 414.0325. The Township and the City agree that Phase I may be annexed at the sole discretion of the City by resolution at any time subsequent to the approval of this amendment to the Agreement. Upon evidence of such City resolution, Minnesota Boundary Adjustments, Department of Administration ("MBA") shall amend the corporate boundaries for Victoria consistent with that resolution and accompanying boundary map pursuant to this paragraph 4 and paragraph 17 of this Amendment.

5. The City shall cause Marsh Lake Road from CSAH 43 to CSAH 11 to be paved with bituminous pavement when the City approves access from adjacent contiguous development to Marsh Lake Road. In this event, the City shall cause Marsh Lake Road to be paved from the point of access to the nearest paved road (CSAH 11 or CSAH 43), or nearest paved portion of Marsh Lake Road if a portion of Marsh Lake Road has previously been paved under the terms of this paragraph. When at least 50% of Marsh Lake Road has been paved as provided above, the City shall cause the remainder of Marsh Lake Road between CSAH 11 and CSAH 43 be paved. Until Marsh Lake Road is fully paved and fully annexed into the City, the Township shall continue to snowplow the gravel portions of Marsh Lake Road at the Township's sole cost and expense. The Township shall perform all maintenance on the gravel portions of Marsh Lake Road. Pursuant to a calculation of 2004 maintenance activity on Marsh Lake Road performed by the Township, the Township and the City shall jointly agree on the base level of maintenance for the unimproved (gravel) portion of Marsh Lake Road, which the parties intend to be the same level of maintenance activity performed by the Township on Marsh Lake Road in 2004. "Maintenance" for the gravel portion of the road includes repair and grading of the gravel surface, including any needed additional gravel and dust coating. In 2005 and in subsequent years until annexation of the Master Plan Area is complete along the entire length of Marsh Lake Road, the City shall be responsible for maintenance costs incurred by the Township for the gravel portion of Marsh Lake Road which are in excess of the 2004 base level costs as calculated above. As portions of Marsh Lake Road are paved pursuant to this Agreement, the 2004 base level maintenance costs for the gravel portion of Marsh Lake Road shall decrease in direct proportion to the percentage of Marsh Lake Road which is paved. Any such adjustment shall be effective beginning in the year after such pavement is installed. The Township shall bill the City for its share of Marsh Lake Road maintenance in December of each year. The City shall be responsible for any maintenance costs for the paved portion of Marsh Lake Road. In the event Carver County establishes Marsh Lake Road as a County Highway, the City's and Township's obligations under this paragraph shall terminate.

REC'D BY MMB MAR 12 2004

6. For all properties annexed under this Agreement, the City shall require in its developer's agreements that during development (including construction of residences and other structures) all construction traffic shall use Carver County highways or City streets, and that Township roads may be used only when no Carver County highway or City street is available. The City's developer's agreements shall also require that the Developer pay the Township for the reasonable cost to repair any road damage that occurs when construction traffic uses Township roads in violation of this paragraph.

7. The City shall cause Tellers Road from CSAH 43 to the western most boundary of the property shown on Exhibit B to be paved with bituminous pavement, when: 1) the City approves access from adjacent contiguous development, or 2) the City determines that adjacent contiguous development requires that Tellers Road should be paved, or 3) the properties in the Master Plan Area abutting the north side of Tellers Road have been fully developed. The Township shall continue to snowplow the entire length of Tellers Road at its sole cost and expense even after Tellers Road is paved until such time as no property in the Township abuts such paved portion of Tellers Road. The Township shall perform all maintenance on the gravel portion of Tellers Road from CSAH 43 to the paved portion of Laketown Road. Pursuant to a calculation of 2004 maintenance activity on Tellers Road performed by the Township, the Township and the City shall jointly agree on the base level of maintenance for the unimproved (gravel) portion of Tellers Road, which the parties intend to be the same level of maintenance activity performed by the Township on Tellers Road in 2004. "Maintenance" for the gravel portion of Tellers Road shall include repair and grading of the gravel surface, including additional gravel and the cost of dust coating. In 2005 and subsequent years until annexation is complete, the City shall be responsible for maintenance costs of the paved portion of Tellers Road, and the gravel portion maintenance costs of Tellers Road in excess of the 2004 base level. As portions of Tellers Road are paved pursuant to this Agreement, the 2004 base level maintenance costs for the gravel portion of Tellers Road shall decrease in direct proportion to the percentage of Tellers Road which is paved. Any such adjustment shall be effective beginning in the year after such pavement is installed. The Township shall bill the City for its share of Tellers Road maintenance in December of each year. The City shall be responsible for any maintenance costs for the paved portion of Tellers Road. In the event Carver County establishes Tellers Road as a County Highway, the City's and Township's obligations under this paragraph shall terminate.

8. The Township shall choose one of the following options with respect to the existing residential property on Maple and Krey Avenues:

   a. Upon the annexation of the residential properties on Maple and Krey Avenues shown on the attached Exhibit E, the City shall cause Maple and Krey Avenues to be paved. The City may specially assess the existing residential properties for the costs related to such paving. Each of the existing homes on Maple and Krey Avenues which are already connected to sewer shall remain at Victoria's rural tax rate until the sale or transfer of such property.

REC'D BY MMB MAR 1 2 2004

b. Upon the annexation of the residential properties on Maple and Krey Avenues shown on the attached Exhibit E, the City shall cause Maple and Krey Avenues to be paved. The City shall not specially assess the existing residential properties for the costs related to such paving. Each property on Maple and Krey Avenues shall transition to the City's urban tax rate upon annexation. For taxes payable in years 2005 through 2010, subject to the requirements in paragraph 10 of this Amendment, the properties shall be taxed at the City's rural rate. Thereafter, commencing for taxes payable in year 2011, such properties shall transition to the City's urban tax rate over a four (4) year step-up period, with rates stepping up in equal increments in each of said four years until the urban rate is fully applicable.

9. The City will not exercise its authority under Minnesota Statute Chapters 429 to assess parcels annexed pursuant to the Master Plan or parcels abutting the Master Plan for road improvements, storm water and sanitary sewers, or municipal water service, subject to the following:

   a. Improved or unimproved property less than ten (10) acres which is annexed pursuant to the Master Plan and later is the subject of an application for land division, minor subdivision or subdivision shall be required to provide roads, storm water or sanitary sewer, or water service pursuant to the City's policies and ordinances, either through a development agreement which provides for payment of costs of such improvements, or by assessments against benefited property pursuant to the City's assessment policy.

   b. Improved or unimproved property greater than ten (10) acres in the Master Plan Area shall be subject to the City's assessment policy when road, storm water or sanitary sewer or water service is extended to such property pursuant to the City's policies and ordinances, and when the property is the subject of an application for land division, minor subdivision or subdivision and such improvements are not financed through a development agreement.

   c. The restrictions of this paragraph shall not apply to an assessment agreement entered into between the City and any property owner owning property subject to this Agreement.

10. The City's current rural tax rate will be applied to all annexed properties existing on the effective date of this amendment to the Agreement. Properties shall switch to the City's urban tax rate on the following conditions:

   a. Upon approval of any final plat pursuant to development in the Master Plan Area, such properties shall immediately switch to the urban tax rate.

   b. For properties not finally platted pursuant to development in the Master Plan Area, but which connect to both sanitary sewer and municipal water service, such properties shall transition to the City's urban tax rate over a four year step-up period, with the rate stepping up in equal increments in each of said four years.

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c. The tax rates for existing residential properties on Krey and Maple Avenues shall be governed by the terms of paragraph 8 of this Agreement.

11. Subject to the requirements of paragraph 10 of this Agreement, existing residential parcels in the Master Plan Area on the date of approval of this Amendment shall not be required to connect to City sewer or water upon annexation until the property is sold, the City approves land division, minor subdivision or subdivision, or until requested by the property owner. Upon connection, the property is subject to the City's utility connection policies and fees.

12. Property in the Master Plan Area with existing and operating wells on the date of annexation may maintain such wells, and may use such well and related plumbing system for irrigation purposes only, after a hook-up to the City of Victoria water system, but may not otherwise improve such wells, or connect such well-based plumbing system to the Victoria water system.

13. If the property annexed by the City pursuant to this Amendment to the Agreement is presently paying special assessments levied by the Township, the City shall collect such money and return such money to the Township within 30 days of receipt by the City.

14. For all existing improved or unimproved properties annexed under this Agreement, the City shall share tax revenues with the Township according to the following formula: In the first year following the year the City could first levy on the annexed area, the City shall make a cash payment to the Township in an amount equal to 90 percent of the property taxes distributed to the Township in regard to the annexed area in the last year the property taxes from the annexed area were payable solely to the Township; in the second year, an amount equal to 70 percent; in the third year, an amount equal to 50 percent; in the fourth year, an amount equal to 30 percent; and in the fifth year, an amount equal to ten percent.

15. Upon approval of this Amendment to the Agreement, the Township agrees that the City may become the planning authority for the Master Plan Area described in paragraph 1 of this Amendment pursuant to Minn. Stat. § 414.0325 subd. 5(e)(1). If requested by the City, the Township shall support the City's request to the Carver County Board of Commissioners that land in the Master Plan Area be excluded from Carver County's zoning and subdivision ordinances and that the City become the planning authority for the Master Plan Area.

16. Upon approval of this Amendment to the Agreement, the Township agrees that the City may extend enforcement of the uniform building code and the City's building code to the Master Plan Area pursuant to Minn. Stat. § 16B.62, Subd. 1.

17. MBA may issue an order consistent with this Joint Resolution. Subsequent annexation actions by Victoria in the Master Plan Area shall be evidenced by resolution of the City with an accompanying boundary map, and certification by the City that annexation is made pursuant to the Master Plan. MBA shall then amend the corporate boundary for Victoria

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consistent with such resolution and accompanying boundary maps for each phase of annexation described in the City's resolution and map. MBA may review and comment, but shall, within 30 days of the date that MBA receives the City's separate designating resolution, order annexation in accordance with the terms of this Joint Resolution and Resolution Number 76-47, and the separate designating resolution. No alteration of the stated boundaries of the Master Plan Area or a designated area within the Master Plan Area is appropriate.

18. In the event the City relocates Krey Avenue or a similar collector road immediately to the east of Maple Avenue, the City shall use best efforts to maintain a 200 foot buffer between the relocated collector road and the existing residences on Maple Avenue.

This Joint Resolution shall be effective solely upon approval by both the Laketown Township Board and the Victoria City Council.

APPROVED BY THE TOWNSHIP OF LAKETOWN THIS 23rd DAY OF FEBRUARY, 2004.

Mike Klingelhutz Chairman

Mike Klingelhutz, Chairman

ATTEST:

Deb Vanderlinde Clerk

Deb Vanderlinde, Clerk

APPROVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA THIS 26th

DAY OF FEBRUARY, 2004.

By: Jerry Bohn

Jerry Bohn, Mayor

ATTEST:

By: Jennifer Kretsch, City Clerk

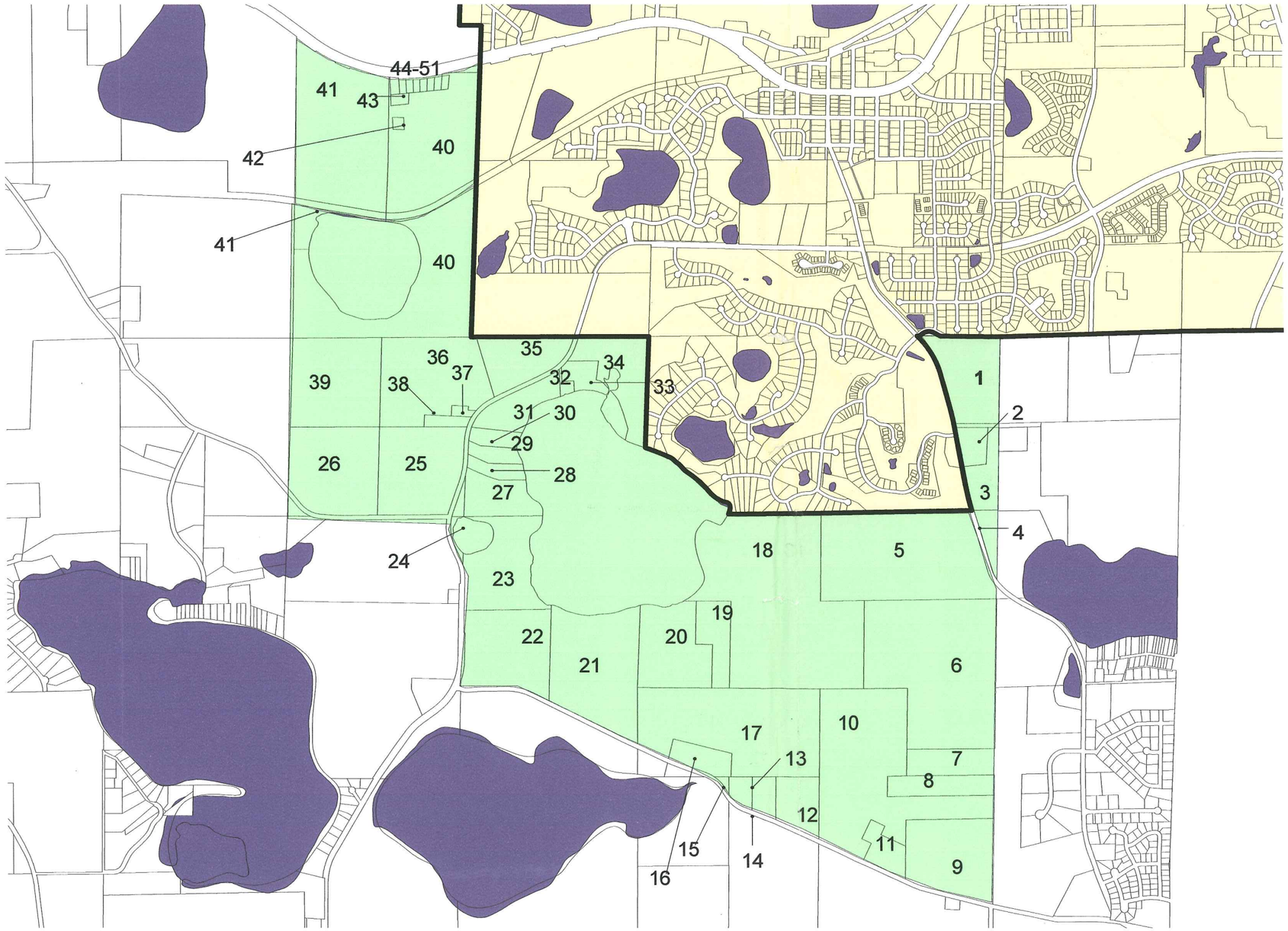
REC'D BY
MMB MAR 12 2004

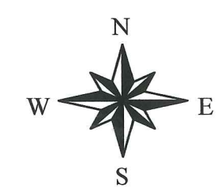
EXHIBIT A

Map of Master Plan Annexation Area

Exhibit A: Annexation Area

REC'D BY MMB MAR 12 2004





Lake1par.shp
Citylim.shp
Annexation area.shp
Water.shp
Vict2par.shp

EXHIBIT B

REC'D BY
MMB
MAR 12 2004

Legal Description of Master Plan Annexation Area

RECD BY MMB MAR 1 2 2004

Exh. B

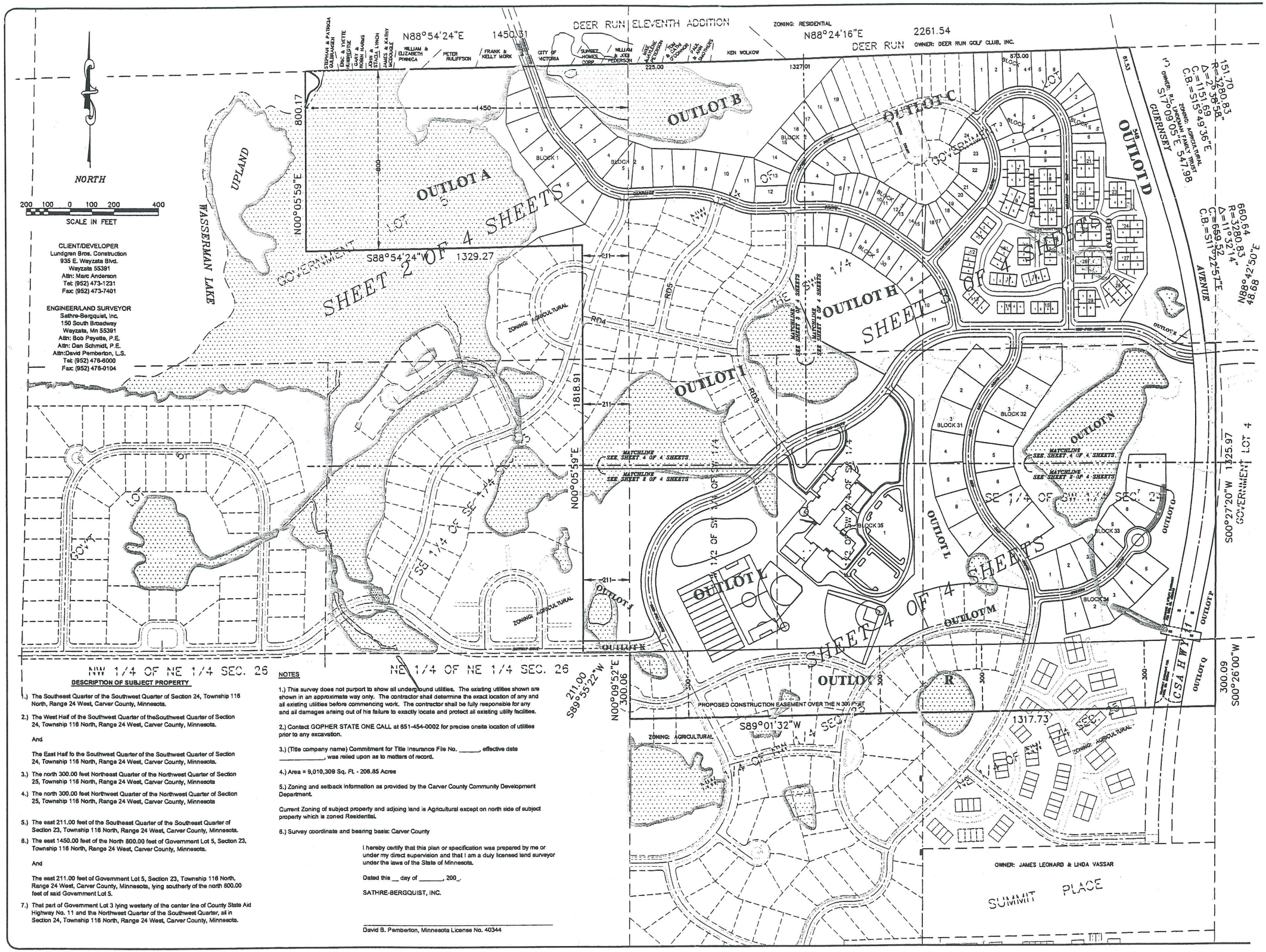
Map Number	PID	Property Owner	Legal Description
1	07.0242300	Jack Kelly Farms	NE1/4 NW1/4 Exc: That Lying Wly Of Co Rd 11
2	07.0241600	Christopher Pyne	As Surveyed SE1/4 of NW1/4 Lying Ely Of Center Of Hwy 11 Desc As: Beg At A Pt Which Lies In The Centerline Of Co Rd 11
3	07.0241610	Lucas & Rhonda Fowler	As Surveyed Pt Of SE1/4 of NW1/4 Which Lies E Of Centerline Of Co Rd 11, Exe The N60' Thereof And Exc That Pt Of SE1/4 of NW1/4
4	07.0242210	R L Lindeman Family Trust	As Surveyed That P/O N1/2 SW1/4 Lying Ely Of Centerline Of Co Rd 11 Together With All That P/O NW1/4 SE1/4 Section 24 Lying Wly
5	07.0242200	Klingelhutz	As Surveyed P/O N1/2 SW1/4 Lying Wly Of Centerline Of Co Rd 11, 50% Klingelhutz Const./50% Brian Klingelhutz
6	07.0241400	Dolefam Partnership LLP	SE1/4 SW1/4 E1/2 SW1/4 SW1/4 & In 25-116-24 N28 Ac NE1/4 Of NW1/4
7	07.7250100	James & Linda Vasser	Outlot A Exc 4.931 Ac Desc As Comm At N1/4 Corn Of Sect 25 TH S2*W Along N/S 1/4 Sect Line Of Sect 25 3040' To Pt On W Line N1/2 SE1/4 Sect 25
8	07.0252610	Frank & Beverly Simon	Desc As: All That P/O E 1600' Of N 305' Of S1/2 NW1/4 Sect 25 Lying Wly Of Centerline of Co Rd 11 Desc As: Comm At S1/4 Corn of Sect
9	07.0251900	Gertrude Schmeig	N1/2 SW1/4 & S1/2 SE1/4 NW1/4 Exc: P/O NW1/4 of SW1/4 Lying Nly of Twp Rd As It Runs Across NW1/4 SW1/4 & Also Exc: P/O N1/2 SW1/4 Desc
10	07.0252600	Frank & Beverly Simon	W1/2 NW1/4 & N1/2 SE1/4 NW1/4 Exc That P/O SW1/4 NW1/4 Lying Sly Of Centerline Of Twp Rd & Also P/O NW1/4 SW1/4 Lying
11	07.0252620	Michael & Molly Simon	P/O SW1/4 NW1/4 & NW1/4 SW1/4 Sect 25 Desc As: Beg At SE Corn SW1/4 NW1/4 TH N On E Line 259.92' TH N66*W 410.34' TH N24*E 143.03' TH
12	07.0260600	Wilbert & Darlene Kelzer	P/O SE1/4 NE1/4 W of 5th Principal Meridian Lying Nly of Centerline Twp Rd Exc: W 710.23' Thereof
13	07.0260510	Kyle & Katherine Korzenonwski	E 360.23' Of W 710.23' SE1/4 NE1/4 Lying Nly Of Center Of Town Rd
14	07.0260500	David & Cheryl Sletten	W 350" Of SE1/4 NE1/4 Lying Nly Of Centerline Of Town Rd
15	07.0260700	Marsh Lake Hunting Preserve	SW1/4 SE1/4 & Govt Lot 3 In NE1/4
16	07.0260200	Chad Johnson	P/O N1/2 Of NE1/4 Comm At NW Corn NE1/4 Sect 26 TH S1*W On W Line NE1/4 885.7' TH S64*E 414.12' TH Sely 86.38' Along Tangential Curve
17	07.0260300	James & Jane Ann Hesse	P/O N1/2 NE1/4 Beg At NW Corn NE1/4 Sect 26 TH S1*W Along W Line NE1/4 885.70' TH S64*E 414.12' TH Sely 86.38' Along Curve Con
18	07.0230200	Dolefam Partnership LLP	Govt Lot 5 & SE1/4 SE1/4 24-116-24 W1/2 SW1/4 SW1/4
19	07.0230400	Thomas & Nancy Steffans	P/O Govt Lot 6 Which Lies Ely Of A Line Desc As: Comm At SE Corn Govt Lot 6 TH W On S Line Govt Lot 6 260.06' To Pt Of Beg TH N 650.08' TH W 260.03'
20	07.0230410	Thomas & Nancy Steffans	P/O Govt Lot 6 Which Lies Wly Of Line Desc As Comm At SE Corn Govt Lot 6 TH W On S Line of Govt Lot 6 260.06' to Pt Of Beg TH N
21	07.0230100	Minneapolis Meat Cutters Inc	Govt Lot 7 & In 26-116-24, Govt Lots 1 & 2
22	07.0231400	DM & RS Ltd Partnership	As Surveyed SW1/4 SW1/4 Exc N 100' Thereof & Incl: That P/O NE Corn Of Lot 1 Sect 26 Lying NE From Rd
23	07.0231410	DM & RS Ltd Partnership	As Surveyed Govt Lot 8 & N100' Of SW1/4 SW1/4
24	07.0220610	James & Jane Ann Hesse	N1/2 SE1/4 Exc 1 Ac Desc As: S 210' Of E 210' Of NE1/4 SE1/4 & Exc 3.8 Ac Desc As: Lying NW Of A Line Desc As Running From A Pt On W Line N1/2 SE1/4 550'
25	07.0220800	John Vogel	SE1/4 NE1/4 Sec 22 Twn 116 Rge 24
26	07.0220900	Robert & Diane Vogel	SW1/4 NE1/4 Sec 22 Twn 116 Rge 24
27	07.3800010	Keith & Karen Traxler	Lot 1, Blk 1 Premier Lakeshore Estates
28	07.3800020	Daniel & Rhonda Notermann	Lot 2, Blk 1 Premier Lakeshore Estates
29	07.3800030	Brian & Patricia Pioske	Lot 3, Blk 1 Premier Lakeshore Estates
30	07.3800040	Scott & Hillary Patz	Lot 4, Blk 1 Premier Lakeshore Estates
31	07.0231100	Waterbrooke Fellowship	Surveyed P/O Govt Lots 1, 2, & 9 Bounded By Waters Edge Of Wasserman Lk Lying Sely Of Co Rd 43 & Lying Wly Of Following Described Line Sec 23, Twn 116, Rge 24
32	07.0231300	State of Minnesota-DNR	P/O Govt Lot 2
33	07.0230800	Richard & Elviria Zanger	P/O Govt Lot C, Doc #162930
34	07.0230810	Gregory & Roberta Hultstrand	As Surveyed P/O Govt Lot C Sely Of Co Rd 43 Exc 1.2 Ac Public Access & Exc 6.602 A As Desc On Roll 2 Microfilm Pg 258-263
35	07.0231000	Harold & Barbara Brose	P/O N 1090.8' Of Govt Lots 1 & 2 Lying Nly & Wly Of Co Rd 43 Exc That P/O NW1/4 NW1/4 Desc As: Beg At NW Corn NW1/4 NW1/4 Sect 23 TH S
36	07.0220400	Michael & Jean Heger	NE1/4 NE1/4 Exc 3.55 Ac Desc As: Beg At A Pt On E Line NE1/4 NE1/4 1030.25' S From NE Corn Thereof TH W At Rt Angles 250' TH S
37	07.0220300	Mike Marier	P/O NE1/4 NE1/4 Desc As: Beg At Pt On E Line NE1/4 NE1/4 1090.8' S From NE Corn TH S 99.45' On E Line TH W At Rt Angles 250' TH N At Rt
38	07.0220200	Gerald & Elayne Bohn	P/O NE1/4 Sec 22 Twn 116 Rge 24
39	07.0220500	Bowen Family Partnership	NW1/4 NE1/4 Sec 22 Twn 116 Rge 24
40	07.0150300	Bowen Family Partnership	P/O SE1/4 NE1/4 S1/2 SE1/4 & NE1/4 SE1/4 Exc RR Exc Krey's 1st Farview Addtn & Exc Comm At NE Corner Of Lot 5 Sec 15 Twn 116 Rge 24
41	07.0150200	Bowen Family Partnership	NW1/4 SE1/4 & P/O W1/2 NE1/4 Lying Sly Of Nly R-O-W Line Of MN State Hwy 5
42	07.0150600	Donovan & Elaine Karg	P/O NE1/4 Sec 15 Twn 116 Rge 24
43	07.0150500	Chester & Betty Mathwig	P/O NE1/4 Sec 15 Twn 116 Rge 24
44	07.0150700	Michael & Jean Heger	P/O SE1/4 NE1/4 Sec 15 Twn 116 Rge 24
45	07.1500010	Marvin & Lillian Reich	Lot 1, Blk 1 Krey's First Farview Addtn
46	07.1500020	James & Gayle Ridl	Lot 2, Blk 1 Krey's First Farview Addtn
47	07.1500030	Ronald & Arlene Parport	Lot 2, Blk 1 Krey's First Farview Addtn
48	07.1500040	Dennis & Judy Collins	Lot 3, Blk 1 Krey's First Farview Addtn
49	07.1500050	Myles Lee Miller	Lot 4, Blk 1 Krey's First Farview Addtn
50	07.1500600	Kent Akervik	Lot 5, Blk 1 Krey's First Farview Addtn
51	07.0150400	Timothy Mathwig	Comm At NE Corn Lot 5, Blk 1 Krey's First Farview Addtn TH N73*E 110' To Pt Of Beg TH S73*W 100' To NE Corn of Lot 5, Blk 1 TH S On E Line Lot 5 205.56'

**Shaded records indicate parcels that extended outside of the Annexation Area Boundary.

EXHIBIT C

Map of Phase I in Master Plan Area

REC'D BY MMB MAR 1 2 2004



CLIENT/DEVELOPER
Lundgren Bros. Construction
935 E. Wayzata Blvd.
Wayzata 55391
Attn: Marc Anderson
Tel: (952) 473-1231
Fax: (952) 473-7401

ENGINEER/LAND SURVEYOR
Sathre-Bergquist, Inc.
150 South Broadway
Wayzata, Mn 55391
Attn: Bob Payette, P.E.
Attn: Dan Schmidt, P.E.
Attn:David Pemberton, L.S.
Tel: (952) 476-6000
Fax: (952) 476-0104

DESCRIPTION OF SUBJECT PROPERTY

1.) The Southeast Quarter of the Southwest Quarter of Section 24, Township 116 North, Range 24 West, Carver County, Minnesota.

2.) The West Half of the Southwest Quarter of theSouthwest Quarter of Section 24, Township 116 North, Range 24 West, Carver County, Minnesota.

And

The East Half fo the Southwest Quarter of the Southwest Quarter of Section 24, Township 116 North, Range 24 West, Carver County, Minnesota.

3.) The north 300.00 feet Northeast Quarter of the Northwest Quarter of Section 25, Township 116 North, Range 24 West, Carver County, Minnesota

4.) The north 300.00 feet Northwest Quarter of the Northwest Quarter of Section 25, Township 116 North, Range 24 West, Carver County, Minnesota

5.) The east 211.00 feet of the Southeast Quarter of the Southeast Quarter of Section 23, Township 116 North, Range 24 West, Carver County, Minnesota.

6.) The east 1450.00 feet of the North 800.00 feet of Government Lot 5, Section 23, Township 116 North, Range 24 West, Carver County, Minnesota.

And

The east 211.00 feet of Government Lot 5, Section 23, Township 116 North, Range 24 West, Carver County, Minnesota, lying southerly of the north 800.00 feet of said Government Lot 5.

7.) That part of Government Lot 3 lying westerly of the center line of County State Aid Highway No. 11 and the Northwest Quarter of the Southwest Quarter, all in Section 24, Township 116 North, Range 24 West, Carver County, Minnesota.

NOTES

1.) This survey does not purport to show all underground utilities. The existing utilities shown are shown in an approximate way only. The contractor shall determine the exact location of any and all existing utilities before commencing work. The contractor shall be fully responsible for any and all damages arising out of his failure to exactly locate and protect all existing utility facilities.

2.) Contact GOPHER STATE ONE CALL at 651-454-0002 for precise onsite location of utilities prior to any excavation.

3.) (Title company name) Commitment for Title Insurance File No. _____, effective date _____, was relied upon as to matters of record.

4.) Area = 9,010,309 Sq. Ft. - 206.85 Acres

5.) Zoning and setback information as provided by the Carver County Community Development Department.

Current Zoning of subject property and adjoing land is Agricultural except on north side of subject property which is zoned Residential.

6.) Survey coordinate and bearing basis: Carver County

I hereby certify that this plan or specification was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated this __ day of _____, 200_.

SATHRE-BERGQUIST, INC.

_____

David B. Pemberton, Minnesota License No. 40344

RECEIVED BY MMB MAR 12 2004

EXHIBIT C

REC'D BY
MMB MAR 12 2004

EXHIBIT D

Legal Description of Phase I in Master Plan Area

REC'D BY MMB MAR 12 2004

EXHIBIT D

Legal Description of Phase I in Master Plan Area

NW 1/4 OF NE 1/4 SEC. 25

DESCRIPTION OF SUBJECT PROPERTY

1.) The Southeast Quarter of the Southwest Quarter of Section 24, Township 116 North, Range 24 West, Carver County, Minnesota.

2.) The West Half of the Southwest Quarter of theSouthwest Quarter of Section 24, Township 116 North, Range 24 West, Carver County, Minnesota.

And

The East Half fo the Southwest Quarter of the Southwest Quarter of Section 24, Township 116 North, Range 24 West, Carver County, Minnesota.

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And

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Current Zoning of subject property and adjoing land is Agricultural except on north side of subject property which is zoned Residential.

6.) Survey coordinate and bearing basis: Carver County

I hereby certify that this plan or specification was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Dated this __ day of _____, 200_.

SATHRE-BERGQUIST, INC.

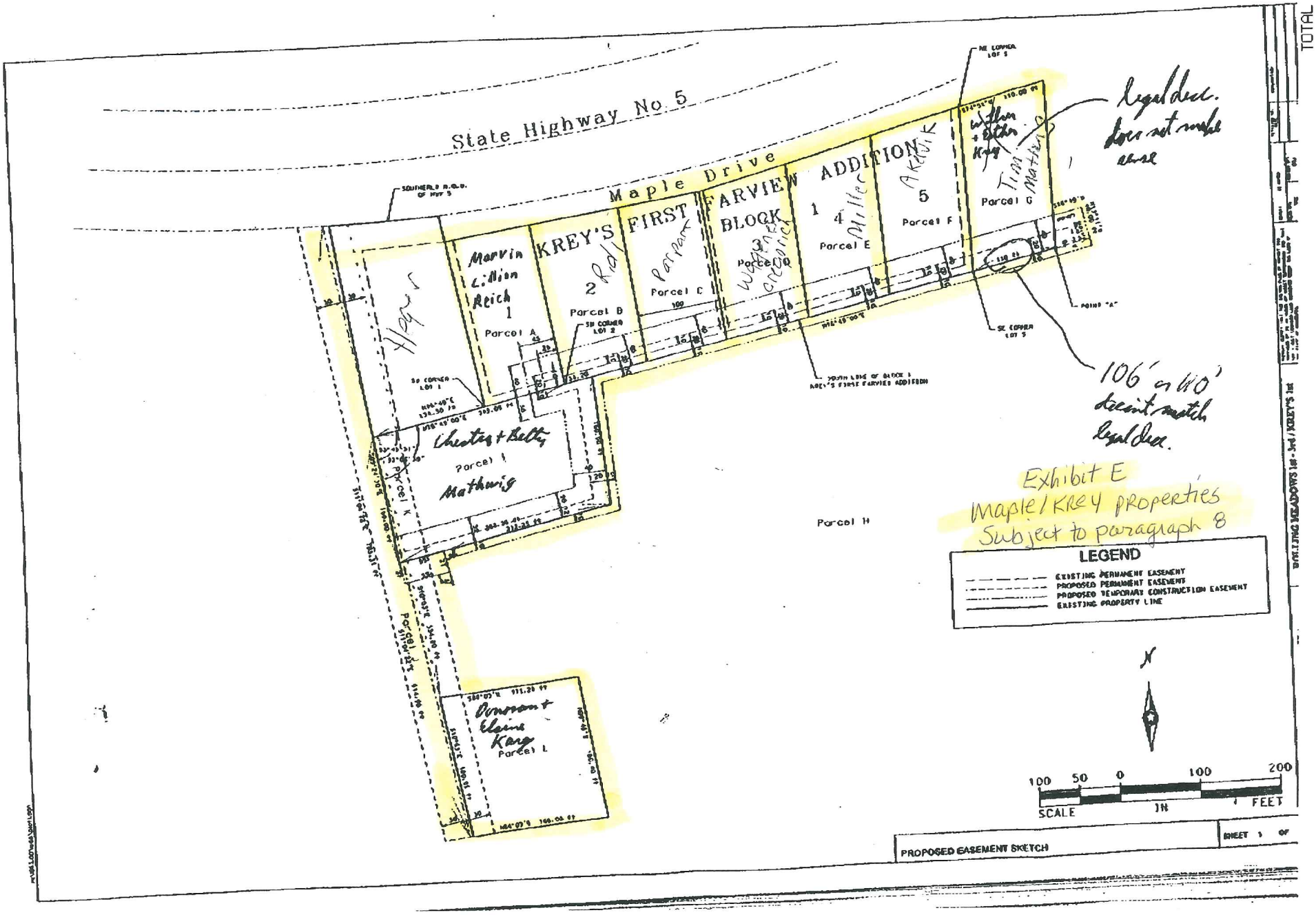
_____

David B. Pemberton, Minnesota License No. 40344

REC'D BY
MMB MAR 1 2 2004

EXHIBIT E

Map of Maple Drive and Krey Avenue Residential Properties



REC'D BY M.M.B MAR 12 2004

DEC 10 1976

A-2205(OA)

-CERTIFICATION-

I, Esther Zellmann, duly appointed and acting Clerk of the City of Waconia, that as such Clerk I am the custodian of the minute books and records of the City of Waconia; do hereby Certify that the attached copy of the Extract of Minutes is a true and correct copy of said minutes as same as was recorded by me at the City Council meeting on the 7th. day of December, 1976.

Esther Zellmann

Esther Zellmann, City Clerk

DEC 10 1976

-Extract of Minutes -

Laketown Annexation Resolution:

The City Administrator reviewed a stipulation by Joint Resolution as to Orderly Annexation with the City Council He indicated to the Council that the provisions governing those sections of the agreement that relate to the City of Waconia were identical to a document submitted by the City to the Laketown Town Board, with 2 exceptions:

The Addition of Paragraph #33 - This paragraph deals with the period of Step-up in taxes on annexed property. A 3 year Step-up was included. The Council had no objection to this addition.

The Addition of Paragraph #34 - This paragraph deals with an Urban and Rural Service Taxing District Ordinance previously adopted and published by the City. No objection to this addition was voiced.

Councilmember Terese Miller moved that the City of Waconia adopt the Stipulation by Joint Resolution of the City of Waconia, Chaska and Victoria and the Township of Laketown, Designating the Entire Township of Laketown as in Need of Orderly Annexation Pursuant to M.S.414. Councilmember Dale Rock seconded the motion. Aye: Rock, Messina, Miller, Otto and Rief.
Nay: None.
Motion carried.

DEC 10 1976

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Two County Commissioners	Ex-Officio Members

IN THE MATTER OF THE JOINT RESOLUTION OF THE CITIES OF WACONIA, CHASKA, AND VICTORIA AND THE TOWNSHIP OF LAKETOWN DESIGNATING THE ENTIRE TOWNSHIP OF LAKETOWN AS IN NEED OF ORDERLY ANNEXATION PURSUANT TO M.S. 414	STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed by prior Joint Resolution adopted by the respective municipalities and the Township in March of 1972 that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes 414.032 and have by said Joint Resolution designated the entire Township of Laketown as in need of orderly annexation as provided by said statute; and

WHEREAS, the Municipal Board of the State of Minnesota, formerly the Municipal Commission of the State of Minnesota, accepted said Joint Resolution in its proceeding designated as Docket No. A-2205(OA) and did on June 13, 1972 declare and designate the entire Township of Laketown, Carver County, Minnesota to be in need of orderly annexation pursuant to the provisions of Minnesota Statutes, Chapter 414; and

WHEREAS, the time provided for the establishment of boundaries as set forth in said Joint Resolution of the Municipalities of Chaska, Victoria and Waconia, and the Township of Laketown and in said order of the Municipal Board has elapsed without boundaries being established; and

WHEREAS, the Municipal Board has resumed hearings in said proceeding designated as Docket No. A-2205(OA) in order that there may be a final determination as to the boundaries of which portions of the Township of Laketown shall be designated by the Municipal Board for orderly annexation to each of the Cities of Chaska, Victoria, and Waconia and in order that said Joint Resolution of the affected municipalities and said Order of the Municipal Board may be implemented; and

WHEREAS, the parties desire to avoid further protracted litigation and to begin implementation of such orderly annexation Order of the Municipal Board in a manner which would appear to be consistent with good planning and order development and in the best interests of the affected territory and the parties to this proceeding.

NOW, THEREFORE, BE IT RESOLVED by the Town of Laketown, the City of Victoria, the City of Chaska, and the City of Waconia as follows:

1. That each of the parties hereto agree that any annexations to a particular city now or in the future shall occur only within the boundaries of the orderly annexation area specified for such city under the further provisions of this agreement.

2. That within the boundaries of each orderly annexation area hereinafter specified for each city, annexations shall be governed by the provisions as hereinafter set forth for the particular area. Except with respect to boundaries, any changes, modifications, or amendments of the provisions governing annexations in a particular area shall be by agreement between the Town of Laketown and the City designated for the particular area, and shall not require the agreement or approval of other parties hereto.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF VICTORIA

3. That any annexations now or in the future in the following described areas would be most properly made to the City of Victoria and the parties hereto designate said areas for orderly annexation to said City of Victoria:

> All that property located in Sections 1, 2, 3, 4, 5, 8, except the southwest quarter, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, and in the northeast quarter of Section 17, the westerly half of Section 24, the westerly half of Section 25, and the westerly half of Section 36, containing approximately 16,120 acres.

4. That the following described area abutting upon the City of Victoria are urban or suburban in character, or are about to become so and the City of Victoria is capable of providing services to said area within a reasonable time; therefore, said areas should be immediately annexed to the City of Victoria:

> That part of Sections 11, 12, 13, and 14 not presently located within the Victoria limits, except that part of said Section 12 lying easterly of Schutz Lake.

5. That the following described areas abutting on the City of Victoria are suburban, or will become so within the next five years, and the City of Victoria will be capable of providing services to said areas within a reasonable time; therefore, said area should be annexed to the City of Victoria effective December 1, 1981:

> All that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not then included within the Hennepin County Park Reserve District.

6. That the areas designated for orderly annexation to the City of Victoria in paragraph 3 hereof, except those areas specifically enumerated and provided for in paragraphs 4 and 5, are not urban or suburban in character and are not about to become so; therefore, said areas shall not be subject to annexation to the City of Victoria for a period of at least five years from and after the effective date of this resolution. In the event owners of parcels of land located in areas other than areas specified in paragraphs 4 and 5 desire to be annexed during said five year period, it is agreed that the City of Victoria will not by resolution or otherwise consent to any such annexation unless there is a petition of 80% of the owners of the property proposed to be annexed and the Town of Laketown consents thereto.

7. That in an effort to forestall an overlap or duplication in the provision of governmental services and facilities, and to reduce, if possible, the costs of government in the orderly annexation area, the City of Victoria and the Town of Laketown agree to investigate possibilities for the sharing of facilities, equipment and personnel, insofar as the same apply to the orderly annexation area.

8. That City of Victoria and Town of Laketown representatives will meet at least semi-annually to discuss problems and means of cooperation for the provision of governmental services within the orderly annexation area.

9. That beginning after the effective date of this agreement the City of Victoria shall undertake and be responsible for the performance of general road maintenance and snow removal on the following streets: on Iris between State Trunk Highway 7 and the City boundary and on Iris Circle. Such maintenance will be performed only at the direction of the Town Board and the cost thereof shall be paid by the Town, but without allowance for any administrative costs or profit to the City of Victoria.

10. That if the Town and the City of Victoria believe that mutual benefit may be derived from the performance of general road maintenance and snow removal by the City of Victoria upon other Town roads located in Sections 1 and 2, then discussions will be held for the purpose of negotiating a contract for the performance thereof. In any event the Town shall seal coat the blacktopping on such roads at least once during the five year interim period.

11. That if a party shall find it necessary to employ extra personnel in order to perform maintenance or administrative tasks, prior to contracting with an outside agency, such party shall first contact the other in an effort to have said services performed by the other party. If services are then performed, the party receiving such services shall pay the actual cost thereof but without allowance for any administrative costs or profit to the party supplying the services.

12. That if the Town shall find it necessary to contract for clerical services for the issuance and collection of sewer bills, it shall contract with the City of Victoria for such services; provided, that the City shall not charge therefor a sum greater than the Town would be required to pay an outside agency for such services.

13. That the transfer of the presently existing Laketown sanitary sewer system to the City of Victoria as of December 1, 1981 will necessitate mutual effort to effect an orderly transition in the provision of care and maintenance of the system; therefore, beginning in August, 1978, the Town Board of Supervisors, or its representative, will interview the City of Victoria sewer maintenance man and examine his qualifications to perform maintenance work on the sanitary sewer system. If the Board finds him qualified, the Town will contract with the City of Victoria for the performance of such maintenance work during the remainder of the five year interim period. If the Board does not find said individual qualified, then it shall re-interview and examine his qualifications on an annual basis thereafter until such time as it finds said individual qualified or until the expiration of the five year period. It is agreed that any contract for the performance of such sewer maintenance will provide for payment by the Town of the actual cost of such maintenance, but without any allowance for administrative costs or profit to the City of Victoria.

14. That planning, zoning and subdivision in the orderly annexation area shall be governed by the following provisions:

A. For all that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not included within the Hennepin County Park Reserve District:

1. The Town will adopt an ordinance creating a Lake Minnetonka Zoning District for the area north of T.H. 7 and the regulations therein shall be adopted by the City of Victoria such that continuity will be preserved when annexation occurs.

2. City of Victoria zoning and subdivision regulations may be extended to such areas.

3. The City of Victoria Planning Commission and Laketown Town Board will hold joint public hearings on zoning and subdivision matters.

4. Approval of any zoning or subdivision matters shall require a majority vote of the Town Board and a 4/5 vote of the City Council.

B. In the balance of the area designated for orderly annexation:

1. Carver County zoning and subdivision ordinances will apply.

2. All hearings on requests for subdivision rezoning, conditional uses and variances will be held jointly by the City, Town and County.

3. The County will retain jurisdiction until the time of annexation.

C. Sections 1, 2 and that part of Section 12 lying easterly of Schutz Lake will be included in the City of Victoria Comprehensive Plan.

D. The Town and the City will cooperate in a joint transportation plan for the area in the City and Town which borders State Trunk Highway 7.

15. That any property annexed to the City of Victoria pursuant to this agreement shall receive a graduated increase in mill rates from the Town rate to the City of Victoria rate in substantially equal portions such that in the fourth year following annexation the annexed property shall pay the same mill rate as is applied in the City for the particular type of property.

A. In the first levy year immediately after annexation the annexed property urban mill rate shall be equal to the rate established and applied by the Town generally in such first levy year. In the event that the dates of annexation are such that the County Auditor cannot include annexed areas with the City of Victoria levy spread for such first levy year, the Town shall collect the taxes levied against the annexed property areas and remit amounts so collected to the City of Victoria.

B. In the second year following annexation the annexed property urban mill rate shall be equal to the annexed property rate applied in the first year following annexation plus one-third of the differential between:

the City of Victoria urban rate in the first year following annexation

and

the annexed property urban rate applied in the first year following annexation.

C. In the third year following annexation the annexed property urban mill rate shall be equal to the annexed property urban rate applied in the second year following annexation plus two-thirds of the differential between:

the City of Victoria urban rate in the second year following annexation

and

the annexed property urban rate applied in the second year following annexation.

D. In the fourth year the annexed property rate and the City of Victoria urban rate shall be equal.

E. Any properties which, at the date of annexation, meet the criteria of Minnesota Statutes 272.67, for inclusion within the City's "rural service district" shall be included within such district. The City of Victoria shall adopt a "rural service district" taxation ordinance pursuant to said statute which shall be applied to such properties. For any such properties annexed between the date of this stipulation and December, 1981, there shall be no graduated increase from the Town rate to the City of Victoria rate, and such properties shall be subject to the City "rural service district" rate in the first levy year following annexation. For any such properties annexed after December 1, 1981, the computation of the mill rate shall be made under the formula specified in subparagraphs A, B, C, and D hereof, except that as applied to such properties the term "City of Victoria rural service district rate" shall be substituted in such formula for the term "City of Victoria urban rate".

16. That in the event lands which have been specially assessed by the Town of Laketown are annexed to the City of Victoria, the City shall remit any assessments collected from the owners of said lands to the Town within ten days after the receipt thereof so as to enable the Town to meet obligations upon its improvement bonds. At such time as the City assumes the obligation of payment on said improvement bonds the City shall no longer be required to remit assessments collected to the Town.

17. That it is understood and acknowledged by the Town and the City of Victoria that state and federal financial aids which are allocated to the Town on the basis of population may be effected or altered by annexations occurring hereunder. In the event that the Town shall receive any such aids without the allocating agency having considered or made an adjustment for an annexation which has occurred, the Town shall remit to the City such percentage of any such aids so allocated which is attributable to the population of the territory annexed. The sums to be remitted shall be determined in accordance with the following:

A. For annexations occurring immediately upon the adoption of this stipulation, the Town and City agree that 1970 census population figures shall be used, that the population of the Town in 1970 was 1750, and that for purposes of this stipulation the population of the area to be immediately annexed was 192.

1. Because State Local Government Aids and Federal Revenue Sharing cannot be redistributed by the allocating agencies in 1977 to reflect the impact of such immediate annexations, the Town shall remit to the City a sum equal to

the amount of such aids received subsequent to said annexations but prior to adjustment by the allocating agencies times 1950 divided by 192.

2. Said method to be utilized until the State and Federal allocating agencies adjust their records and payments to reflect such annexation.

B. For any annexations occuring in the future the Town and City shall mutually agree on a population figure based on the best available data.

C. Any disagreements concerning the sums to be remitted shall be referred to the Municipal Board for resolution.

18. That both parties agree to work jointly to secure any federal grants-in-aid which might be available, and to their mutual benefit.

19. That the parties hereby agree to review the area described as in need of orderly annexation every five years from the execution of this resolution.

20. That anything above to the contrary notwithstanding, the City of Victoria shall be required at any time to annex all of the lands described in paragraph 3 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

21. That the parties hereby agree that the Town of Laketown will dismiss its appeal of the decision of the Minnesota Municipal Board with the respect to the so-called "Batzli property", Carver County Court File No. 14769.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF CHASKA

22. That the following described area in Laketown Township is subject to orderly annexation pursuant to Minnesota Statutes 414.032 and the parties hereto designate this area for orderly annexation to the City of Chaska:

East one half of Section 24, Township 116, Range 24
East one half of Section 25, Township 116, Range 24
East one half of Section 36, Township 116, Range 24.

23. That the Town of Laketown does, upon adoption of this stipulation and its adoption by the City Council of the City of Chaska, Minnesota, confer jurisdiction upon the Minnesota Municipal Board to assist the signatories in the execution of this agreement.

24. That no annexation in the orderly annexation area described in Paragraph 22, shall take place (unless agreed to in writing by the City of Chaska and Laketown Township) within five (5) years from the effective date of this joint resolution, except that the hereinafter described area shall be annexed to the City of Chaska upon the City of Chaska ordering the installation and construction of a sanitary sewer project which benefits

all of said area or at least that portion thereof known as the Oakwood Terrace and Shady Point area; and, upon the ordering of such sanitary sewer improvement, the City of Chaska shall submit to the Municipal Board its petition to annex said hereinafter described area to which petition Laketown Township agrees it will not object. Said area being described as follows, to-wit:

> That portion of Sections 24 and 25, Township 116, Range 24 lying southerly of Lake Bavaria and easterly and northerly of County Road No. 11.

25. That anything above to the contrary notwithstanding, the City of Chaska shall be required at any time to annex all of the lands described in paragraph 22 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

26. That the mill levy of the City of Chaska on any area so annexed as described above, and upon the occurence of an annexation proceeding, 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 annexed property shall be the same as the City of Chaska generally; and, that any alteration of mill levies on any other annexed portions shall be as determined by agreement of the parties at that time and if there is a failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

27. Notwithstanding any further provisions of this agreement any lands annexed to the City of Chaska which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Chaska's Rural and Urban Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

28. That both parties to this resolution agree to dismiss the pending action before the Minnesota Municipal Board, same being File Docket A-2205(OA) Laketown.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF WACONIA

29. That those portions of the Town of Laketown, Carver County, Minnesota, described as:

> All of Sections 6, 7, 18. 19. 20, 29, 30, 31, and 32, and the Southwest Quarter of Section 8, and the Northwest Quarter and the South Half of Section 17, all being in Township 116, North, Range 24 West.

shall be designated for orderly annexation to the City of Waconia as provided by Minnesota Statutes 414, said boundary to be established forthwith by Order of the Municipal Board, ~~subject only to future revision thereof by subsequent Order of the Municipal Board in the event that future development in the present Town~~

~~of Laketown would indicate an adjustment of such boundary would be in the best interests of the portion of Laketown Township affected.~~

30. That for a period of five (5) years after execution of this Stipulation by the parties hereto the City of Waconia will not initiate nor be a party to any action through the Municipal Board for final annexation to Waconia of any portions of Laketown Township designated above for orderly annexation to the City of Waconia except that any part of those portions of Laketown Township described as:

> The South Half of Section 7; the Southwest Quarter of Section 8; the West Half of Section 17; all of Sections 18 and 19; and the West Half of Section 20.

may be annexed to the City of Waconia during said five year period from and after January 1, 1978 if such annexation is the result of any of the following:

A. A petition for annexation signed by 100% of the owners of the property proposed to be annexed.

B. The City of Waconia determines that portions thereof are in need of sewer service, but then only if the Municipal Board concurs in such determination, and the City of Waconia has approved a prelimimary report as to such service and commits itself to order such improvement and to advertise for bids for the provision of such sewer service pursuant to Minnesota Statutes Chapter 429 immediately upon the completion of such annexation.

C. Joint resolution of the Town of Laketown and the City of Waconia.

31. That anything in paragraph 28 above to the contrary notwithstanding, the City of Waconia shall be required at any time to annex all of the lands described in paragraph 27 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

32. That the Town of Laketown will not change the zoning of any lands described in paragraph 27 above, nor permit the establishment of any nonconforming use, nor subject same to any further special assessments or indebtedness, without having first obtained the approval thereof by the City of Waconia, or, in the alternative, the approval of the Municipal Board after reasonable notice to the City of Waconia.

33. That the mill levy of the City of Waconia on any area so annexed as described above, and upon the occurrence of an annexation proceeding, shall be increased in substantially equal portions over a period of three (3) years such that in the fourth year following annexation the mill rate on such annexed property shall be the same as the City of Waconia generally.

34. Notwithstanding any further provisions of this agreement any lands annexed to the City of Waconia which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Waconia's Rural and Urban

Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

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35. That this Stipulation and Agreement shall be in full force and effect only in the event that the provisions hereof are incorporated in an Order of the Municipal Board of the State of Minnesota.

Stipulated and agreed to by the Town of Laketown this ___day of _____, 1976.

TOWN OF LAKETOWN

By_____
Its Chairman

Attest:_____
Town Clerk

Stipulated and agreed to by the City of Waconia this 7 day of December, 1976.

CITY OF WACONIA

By Wallace Otto
Its Mayor

Attest: Esther Zellmann
City Clerk

Stipulated and agreed to by the City of Chaska this ____day of _____, 1976.

CITY OF CHASKA

By_____
Its Mayor

Attest:_____
City Clerk

Stipulated and agreed to by the City of Victoria this ____day of _____, 1976.

CITY OF VICTORIA

By_____
Its Mayor

Attest:_____
City Clerk

1205(04)

RESOLUTION NO. ____

WHEREAS, the Cities of Chaska, Victoria and Waconia, and the Township of Laketown agreed by Joint Resolution, adopted by the respective Cities and the Township in March of 1972, that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes 414.032 and did by Joint Resolution designate the entire Township of Laketown as an area in need of orderly annexation as provided by statute, and

WHEREAS, the time for the establishment of boundaries of orderly annexation areas as set forth in said resolution has elapsed without boundaries being established, and

WHEREAS, the Municipal Board has resumed hearings in proceedings for the orderly annexation of the Township of Laketown for the purpose of making a final determination as to the boundaries of portions of the Township which would be designated for orderly annexation to each of the Cities of Chaska, Victoria and Waconia, and for the purpose of determining whether any immediate annexations ought to occur in said area, and

WHEREAS, the Cities of Chaska, Victoria and Waconia and the Township of Laketown have met, discussed and reached tentative agreement on a new Stipulation by Joint Resolution as to Orderly Annexation establishing boundaries of the orderly annexation areas and provisions governing annexations in the areas affected, and

WHEREAS, the Town Board believes it is in the best interests of the Town to conclude the orderly annexation proceedings through the mutual agreement so as to avoid protracted litigation, to secure the maximum benefit to the territory affected, and to ensure good planning, orderly development, and efficient government for the people of Laketown Township.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Township of Laketown:

1. That the proposed joint resolution annexed hereto be and hereby is adopted by the Township of Laketown, and the Board Chairman and the Clerk are authorized to execute

said joint resolution on behalf of the Township of Laketown.

2. That the joint resolution be in full force and effect only in the event that the provisions thereof are mutually adopted by the Cities of Chaska, Victoria and Waconia, and are incorporated in an Order of the Municipal Board of the State of Minnesota.

ADOPTED by the Town Board this 20th day of December, 1976.

Board Chairman

ATTEST: _____
Clerk

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Two County Commissioners	Ex-Officio Members

IN THE MATTER OF THE JOINT RESOLUTION OF THE CITIES OF WACONIA, CHASKA, AND VICTORIA AND THE TOWNSHIP OF LAKETOWN DESIGNATING THE ENTIRE TOWNSHIP OF LAKETOWN AS IN NEED OF ORDERLY ANNEXATION PURSUANT TO M.S. 414	STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed by prior Joint Resolution adopted by the respective municipalities and the Township in March of 1972 that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes 414.032 and have by said Joint Resolution designated the entire Township of Laketown as in need of orderly annexation as provided by said statute; and

WHEREAS, the Municipal Board of the State of Minnesota, formerly the Municipal Commission of the State of Minnesota, accepted said Joint Resolution in its proceeding designated as Docket No. A-2205(OA) and did on June 13, 1972 declare and designate the entire Township of Laketown, Carver County, Minnesota to be in need of orderly annexation pursuant to the provisions of Minnesota Statutes, Chapter 414; and

WHEREAS, the time provided for the establishment of boundaries as set forth in said Joint Resolution of the Municipalities of Chaska, Victoria and Waconia, and the Township of Laketown and in said order of the Municipal Board has elapsed without boundaries being established; and

WHEREAS, the Municipal Board has resumed hearings in said proceeding designated as Docket No. A-2205(OA) in order that there may be a final determination as to the boundaries of which portions of the Township of Laketown shall be designated by the Municipal Board for orderly annexation to each of the Cities of Chaska, Victoria, and Waconia and in order that said Joint Resolution of the affected municipalities and said Order of the Municipal Board may be implemented; and

WHEREAS, the parties desire to avoid further protracted litigation and to begin implementation of such orderly annexation Order of the Municipal Board in a manner which would appear to be consistent with good planning and order development and in the best interests of the affected territory and the parties to this proceeding.

NOW, THEREFORE, BE IT RESOLVED by the Town of Laketown, the City of Victoria, the City of Chaska, and the City of Waconia as follows:

1. That each of the parties hereto agree that any annexations to a particular city now or in the future shall occur only within the boundaries of the orderly annexation area specified for such city under the further provisions of this agreement.

2. That within the boundaries of each orderly annexation area hereinafter specified for each city, annexations shall be governed by the provisions as hereinafter set forth for the particular area. Except with respect to boundaries, any changes, modifications, or amendments of the provisions governing annexations in a particular area shall be by agreement between the Town of Laketown and the City designated for the particular area, and shall not require the agreement or approval of other parties hereto.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF VICTORIA

3. That any annexations now or in the future in the following described areas would be most properly made to the City of Victoria and the parties hereto ~~designate~~ stipulate and agree said areas for orderly annexation to said City of Victoria:

> All that property located in Sections 1, 2, 3, 4, 5, 8, except the southwest quarter, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, and in the northeast quarter of Section 17, the westerly half of Section 24, the westerly half of Section 25, and the westerly half of Section 36, containing approximately 16,120 acres.

4. That the following described area abutting upon the City of Victoria are urban or suburban in character, or are about to become so and the City of Victoria is capable of providing services to said area within a reasonable time; therefore, said areas should be immediately annexed to the City of Victoria:

> That part of Sections 11, 12, 13, and 14 not presently located within the Victoria limits, except that part of said Section 12 lying easterly of Schutz Lake.

5. That the following described areas abutting on the City of Victoria are suburban, or will become so within the next five years, and the City of Victoria will be capable of providing services to said areas within a reasonable time; therefore, said area should be annexed to the City of Victoria effective December 1, 1981:

> All that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not then included within the Hennepin County Park Reserve District.

6. That the areas designated for orderly annexation to the City of Victoria in paragraph 3 hereof, except those areas specifically enumerated and provided for in paragraphs 4 and 5, are not urban or suburban in character and are not about to become so; therefore, said areas shall not be subject to annexation to the City of Victoria for a period of at least five years from and after the effective date of this resolution. In the event owners of parcels of land located in areas other than areas specified in paragraphs 4 and 5 desire to be annexed during said five year period, it is agreed that the City of Victoria will not by resolution or otherwise consent to any such annexation unless there is a petition of 80% of the owners of the property proposed to be annexed and the Town of Laketown consents thereto.

7. That in an effort to forestall an overlap or duplication in the provision of governmental services and facilities, and to reduce, if possible, the costs of government in the orderly annexation area, the City of Victoria and the Town of Laketown agree to investigate possibilities for the sharing of facilities, equipment and personnel, insofar as the same apply to the orderly annexation area.

8. That City of Victoria and Town of Laketown representatives will meet at least semi-annually to discuss problems and means of cooperation for the provision of governmental services within the orderly annexation area.

9. That beginning after the effective date of this agreement the City of Victoria shall undertake and be responsible for the performance of general road maintenance and snow removal on the following streets: on Iris between State Trunk Highway 7 and the City boundary and on Iris Circle. Such maintenance will be performed only at the direction of the Town Board and the cost thereof shall be paid by the Town, but without allowance for any administrative costs or profit to the City of Victoria.

10. That if the Town and the City of Victoria believe that mutual benefit may be derived from the performance of general road maintenance and snow removal by the City of Victoria upon other Town roads located in Sections 1 and 2, then discussions will be held for the purpose of negotiating a contract for the performance thereof. In any event the Town shall seal coat the blacktopping on such roads at least once during the five year interim period.

11. That if a party shall find it necessary to employ extra personnel in order to perform maintenance or administrative tasks, prior to contracting with an outside agency, such party shall first contact the other in an effort to have said services performed by the other party. If services are then performed, the party receiving such services shall pay the actual cost thereof but without allowance for any administrative costs or profit to the party supplying the services.

12. That if the Town shall find it necessary to contract for clerical services for the issuance and collection of sewer bills, it shall contract with the City of Victoria for such services; provided, that the City shall not charge therefor a sum greater than the Town would be required to pay an outside agency for such services.

13. That the transfer of the presently existing Laketown sanitary sewer system to the City of Victoria as of December 1, 1981 will necessitate mutual effort to effect an orderly transition in the provision of care and maintenance of the system; therefore, beginning in August, 1978, the Town Board of Supervisors, or its representative, will interview the City of Victoria sewer maintenance man and examine his qualifications to perform maintenance work on the sanitary sewer system. If the Board finds him qualified, the Town will contract with the City of Victoria for the performance of such maintenance work during the remainder of the five year interim period. If the Board does not find said individual qualified, then it shall re-interview and examine his qualifications on an annual basis thereafter until such time as it finds said individual qualified or until the expiration of the five year period. It is agreed that any contract for the performance of such sewer maintenance will provide for payment by the Town of the actual cost of such maintenance, but without any allowance for administrative costs or profit to the City of Victoria.

14. That planning, zoning and subdivision in the orderly annexation area shall be governed by the following provisions:

A. For all that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not included within the Hennepin County Park Reserve District:

1. The Town will adopt an ordinance creating a Lake Minnetonka Zoning District for the area north of T.H. 7 and the regulations therein shall be adopted by the City of Victoria such that continuity will be preserved when annexation occurs.

2. City of Victoria zoning and subdivision regulations may be extended to such areas.

3. The City of Victoria Planning Commission and Laketown Town Board will hold joint public hearings on zoning and subdivision matters.

4. Approval of any zoning or subdivision matters shall require a majority vote of the Town Board and a 4/5 vote of the City Council.

B. In the balance of the area designated for orderly annexation:

1. Carver County zoning and subdivision ordinances will apply.

2. All hearings on requests for subdivision rezoning, conditional uses and variances will be held jointly by the City, Town and County.

3. The County will retain jurisdiction until the time of annexation.

C. Sections 1, 2 and that part of Section 12 lying easterly of Schutz Lake will be included in the City of Victoria Comprehensive Plan.

D. The Town and the City will cooperate in a joint transportation plan for the area in the City and Town which borders State Trunk Highway 7.

15. That any property annexed to the City of Victoria pursuant to this agreement shall receive a graduated increase in mill rates from the Town rate to the City of Victoria rate in substantially equal portions such that in the fourth year following annexation the annexed property shall pay the same mill rate as is applied in the City for the particular type of property.

A. In the first levy year immediately after annexation the annexed property urban mill rate shall be equal to the rate established and applied by the Town generally in such first levy year. In the event that the dates of annexation are such that the County Auditor cannot include annexed areas with the City of Victoria levy spread for such first levy year, the Town shall collect the taxes levied against the annexed property areas and remit amounts so collected to the City of Victoria.

B. In the second year following annexation the annexed property urban mill rate shall be equal to the annexed property rate applied in the first year following annexation plus one-third of the differential between:

the City of Victoria urban rate in the first year following annexation

<u>and</u>

the annexed property urban rate applied in the first year following annexation.

C. In the third year following annexation the annexed property urban mill rate shall be equal to the annexed property urban rate applied in the second year following annexation plus two-thirds of the differential between:

the City of Victoria urban rate in the second year following annexation

<u>and</u>

the annexed property urban rate applied in the second year following annexation.

D. In the fourth year the annexed property rate and the City of Victoria urban rate shall be equal.

E. Any properties which, at the date of annexation, meet the criteria of Minnesota Statutes 272.67, for inclusion within the City's "rural service district" shall be included within such district. The City of Victoria shall adopt a "rural service district" taxation ordinance pursuant to said statute which shall be applied to such properties. For any such properties annexed between the date of this stipulation and December, 1981, there shall be no graduated increase from the Town rate to the City of Victoria rate, and such properties shall be subject to the City "rural service district" rate in the first levy year following annexation. For any such properties annexed after December 1, 1981, the computation of the mill rate shall be made under the formula specified in subparagraphs A, B, C, and D hereof, except that as applied to such properties the term "City of Victoria rural service district rate" shall be substituted in such formula for the term "City of Victoria urban rate".

16. That in the event lands which have been specially assessed by the Town of Laketown are annexed to the City of Victoria, the City shall remit any assessments collected from the owners of said lands to the Town within ten days after the receipt thereof so as to enable the Town to meet obligations upon its improvement bonds. At such time as the City assumes the obligation of payment on said improvement bonds the City shall no longer be required to remit assessments collected to the Town.

17. That it is understood and acknowledged by the Town and the City of Victoria that state and federal financial aids which are allocated to the Town on the basis of population may be effected or altered by annexations occurring hereunder. In the event that the Town shall receive any such aids without the allocating agency having considered or made an adjustment for an annexation which has occurred, the Town shall remit to the City such percentage of any such aids so allocated which is attributable to the population of the territory annexed. The sums to be remitted shall be determined in accordance with the following:

A. For annexations occurring immediately upon the adoption of this stipulation, the Town and City agree that 1970 census population figures shall be used, that the population of the Town in 1970 was 1750, and that for purposes of this stipulation the population of the area to be immediately annexed was 192.

1. Because State Local Government Aids and Federal Revenue Sharing cannot be redistributed by the allocating agencies in 1977 to reflect the impact of such immediate annexations, the Town shall remit to the City a sum equal to

the amount of such aids received subsequent to said annexations but prior to adjustment by the allocating agencies times 1950 divided by 192.

2. Said method to be utilized until the State and Federal allocating agencies adjust their records and payments to reflect such annexation.

B. For any annexations occuring in the future the Town and City shall mutually agree on a population figure based on the best available data.

C. Any disagreements concerning the sums to be remitted shall be referred to the Municipal Board for resolution.

18. That both parties agree to work jointly to secure any federal grants-in-aid which might be available, and to their mutual benefit.

19. That the parties hereby agree to review the area described as in need of orderly annexation every five years from the execution of this resolution.

20. That anything above to the contrary notwithstanding, the City of Victoria shall be required at any time to annex all of the lands described in paragraph 3 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

21. That the parties hereby agree that the Town of Laketown will dismiss its appeal of the decision of the Minnesota Municipal Board with the respect to the so-called "Batzli property", Carver County Court File No. 14769.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF CHASKA

22. That the following described area in Laketown Township is subject to orderly annexation pursuant to Minnesota Statutes 414.032 and the parties hereto designate this area for orderly annexation to the City of Chaska:

East one half of Section 24, Township 116, Range 24
East one half of Section 25, Township 116, Range 24
East one half of Section 36, Township 116, Range 24.

23. That the Town of Laketown does, upon adoption of this stipulation and its adoption by the City Council of the City of Chaska, Minnesota, confer jurisdiction upon the Minnesota Municipal Board to assist the signatories in the execution of this agreement.

24. That no annexation in the orderly annexation area described in Paragraph 21, shall take place (unless agreed to in writing by the City of Chaska and Laketown Township) within five (5) years from the effective date of this joint resolution, except that the hereinafter described area shall be annexed to the City of Chaska upon the City of Chaska ordering the installation and construction of a sanitary sewer project which benefits

all of said area or at least that portion thereof known as the Oakwood Terrace and Shady Point area; and, upon the ordering of such sanitary sewer improvement, the City of Chaska shall submit to the Municipal Board its petition to annex said hereinafter described area to which petition Laketown Township agrees it will not object. Said area being described as follows, to-wit:

> That portion of Sections 24 and 25, Township 116, Range 24 lying southerly of Lake Bavaria and easterly and northerly of County Road No. 11.

25. That anything above to the contrary notwithstanding, the City of Chaska shall be required at any time to annex all of the lands described in paragraph 22 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

26. That the mill levy of the City of Chaska on any area so annexed as described above, and upon the occurence of an annexation proceeding, 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 annexed property shall be the same as the City of Chaska generally; and, that any alteration of mill levies on any other annexed portions shall be as determined by agreement of the parties at that time and if there is a failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

27. Notwithstanding any further provisions of this agreement any lands annexed to the City of Chaska which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Chaska's Rural and Urban Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

28. That both parties to this resolution agree to dismiss the pending action before the Minnesota Municipal Board, same being File Docket A-2205(OA) Laketown.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF WACONIA

29. That those portions of the Town of Laketown, Carver County, Minnesota, described as:

> All of Sections 6, 7, 18. 19. 20, 29, 30, 31, and 32, and the Southwest Quarter of Section 8, and the Northwest Quarter and the South Half of Section 17, all being in Township 116, North, Range 24 West.

shall be designated for orderly annexation to the City of Waconia as provided by Minnesota Statutes 414, said boundary to be established forthwith by Order of the Municipal Board, ~~subject only to future revision thereof by subsequent Order of the Municipal Board in the event that future development in the present Town~~

~~of Laketown would indicate an adjustment of such boundary would be in the best interests of the portion of Laketown Township affected~~.

30. That for a period of five (5) years after execution of this Stipulation by the parties hereto the City of Waconia will not initiate nor be a party to any action through the Municipal Board for final annexation to Waconia of any portions of Laketown Township designated above for orderly annexation to the City of Waconia except that any part of those portions of Laketown Township described as:

> The South Half of Section 7; the Southwest Quarter of Section 8; the West Half of Section 17; all of Sections 18 and 19; and the West Half of Section 20.

may be annexed to the City of Waconia during said five year period from and after January 1, 1978 if such annexation is the result of any of the following:

A. A petition for annexation signed by 100% of the owners of the property proposed to be annexed.

B. The City of Waconia determines that portions thereof are in need of sewer service, but then only if the Municipal Board concurs in such determination, and the City of Waconia has approved a prelimimary report as to such service and commits itself to order such improvement and to advertise for bids for the provision of such sewer service pursuant to Minnesota Statutes Chapter 429 immediately upon the completion of such annexation.

C. Joint resolution of the Town of Laketown and the City of Waconia.

31. That anything in paragraph 28 above to the contrary notwithstanding, the City of Waconia shall be required at any time to annex all of the lands described in paragraph 27 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

32. That the Town of Laketown will not change the zoning of any lands described in paragraph 27 above, nor permit the establishment of any nonconforming use, nor subject same to any further special assessments or indebtedness, without having first obtained the approval thereof by the City of Waconia, or, in the alternative, the approval of the Municipal Board after reasonable notice to the City of Waconia.

33. That the mill levy of the City of Waconia on any area so annexed as described above, and upon the occurrence of an annexation proceeding, shall be increased in substantially equal portions over a period of three (3) years such that in the fourth year following annexation the mill rate on such annexed property shall be the same as the City of Waconia generally.

34. Notwithstanding any further provisions of this agreement any lands annexed to the City of Waconia which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Waconia's Rural and Urban

Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

- - - - - - - - - - - - - - -

35. That this Stipulation and Agreement shall be in full force and effect only in the event that the provisions hereof are incorporated in an Order of the Municipal Board of the State of Minnesota.

Stipulated and agreed to by the Town of Laketown this 20th day of December, 1976.

TOWN OF LAKETOWN

By _____
Its Chairman

Attest: _____
Town Clerk

Stipulated and agreed to by the City of Waconia this ___ day of _____, 1976.

CITY OF WACONIA

By _____
Its Mayor

Attest: _____
City Clerk

Stipulated and agreed to by the City of Chaska this ___ day of _____, 1976.

CITY OF CHASKA

By _____
Its Mayor

Attest: _____
City Clerk

Stipulated and agreed to by the City of Victoria this ___ day of _____, 1976.

CITY OF VICTORIA

By _____
Its Mayor

Attest: _____
City Clerk

Victoria

VILLAGE OF LAKES & PARKS

DEC 13 1976

A-2205(OA)

VICTORIA VILLAGE HALL
VICTORIA, MINN. 55386
TELEPHONE 612-443-2363

MAYOR
Jerome Aretz

COUNCIL
Kenneth Diethelm
Donald Fuller
Dr. Richard Soderberg
Daniel Vork

PLANNING COMMISSION
Walter Burry, Chairman
Dennis Gregory
Marvin Hartman
Gerald Schmieg
Jean Strohm

PARK AND RECREATION COMMITTEE
Charles Hanson, Chairman
Douglas Braunworth
Math Hartmann
Mary Moore
Raymond Notermann Jr.
Nancy Sohns

ATTORNEY
Robert Nicklaus

ENGINEER
Lawrence Gardner

CLERK-ADMINISTRATOR
Virginia Harris

December 9, 1976

Mr. William Nieman
Minnesota Municipal Board
Capitol Square Bldg.
St. Paul, Minn. 55155

Dear Mr. Nieman:

Enclosed is a copy of the minutes of the December 2, 1976 Victoria council meeting at which the Council adopted the joint resolution for orderly annexation of Laketown Township and authorized the mayor and clerk to sign the agreement.

Enclosed also is Resolution No. 76-47.

Sincerely,

Virginia R. Harris

Virginia R. Harris
Clerk/Administrator

VRH:gj
Enc. 2

DEC 13 1976

VILLAGE OF VICTORIA REGULAR COUNCIL MEETING DECEMBER 2, 1976

Pursuant to due call and notice thereof the December 2, 1976 Regular meeting of the Victoria Village Council was called to order by Mayor Jerome Aretz at 7:30 p.m. in th Council Chambers at 1600 Arboretum Blvd. Members present were: Jerome Aretz, Dan Vor Dr. Richard Soderberg, Don Fuller and Ken Diethelm.

MINUTES: A motion was made by Diethelm and seconded by Fuller to correct the minutes of November 18 to read as follows: ORDERLY ANNEXATION BOUNDARY, Paragraph 4, add to the last sentence, to be in the Victoria annexation area. And after the last sentence in the ASTER TRAIL AGREEMENT, add vacating old Aster Trail. All voted aye. Minutes approved as corrected.

ASTER TRAIL AGREEMENT: Vork made a motion and Diethelm seconded authorizing the mayor to enter into the agreement with Warren McLaughlin stipulating that Mr. McLaughlin cannot plow up old Aster Trail until Nov. 1, 1977 and that he would post a $5000 bond guaranteeing the new road for this period. All voted aye. The motion was adopted. (12276E-1)

LAKETOWN AGREEMENT: (12276E-5) A motion was made by Soderberg and seconded by Fuller to:

1. adopt Resolution No. 76-47, "Stipulation By Joint Resolution As To Orderly Annexation", deleting everything after "Board" in Article No. 29
2. correct typographical errors as follows: #22, Section 14 should read Section 24 and #24 , Paragraph 21 should be paragraph 22.
3. authorize the mayor and clerk to sign the Resolution.

All voted aye. The Resolution was adopted.

DUPLICATE CHECK NO. 2391: Diethelm made a motion and Vork seconded authorizing issuance of duplicate check #2391 and authorization to dispense with bonding requirement in regard to $120 check that was issued to the Fire Department which they did not receive. All voted aye. Motion carried.

1977 LEVY RESOLUTION: (12276E-6) Diethelm made a motion to adopt resolution #76-46 approving the tax levy at 20 mills. There was no second. Vork made a motion and Diethelm seconded to set the 1977 Property Tax Levy at $64,637. Aretz, Diethelm and Vork voted aye. Fuller and Soderberg voted no. Resolution #76-46 adopted.

RESOLUTION ESTABLISHING LAND STUDY COMMITTEE: (12276E-3) Fuller made a motion and Vork seconded to adopt Res. 76-45 for the council to appoint the following citizens to serve on the Land Study Committee: Wilbert Schmieg, Wilfred Plocher, Kenneth Diethelm, and Marvin Hartman. Also one representative of the Park and Recreation Committee to be named later. All voted aye. Resolution adopted.

METRO SYSTEMS STATEMENT: The clerk was instructed to get out a draft by the next meeting on the city's objections to the Metro Systems Statement (12276E-4).

PURCHASE OF METAL DETECTOR: Fuller made a motion and Soderberg seconded the purchase of a metal detector at a cost of $450.00. All voted aye. Motion carried.

The meeting was adjourned at 10:10 p.m.

Germaine Jesberg

Germaine Jesberg, Deputy Clerk

DEC 13 1976

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Gerald J. Isaacs	Member
Two County Commissioners	Ex-Officio Members

IN THE MATTER OF THE JOINT RESOLUTION OF THE CITIES OF WACONIA, CHASKA, AND VICTORIA AND THE TOWNSHIP OF LAKETOWN DESIGNATING THE ENTIRE TOWNSHIP OF LAKETOWN AS IN NEED OF ORDERLY ANNEXATION PURSUANT TO M.S. 414	RESOLUTION NO. 76-47 STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed by prior Joint Resolution adopted by the respective municipalities and the Township in March of 1972 that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes 414.032 and have by said Joint Resolution designated the entire Township of Laketown as in need of orderly annexation as provided by said statute; and

WHEREAS, the Municipal Board of the State of Minnesota, formerly the Municipal Commission of the State of Minnesota, accepted said Joint Resolution in its proceeding designated as Docket No. A-2205(OA) and did on June 13, 1972 declare and designate the entire Township of Laketown, Carver County, Minnesota to be in need of orderly annexation pursuant to the provisions of Minnesota Statutes, Chapter 414; and

WHEREAS, the time provided for the establishment of boundaries as set forth in said Joint Resolution of the Municipalities of Chaska, Victoria and Waconia, and the Township of Laketown and in said order of the Municipal Board has elapsed without boundaries being established; and

WHEREAS, the Municipal Board has resumed hearings in said proceeding designated as Docket No. A-2205(OA) in order that there may be a final determination as to the boundaries of which portions of the Township of Laketown shall be designated by the Municipal Board for orderly annexation to each of the Cities of Chaska, Victoria, and Waconia and in order that said Joint Resolution of the affected municipalities and said Order of the Municipal Board may be implemented; and

WHEREAS, the parties desire to avoid further protracted litigation and to begin implementation of such orderly annexation Order of the Municipal Board in a manner which would appear to be consistent with good planning and order development and in the best interests of the affected territory and the parties to this proceeding.

NOW, THEREFORE, BE IT RESOLVED by the Town of Laketown, the City of Victoria, the City of Chaska, and the City of Waconia as follows:

1. That each of the parties hereto agree that any annexations to a particular city now or in the future shall occur only within the boundaries of the orderly annexation area specified for such city under the further provisions of this agreement.

2. That within the boundaries of each orderly annexation area hereinafter specified for each city, annexations shall be governed by the provisions as hereinafter set forth for the particular area. Except with respect to boundaries, any changes, modifications, or amendments of the provisions governing annexations in a particular area shall be by agreement between the Town of Laketown and the City designated for the particular area, and shall not require the agreement or approval of other parties hereto.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF VICTORIA

3. That any annexations now or in the future in the following described areas would be most properly made to the City of Victoria and the parties hereto designate said areas for orderly annexation to said City of Victoria:

> All that property located in Sections 1, 2, 3, 4, 5, 8, except the southwest quarter, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 26, 27, 28, 33, 34, 35, and in the northeast quarter of Section 17, the westerly half of Section 24, the westerly half of Section 25, and the westerly half of Section 36, containing approximately 16,120 acres.

4. That the following described area abutting upon the City of Victoria are urban or suburban in character, or are about to become so and the City of Victoria is capable of providing services to said area within a reasonable time; therefore, said areas should be immediately annexed to the City of Victoria:

> That part of Sections 11, 12, 13, and 14 not presently located within the Victoria limits, except that part of said Section 12 lying easterly of Schutz Lake.

5. That the following described areas abutting on the City of Victoria are suburban, or will become so within the next five years, and the City of Victoria will be capable of providing services to said areas within a reasonable time; therefore, said area should be annexed to the City of Victoria effective December 1, 1981:

> All that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not then included within the Hennepin County Park Reserve District.

6. That the areas designated for orderly annexation to the City of Victoria in paragraph 3 hereof, except those areas specifically enumerated and provided for in paragraphs 4 and 5, are not urban or suburban in character and are not about to become so; therefore, said areas shall not be subject to annexation to the City of Victoria for a period of at least five years from and after the effective date of this resolution. In the event owners of parcels of land located in areas other than areas specified in paragraphs 4 and 5 desire to be annexed during said five year period, it is agreed that the City of Victoria will not by resolution or otherwise consent to any such annexation unless there is a petition of 80% of the owners of the property proposed to be annexed and the Town of Laketown consents thereto.

7. That in an effort to forestall an overlap or duplication in the provision of governmental services and facilities, and to reduce, if possible, the costs of government in the orderly annexation area, the City of Victoria and the Town of Laketown agree to investigate possibilities for the sharing of facilities, equipment and personnel, insofar as the same apply to the orderly annexation area.

8. That City of Victoria and Town of Laketown representatives will meet at least semi-annually to discuss problems and means of cooperation for the provision of governmental services within the orderly annexation area.

9. That beginning after the effective date of this agreement the City of Victoria shall undertake and be responsible for the performance of general road maintenance and snow removal on the following streets: on Iris between State Trunk Highway 7 and the City boundary and on Iris Circle. Such maintenance will be performed only at the direction of the Town Board and the cost thereof shall be paid by the Town, but without allowance for any administrative costs or profit to the City of Victoria.

10. That if the Town and the City of Victoria believe that mutual benefit may be derived from the performance of general road maintenance and snow removal by the City of Victoria upon other Town roads located in Sections 1 and 2, then discussions will be held for the purpose of negotiating a contract for the performance thereof. In any event the Town shall seal coat the blacktopping on such roads at least once during the five year interim period.

11. That if a party shall find it necessary to employ extra personnel in order to perform maintenance or administrative tasks, prior to contracting with an outside agency, such party shall first contact the other in an effort to have said services performed by the other party. If services are then performed, the party receiving such services shall pay the actual cost thereof but without allowance for any administrative costs or profit to the party supplying the services.

12. That if the Town shall find it necessary to contract for clerical services for the issuance and collection of sewer bills, it shall contract with the City of Victoria for such services; provided, that the City shall not charge therefor a sum greater than the Town would be required to pay an outside agency for such services.

13. That the transfer of the presently existing Laketown sanitary sewer system to the City of Victoria as of December 1, 1981 will necessitate mutual effort to effect an orderly transition in the provision of care and maintenance of the system; therefore, beginning in August, 1978, the Town Board of Supervisors, or its representative, will interview the City of Victoria sewer maintenance man and examine his qualifications to perform maintenance work on the sanitary sewer system. If the Board finds him qualified, the Town will contract with the City of Victoria for the performance of such maintenance work during the remainder of the five year interim period. If the Board does not find said individual qualified, then it shall re-interview and examine his qualifications on an annual basis thereafter until such time as it finds said individual qualified or until the expiration of the five year period. It is agreed that any contract for the performance of such sewer maintenance will provide for payment by the Town of the actual cost of such maintenance, but without any allowance for administrative costs or profit to the City of Victoria.

14. That planning, zoning and subdivision in the orderly annexation area shall be governed by the following provisions:

A. For all that property located in Sections 1 and 2, that part of Section 12 lying easterly of Schutz Lake, and any part of Section 3 not included within the Hennepin County Park Reserve District:

1. The Town will adopt an ordinance creating a Lake Minnetonka Zoning District for the area north of T.H. 7 and the regulations therein shall be adopted by the City of Victoria such that continuity will be preserved when annexation occurs.

2. City of Victoria zoning and subdivision regulations may be extended to such areas.

3. The City of Victoria Planning Commission and Laketown Town Board will hold joint public hearings on zoning and subdivision matters.

4. Approval of any zoning or subdivision matters shall require a majority vote of the Town Board and a 4/5 vote of the City Council.

B. In the balance of the area designated for orderly annexation:

1. Carver County zoning and subdivision ordinances will apply.

2. All hearings on requests for subdivision rezoning, conditional uses and variances will be held jointly by the City, Town and County.

3. The County will retain jurisdiction until the time of annexation.

C. Sections 1, 2 and that part of Section 12 lying easterly of Schutz Lake will be included in the City of Victoria Comprehensive Plan.

D. The Town and the City will cooperate in a joint transportation plan for the area in the City and Town which borders State Trunk Highway 7.

15. That any property annexed to the City of Victoria pursuant to this agreement shall receive a graduated increase in mill rates from the Town rate to the City of Victoria rate in substantially equal portions such that in the fourth year following annexation the annexed property shall pay the same mill rate as is applied in the City for the particular type of property.

A. In the first levy year immediately after annexation the annexed property urban mill rate shall be equal to the rate established and applied by the Town generally in such first levy year. In the event that the dates of annexation are such that the County Auditor cannot include annexed areas with the City of Victoria levy spread for such first levy year, the Town shall collect the taxes levied against the annexed property areas and remit amounts so collected to the City of Victoria.

B. In the second year following annexation the annexed property urban mill rate shall be equal to the annexed property rate applied in the first year following annexation plus one-third of the differential between:

the City of Victoria urban rate in the first year following annexation

<u>and</u>

the annexed property urban rate applied in the first year following annexation.

C. In the third year following annexation the annexed property urban mill rate shall be equal to the annexed property urban rate applied in the second year following annexation plus two-thirds of the differential between:

the City of Victoria urban rate in the second year following annexation

<u>and</u>

the annexed property urban rate applied in the second year following annexation.

D. In the fourth year the annexed property rate and the City of Victoria urban rate shall be equal.

E. Any properties which, at the date of annexation, meet the criteria of Minnesota Statutes 272.67, for inclusion within the City's "rural service district" shall be included within such district. The City of Victoria shall adopt a "rural service district" taxation ordinance pursuant to said statute which shall be applied to such properties. For any such properties annexed between the date of this stipulation and December, 1981, there shall be no graduated increase from the Town rate to the City of Victoria rate, and such properties shall be subject to the City "rural service district" rate in the first levy year following annexation. For any such properties annexed after December 1, 1981, the computation of the mill rate shall be made under the formula specified in subparagraphs A, B, C, and D hereof, except that as applied to such properties the term "City of Victoria rural service district rate" shall be substituted in such formula for the term "City of Victoria urban rate".

16. That in the event lands which have been specially assessed by the Town of Laketown are annexed to the City of Victoria, the City shall remit any assessments collected from the owners of said lands to the Town within ten days after the receipt thereof so as to enable the Town to meet obligations upon its improvement bonds. At such time as the City assumes the obligation of payment on said improvement bonds the City shall no longer be required to remit assessments collected to the Town.

17. That it is understood and acknowledged by the Town and the City of Victoria that state and federal financial aids which are allocated to the Town on the basis of population may be effected or altered by annexations occurring hereunder. In the event that the Town shall receive any such aids without the allocating agency having considered or made an adjustment for an annexation which has occurred, the Town shall remit to the City such percentage of any such aids so allocated which is attributable to the population of the territory annexed. The sums to be remitted shall be determined in accordance with the following:

A. For annexations occurring immediately upon the adoption of this stipulation, the Town and City agree that 1970 census population figures shall be used, that the population of the Town in 1970 was 1750, and that for purposes of this stipulation the population of the area to be immediately annexed was 192.

1. Because State Local Government Aids and Federal Revenue Sharing cannot be redistributed by the allocating agencies in 1977 to reflect the impact of such immediate annexations, the Town shall remit to the City a sum equal to

the amount of such aids received subsequent to said annexations but prior to adjustment by the allocating agencies times 1950 divided by 192.

2. Said method to be utilized until the State and Federal allocating agencies adjust their records and payments to reflect such annexation.

B. For any annexations occuring in the future the Town and City shall mutually agree on a population figure based on the best available data.

C. Any disagreements concerning the sums to be remitted shall be referred to the Municipal Board for resolution.

18. That both parties agree to work jointly to secure any federal grants-in-aid which might be available, and to their mutual benefit.

19. That the parties hereby agree to review the area described as in need of orderly annexation every five years from the execution of this resolution.

20. That anything above to the contrary notwithstanding, the City of Victoria shall be required at any time to annex all of the lands described in paragraph 3 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

21. That the parties hereby agree that the Town of Laketown will dismiss its appeal of the decision of the Minnesota Municipal Board with the respect to the so-called "Batzli property", Carver County Court File No. 14769.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF CHASKA

22. That the following described area in Laketown Township is subject to orderly annexation pursuant to Minnesota Statutes 414.032 and the parties hereto designate this area for orderly annexation to the City of Chaska:

East one half of Section ~~34~~ 24, Township 116, Range 24
East one half of Section 25, Township 116, Range 24
East one half of Section 36, Township 116, Range 24.

23. That the Town of Laketown does, upon adoption of this stipulation and its adoption by the City Council of the City of Chaska, Minnesota, confer jurisdiction upon the Minnesota Municipal Board to assist the signatories in the execution of this agreement.

24. That no annexation in the orderly annexation area described in Paragraph 22, shall take place (unless agreed to in writing by the City of Chaska and Laketown Township) within five (5) years from the effective date of this joint resolution, except that the hereinafter described area shall be annexed to the City of Chaska upon the City of Chaska ordering the installation and construction of a sanitary sewer project which benefits

all of said area or at least that portion thereof known as the Oakwood Terrace and Shady Point area; and, upon the ordering of such sanitary sewer improvement, the City of Chaska shall submit to the Municipal Board its petition to annex said hereinafter described area to which petition Laketown Township agrees it will not object. Said area being described as follows, to-wit:

> That portion of Sections 24 and 25, Township 116, Range 24 lying southerly of Lake Bavaria and easterly and northerly of County Road No. 11.

25. That anything above to the contrary notwithstanding, the City of Chaska shall be required at any time to annex all of the lands described in paragraph 22 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

26. That the mill levy of the City of Chaska on any area so annexed as described above, and upon the occurence of an annexation proceeding, 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 annexed property shall be the same as the City of Chaska generally; and, that any alteration of mill levies on any other annexed portions shall be as determined by agreement of the parties at that time and if there is a failure to reach such agreement, the question shall be resolved by the Minnesota Municipal Board.

27. Notwithstanding any further provisions of this agreement any lands annexed to the City of Chaska which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Chaska's Rural and Urban Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

28. That both parties to this resolution agree to dismiss the pending action before the Minnesota Municipal Board, same being File Docket A-2205(OA) Laketown.

PROVISIONS GOVERNING ANNEXATIONS TO CITY OF WACONIA

29. That those portions of the Town of Laketown, Carver County, Minnesota, described as:

> All of Sections 6, 7, 18. 19. 20, 29, 30, 31, and 32, and the Southwest Quarter of Section 8, and the Northwest Quarter and the South Half of Section 17, all being in Township 116, North, Range 24 West.

shall be designated for orderly annexation to the City of Waconia as provided by Minnesota Statutes 414, said boundary to be established forthwith by Order of the Municipal Board, ~~subject only to future revision thereof by subsequent Order of the Municipal Board in the event that future development in the present Town~~

~~of Laketown would indicate an adjustment of such boundary would be in the best interests of the portion of Laketown Township affected.~~

30. That for a period of five (5) years after execution of this Stipulation by the parties hereto the City of Waconia will not initiate nor be a party to any action through the Municipal Board for final annexation to Waconia of any portions of Laketown Township designated above for orderly annexation to the City of Waconia except that any part of those portions of Laketown Township described as:

> The South Half of Section 7; the Southwest Quarter of Section 8; the West Half of Section 17; all of Sections 18 and 19; and the West Half of Section 20.

may be annexed to the City of Waconia during said five year period from and after January 1, 1978 if such annexation is the result of any of the following:

A. A petition for annexation signed by 100% of the owners of the property proposed to be annexed.

B. The City of Waconia determines that portions thereof are in need of sewer service, but then only if the Municipal Board concurs in such determination, and the City of Waconia has approved a prelimimary report as to such service and commits itself to order such improvement and to advertise for bids for the provision of such sewer service pursuant to Minnesota Statutes Chapter 429 immediately upon the completion of such annexation.

C. Joint resolution of the Town of Laketown and the City of Waconia.

31. That anything in paragraph 28 above to the contrary notwithstanding, the City of Waconia shall be required at any time to annex all of the lands described in paragraph 27 above upon a petition for such annexation filed by the Town of Laketown with the Municipal Board.

32. That the Town of Laketown will not change the zoning of any lands described in paragraph 27 above, nor permit the establishment of any nonconforming use, nor subject same to any further special assessments or indebtedness, without having first obtained the approval thereof by the City of Waconia, or, in the alternative, the approval of the Municipal Board after reasonable notice to the City of Waconia.

33. That the mill levy of the City of Waconia on any area so annexed as described above, and upon the occurrence of an annexation proceeding, shall be increased in substantially equal portions over a period of three (3) years such that in the fourth year following annexation the mill rate on such annexed property shall be the same as the City of Waconia generally.

34. Notwithstanding any further provisions of this agreement any lands annexed to the City of Waconia which may be identified as "rural" under Minnesota Statutes 272.67, the rural service taxing district, shall be classified by the City as "rural" and shall be taxed pursuant to the City of Waconia's Rural and Urban

Service District Ordinance until such time as the land is no longer rural as defined in Minnesota Statutes 272.67.

- - - - - - - - - - - - - - -

35. That this Stipulation and Agreement shall be in full force and effect only in the event that the provisions hereof are incorporated in an Order of the Municipal Board of the State of Minnesota.

Stipulated and agreed to by the Town of Laketown this ___day of _____, 1976.

TOWN OF LAKETOWN

By_____
Its Chairman

Attest:_____
Town Clerk

Stipulated and agreed to by the City of Waconia this ___day of _____, 1976.

CITY OF WACONIA

By_____
Its Mayor

Attest:_____
City Clerk

Stipulated and agreed to by the City of Chaska this ___day of _____, 1976.

CITY OF CHASKA

By_____
Its Mayor

Attest:_____
City Clerk

Stipulated and agreed to by the City of Victoria this 2ND day of December, 1976.

CITY OF VICTORIA

By Jerome J. Ortz
Its Mayor

Attest: Virginia R. Harris
City Clerk

DEC 2 2 1976

MELCHERT, HUBERT, HOWE & YOUNG

ATTORNEYS AT LAW

PAUL A. MELCHERT
LUKE MELCHERT
DAVID P. HUBERT
THOMAS R. HOWE
MICHAEL A. YOUNG

KEITH SJODIN

420 CHESTNUT STREET
CHASKA PROFESSIONAL BUILDING
P. O. BOX 67
CHASKA, MINNESOTA 55318
CHASKA 448-3121

WACONIA OFFICE
FIRST NATIONAL BANK BUILDING
442-2154

WATERTOWN OFFICE
955-1404

December 13, 1976

State of Minnesota
Municipal Board
Suite 165
Metro Square
7th and Robert Street
St. Paul, Minnesota 55101

Attention: William Neiman

Re: A-2205 (OA) Laketown

Dear Bill:

Enclosed herewith please find a certified copy of the Resolution of the City of Chaska agreeing to the STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION in the above matter.

I trust this is all that is needed on behalf of the City of Chaska's part. If not, please do not hesitate to contact me.

Very truly yours,

Luke Melchert
City Attorney, City of Chaska, Minnesota

LM:rep

cc: Paul A. Melchert
Attorney at Law
First National Bank Building
Waconia, Minnesota 55387

Robert A. Nicklaus
Attorney at Law
Klein Bros. Building

William F. Kelly
Attorney at Law
351 Second Street
Excelsior, Minnesota 55331

DEC 2 2 1976

CITY OF CHASKA
CARVER COUNTY, MINNESOTA

RESOLUTION

Date: December6, 1976 Resolution No. 76-45

Motion by Reus Seconded by Councilman Robling

WHEREAS, at a duly constituted Hearing before the Municipal Board of the State of Minnesota, on the 6th day of December, 1976, at the Carver County Courthouse at Chaska, Minnesota, there was presented to representatives of Chaska, Waconia, Victoria and Laketown a document entitled STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION; and

WHEREAS, the City Council of the City of Chaska discussed same at its regularly scheduled City Council Meeting on the 6th day of December, 1976; and

WHEREAS, it appeared that it would be in the best interests of the City of Chaska to agree to enjoin in said Stipulation; and

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

1. That the City of Chaska does hereby agree to the document entitled STIPULATION BY JOINT RESOLUTION AS TO ORDERLY ANNEXATION attached hereto and made a part of this Resolution.

Passed and adopted by the City Council of the City of Chaska, Minnesota, this 6th day of December, 1976.

Leon J. Schmidt
Mayor

Attest: Shirley Bruns
City Clerk

STATE OF MINNESOTA)
COUNTY OF CARVER)
CITY OF CHASKA)

CLERK'S CERTIFICATE

I, Shirley Bruers, being the duly qualified City Clerk for the City of Chaska, Minnesota, DO HEREBY CERTIFY, that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the City Council of the City of Chaska, Minnesota, with their meeting held on the 6th day of December 6, 19 76, now on file in my office, and have found the same to be a true and correct copy thereof.

WITNESS my hand and official seal of the City of Chaska, Minnesota, this 15th day of December, 19 76.

Shirley Bruers
City Clerk

J-32

APR 28 1972

JOINT RESOLUTION AS TO THE TOWNSHIP OF LAKETOWN

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Laketown Township to the City of Waconia and/or to consolidate all or a portion of Laketown Township with the Village of Victoria; and

WHEREAS, as part of the same hearing the Municipal Commission has heard evidence on the question of whether the Township of Laketown should be incorporated, and has entered its Order denying the petition for incorporation; and

WHEREAS, the Township of Laketown, City of Waconia, Village of Victoria, and City of Chaska are parties to the said hearing, as well as are private petitioners who have petitioned for the consolidation of Laketown Township with the Village of Victoria; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this resolution,

NOW, THEREFORE, BE IT RESOLVED By the Township of Laketown, the City of Waconia, the Village of Victoria, and the City of Chaska, as follows:

1. That the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes Annotated 414.032 to adjacent political subdivisions, and the parties hereto do hereby designate the entire Township of Laketown, an unincorporated area, as in need of orderly annexation as provided by statute.

2. That the Township of Laketown does, upon the passage of this resolution and its adoption by the councils of the City of Waconia, City of Chaska, and Village of Victoria, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

3. That for a period of four years after said adoption of this

resolution and the filing of same with the Minnesota Municipal Commission neither the Township of Laketown, nor any of the other municipalities who have adopted this resolution, nor the Municipal Commission, will initiate any action through the Municipal Commission under said orderly annexation statute for the annexation of any property within the presently existing boundaries of the Township of Laketown except in conformity with the terms of this resolution.

4. That there will forthwith be organized under the direction of the Carver County Board of Commissioners a planning group which will include one representative from each of the Township of Laketown, the City of Waconia, the City of Chaska, the Village of Victoria and the Carver County Board of Commissioners, said representatives to be apppointed by the respective governing bodies; that the joint planning group shall address itself to how orderly annexation should best be implemented; that the Municipal Commission will continue to hold hearings on this matter at least every six months at a time and a place to be designated by the Commission for the purposed of reviewing such studies and progress which has been made; ~~and that the Town of Laketown agrees to join with all other communities who have adopted this resolution in participating in such planning effort.~~

5. That in the event that said planning group is not proceeding as intended by the terms of this resolution, that the Municipal Commission shall have the authority, as it deems necessary, to initiate action ~~by the planning group designed towards planning for the area of Laketown~~ Township and the surrounding interested municipalities as provided ~~by this resolution.~~

6. In the event certain parcels of land in Laketown Township adjacent to existing municipalities desire to be annexed to an incorporated area during said four year period, it is agreed that the annexation shall not occur until there has been a hearing before the municipal commission to determine the purpose of the annexation and whether such annexation, if accomplished, would not create a fiscal problem for Laketwon Township, taking into consideration sewer assessments, annual sewer bills, and the

ability of Laketown Township to function as a legal entity and recover assessments already made.

7. At or prior to the end of said four year period a presentation will be made by the four municipalities who have adopted this resolution, or, if there is agreement between said municipalities, a stipulated case shall be presented to the Commission for its approval. If there is no agreement bwetween said parties, evidence will be taken by the Commission and an order made pursuant to the authority given to the Municipal Commission by Minnesota Statutes authorizing it to delineate the boundaries and determine which portion of the township will be annexed to each of the adjoining municipalities.

8. That the Municipal Commission shall retain the right to call in adjacent political subdivisions which the Commission deems may be involved or have an interest in said matter.

9. That if no action is taken by the Township of Laketown, or the City of Waconia, City of Chaska, or Village of Victoria prior to the end of said four year period, the Minnesota Municipal Commission shall act within a reasonable period of time and call a hearing for the purpose of establishing boundaries of areas to be annexed to the respective adjoining municipalities.

10. In the event that the parties to this resolution shall reach an agreement prior to the termination of said four year period they may accelerate the time for hearing by requesting the Commission to hold a hearing for the purpose of considering the establishment of boundaries.

11. That the appeal presently pending from the Order of the Minnesota Municipal Commission denying the petition of parties to incorporate Laketown Township will be dismissed, and that the pending petitions for consolidation and annexation shall also be dismissed.

Passed and adopted by the Village of Victoria this 16th day of ~~April~~ March, 1972.

VILLAGE OF VICTORIA

Attest: Kenneth Mellem
Clerk

By Jerome J. Arets
Mayor

MAR 30 1972

CITY OF CHASKA

CARVER COUNTY, MINNESOTA

RESOLUTION

Date March 27, 1972 Resolution No. 72-37

Motion by Robling Seconded by Councilman Reus

JOINT RESOLUTION AS TO THE TOWNSHIP OF LAKETOWN

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Laketown Township with the Village of Victoria; and

WHEREAS, as part of the same hearing the Municipal Commission has heard evidence on the question of whether the Township of Laketown should be incorporated, and has entered its Order denying the petition for incorporation; and

WHEREAS, the Township of Laketown, City of Waconia, Village of Victoria, and City of Chaska are parties to the said hearing, as well as are private petitioners who have petitioned for the consolidation of Laketown Township with the Village of Victoria; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this resolution,

NOW, THEREFORE, BE IT RESOLVED By the Township of Laketown, the City of Waconia, the Village of Victoria, and the City of Chaska, as follows:

1. That the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes Annotated 414.032 to adjacent political subdivisions, and the parties hereto do hereby designate the entire Township of Laketown, an unincorporated area, as in need of orderly annexation as provided by statute.

2. That the Township of Laketown does, upon the passage of this resolution and its adoption by the councils of the City of Waconia, City of Chaska, and Village of Victoria, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

3. That for a period of four years after said adoption of this resolution and the filing of same with the Minnesota Municipal Commission neither the Township of Laketown, nor any of the other municip-

alities who have adopted this resolution, nor the Municipal Commission, will initiate any action through the Municipal Commission under said orderly annexation statute for the annexation of any property within the presently existing boundaries of the Township of Laketown except in conformity with the terms of this resolution.

4. That there will forthwith be organized under the direction of the Carver County Board of Commissioners a planning group which will include one representative from each of the Township of Laketown, the City of Waconia, the City of Chaska, the Village of Victoria and the Carver County Board of Commissioners, said representatives to be appointed by the respective governing bodies; that the joint planning group shall address itself to how orderly annexation should best be implemented; that the Municipal Commission will continue to hold hearings on this matter at least every six months at a time and place to be designated by the Commission for the purpose of reviewing such studies and progress which has been made.

5. That in the event that said planning group is not proceeding as intended by the terms of this resolution, that the Municipal Commission shall have the authority, as it deems necessary, to initiate action.

6. In the event certain parcels of land in Laketown Township adjacent to existing municipalities desire to be annexed to an incorporated area during said four year period, it is agreed that the annexation shall not occur until there has been a hearing before the municipal commission to determine the purpose of the annexation and whether such annexation, if accomplished, would not create a fiscal problem for Laketown Township, taking into consideration sewer assessments, annual sewer bills, and the ability of Laketown Township to function as a legal entity and recover assessments already made.

7. At or prior to the end of said four year period a presentation will be made by the four municipalities who have adopted this resolution, or, if there is agreement between said municipalities, a stipulated case shall be presented to the Commission for its approval. If there is no agreement between said parties, evidence will be taken by the Commission and an order made pursuant to the authority given to the Municipal Commission by Minnesota Statutes authorizing it to delineate the boundaries and determine which portion of the township will be annexed to each of the adjoining municipalities.

8. That the Municipal Commission shall retain the right to call in adjacent political subdivisions which the Commission deems may be involved or have an interest in said matter.

9. That if no action is taken by the Township of Laketown, or the City of Waconia, City of Chaska, or Village of Victoria prior to the end of said four year period, the Minnesota Municipal Commission shall act within a reasonable period of time and call a hearing for the purpose of establishing boundaries of areas to be annexed to the respective adjoining municipalities.

10. In the event that the parties to this resolution shall reach an agreement prior to the termination of said four year period they may

accelerate the time for hearing by requesting the Commission to hold a hearing for the purpose of considering the establishment of boundaries.

11. That the appeal presently pending from the Order of the Minnesota Municipal Commission denying the petition of parties to incorporate Laketown Township will be dismissed, and that the pending petitions for consolidation and annexation shall also be dismissed.

Passed and adopted by the City Council of the City of Chaska this 27th day of March, 1972.

Edgar F. Zeyen Sr.
Mayor

Attest: Shirley Bruers
City Clerk

STATE OF MINNESOTA)
) ss
COUNTY OF CARVER)

I, Shirley Bruers, being the duly, qualified and acting City Clerk for the City of Chaska, Minnesota, DO HEREBY CERTIFY, that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the City Council of the City of Chaska, Minnesota, at their meeting held on the 27 day of March, 1972, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of the City of Chaska, Minnesota, this 27 day of March, 1972.

Shirley Bruers
City Clerk

(SEAL)

A-2203

JOINT RESOLUTION AS TO THE TOWNSHIP OF LAKETOWN

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Laketown Township to the City of Waconia and/or to consolidate all or a portion of Laketown Township with the Village of Victoria; and

WHEREAS, as part of the same hearing the Municipal Commission has heard evidence on the question of whether the Township of Laketown should be incorporated, and has entered its Order denying the petition for incorporation; and

WHEREAS, the Township of Laketown, City of Waconia, Village of Victoria, and City of Chaska are parties to the said hearing, as well as are private petitioners who have petitioned for the consolidation of Laketown Township with the Village of Victoria; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this resolution,

NOW, THEREFORE, BE IT RESOLVED By the Township of Laketown, the City of Waconia, the Village of Victoria, and the City of Chaska, as follows:

1. That the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes Annotated 414.032 to adjacent political subdivisions, and the parties hereto do hereby designate the entire Township of Laketown, an unincorporated area, as in need of orderly annexation as provided by statute.

2. That the Township of Laketown does, upon the passage of this resolution and its adoption by the councils of the City of Waconia, City of Chaska, and Village of Victoria, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

3. That for a period of four years after said adoption of this resolution and the filing of same with the Minnesota Municipal Commission neither the Township of Laketown, nor any of the

other municipalities who have adopted this resolution, nor the Municipal Commission, will initiate any action through the Municipal Commission under said orderly annexation statute for the annexation of any property within the presently existing boundaries of the Township of Laketown except in conformity with the terms of this resolution.

4. That there will forthwith be organized under the direction of the Carver County Board of Commissioners a planning group which will include one representative from each of the Township of Laketown, the City of Waconia, the City of Chaska, the Village of Victoria and the Carver County Board of Commissioners, said representatives to be appointed by the respective governing bodies; that the joint planning group shall address itself to how orderly annexation should best be implemented; that the Municipal Commission will continue to hold hearings on this matter at least every six months at a time and a place to be designated by the Commission for the purpose of reviewing such studies and progress which has been made.

5. That in the event that said planning group is not proceeding as intended by the terms of this resolution, the Municipal Commission shall have the authority, as it deems necessary, to initiate action.

6. In the event certain parcels of land in Laketown Township adjacent to existing municipalities desire to be annexed to an incorporated area during said four year period, it is agreed that the annexation shall not occur until there has been a hearing before the municipal commission to determine the purpose of the annexation and whether such annexation, if accomplished, would not create a fiscal problem for Laketown Township, taking into consideration sewer assessments, annual sewer bills, and the ability of Laketown Township to function as a legal entity and recover assessments already made.

7. At or prior to the end of said four year period a presentation will be made by the four municipalities who have adopted this resolution, or, if there is agreement between said municipalities, a stipulated case shall be presented to the Commission for its approval. If there is no agreement between said parties, evidence will be taken by the Commission and an

order made pursuant to the authority given to the Municipal Commission by Minnesota Statutes authorizing it to delineate the boundaries and determine which portion of the township will be annexed to each of the adjoining municipalities.

8. That the Municipal Commission shall retain the right to call in adjacent political subdivisions which the Commission deems may be involved or have an interest in said matter.

9. "That if no action is taken by the Township of Laketown, or the City of Waconia, City of Chaska, or Village of Victoria prior to the end of said four year period, the Minnesota Municipal Commission shall act within a reasonable period of time and call a hearing for the purpose of establishing boundaries of areas to be annexed to the respective adjoining municipalities."

10. In the event that the parties to this resolution shall reach an agreement prior to the termination of said four year period they may accelerate the time for hearing by requesting the Commission to hold a hearing for the purpose of considering the establishment of boundaries.

11. That the appeal presently pending from the Order of the Minnesota Municipal Commission denying the petition of parties to incorporate Laketown Township will be dismissed, and that the pending petitions for consolidation and annexation shall also be dismissed.

Passed and adopted by the Township of Laketown this 15th day of March, 1972.

See affidavit attached stating passing

TOWNSHIP OF LAKETOWN

Attest: _____ By _____
Township Clerk Its Chairman

JUN 8 1972

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

I, David M. Nixon, being the duly elected and acting Town Clerk, do certify that on the 15th day of March, 1972, the within resolution was unanimously passed by the Town Board of the Town of Laketown at a special meeting of said Town Board at which all members were present, said vote being three in favor and none against.

David M. Nixon, Town Clerk

DATED: March 15, 1972.

2-2205(OA)

JOINT RESOLUTION AS TO LAKETOWN TOWNSHIP

ORDERLY ANNEXATION BOUNDARIES

WHEREAS, the municipalities of Chaska, Victoria and Waconia, and the Township of Laketown, have agreed by prior Joint Resolution adopted by the respective municipalities and the Township in March of 1972 that the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes Annotated 414.032 and have by said Joint Resolution designated the entire Township of Laketown as in need of orderly annexation as provided by said statute; and

WHEREAS, the Township of Laketown, the City of Chaska, the Village of Victoria and the City of Waconia have conferred jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation and have organized a planning group which has met over a period of one and a half years to develop procedures for the orderly annexation of Laketown Township; and

WHEREAS, the Township of Laketown and the respective municipalities have delineated boundary lines and have determined which portions of the Township should be designated for orderly annexation to each of the adjoining municipalities; and

WHEREAS, the City of Chaska, the Village of Victoria and the City of Waconia have been requested by the Township of Laketown to provide it with copies of its ordinances regarding rural-urban taxing districts, special assessments and other provisions to equalize mill levies so that a fiscal problem will not be created for said Laketown Township;

NOW, THEREFORE, BE IT RESOLVED, by the City of Chaska, the Village of Victoria and the City of Waconia, as follows:

1. That the following boundary lines have been delineated, and the above recited municipalities have determined which portions of Laketown Township should be designated for orderly annexation to the adjoining municipalities, with said boundary lines to include the following:

   a) City of Chaska - The East Half of Section 24 and the East Half of Section 25, and all of Sections 34, 35 and 36 to be included within the boundaries as to the City of Chaska.

   b) Village of Victoria - All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23 and 26, and the North Half of Sections 17 and 28, and the West Half of Sections 24 and 25, to be included within the boundaries as to the Village of Victoria.

   c) City of Waconia - All of Sections 6, 7, 18, 19, 20, 29, 30, 31, 32 and 33, and the South Half of Sections 17 and 28, to be included within the boundaries as to the City of Waconia.

2. That the City of Chaska, the Village of Victoria and the City of Waconia hereby ratify the boundaries described above by passage of this joint resolution, and submit same to the Township of Laketown and request that said Township also ratify said boundaries after taking such action as the Township deems to be most appropriate.

3. That the City of Chaska, the Village of Victoria and the City of Waconia shall provide the Township of Laketown with its policies and ordinances relative to rural-urban taxing districts, special assessments on farm land, and other provisions to equalize mill levies, and shall send a representative from each municipality to any meeting called by the Laketown Township Board of Supervisors in order to explain and define said policies, in order that Laketown Township may submit same for the information of its residents in such manner as the Town Board deems most appropriate.

4. That after Laketown Township has ratified said boundaries, same shall be submitted to the Municipal Commission of the State of Minnesota for final approval pursuant to the Joint Resolution passed by all the parties in March of 1972, and in accordance with the Stipulation entered into before the Municipal Commission on November 22, 1971.

Adopted this _____ day of July, 1973.

(CITY) (VILLAGE) OF _____

By: _____
Its _____

Attest: _____
Its Clerk

STATE OF MINNESOTA

SS

COUNTY OF CARVER

I, Kenneth Wellens ,being the duly, qualified and acting Clerk for the Village of Victoria, Minnesota, DO HEREBY CERTIFY, that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Village Council of the Village of Victoria, Minnesota, at their meeting held on the 6th day of April, 1972, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of the Village of Victoria, Minnesota, this 6th day of April, 1972.

Kenneth Wellens

Clerk

(SEAL)

4/20/72

JOINT RESOLUTION AS TO THE TOWNSHIP OF LAKETOWN

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Laketown Township to the City of Waconia and/or to consolidate all or a portion of Laketown Township with the Village of Victoria; and

WHEREAS, as part of the same hearing the Municipal Commission has heard evidence on the question of whether the Township of Laketown should be incorporated, and has entered its Order denying the petition for incorporation; and

WHEREAS, the Township of Laketown, City of Waconia, Village of Victoria, and City of Chaska are parties to the said hearing, as well as are private petitioners who have petitioned for the consolidation of Laketown Township with the Village of Victoria; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this resolution,

NOW, THEREFORE, BE IT RESOLVED By the Township of Laketown, the City of Waconia, the Village of Victoria, and the City of Chaska, as follows:

1. That the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes Annotated 414.032 to adjacent political subdivisions, and the parties hereto do hereby designate the entire Township of Laketown, an unincorporated area, as in need of orderly annexation as provided by statute.

2. That the Township of Laketown does, upon the passage of this resolution and its adoption by the councils of the City of Waconia, City of Chaska, and Village of Victoria, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

3. That for a period of four years after said adoption of this

resolution and the filing of same with the Minnesota Municipal Commission neither the Township of Laketown, nor any of the other municipalities who have adopted this resolution, nor the Municipal Commission, will initiate any action through the Municipal Commission under said orderly annexation statute for the annexation of any property within the presently existing boundaries of the Township of Laketown except in conformity with the terms of this resolution.

4. That there will forthwith be organized under the direction of the Carver County Board of Commissioners a planning group which will include one representative from each of the Township of Laketown, the City of Waconia, the City of Chaska, the Village of Victoria and the Carver County Board of Commissioners, said representatives to be appointed by the respective governing bodies; that the joint planning group shall address itself to how orderly annexation should best be implemented; that the Municipal Commission will continue to hold hearings on this matter at least every six months at a time and place to be designated by the Commission for the purpose of reviewing such studies and progress which has been made.

5. That in the event that said planning group is not proceeding as intended by the terms of this resolution, that the Municipal Commission shall have the authority, as it deems necessary, to initiate action.

6. In the event certain parcels of land in Laketown Township adjacent to existing municipalities desire to be annexed to an incorporated area during said four year period, it is agreed that the annexation shall not occur until there has been a hearing before the municipal commission to determine the purpose of the annexation and whether such annexation, if accomplished, would not create a fiscal problem for Laketown Township, taking into consideration sewer assessments, annual sewer bills, and the

ability of Laketown Township to function as a legal entity and recover assessments already made.

7. At or prior to the end of said four year period a presentation will be made by the four municipalities who have adopted this resolution, or, if there is agreement between said municipalities, a stipulated case shall be presented to the Commission for its approval. If there is no agreement between said parties, evidence will be taken by the Commission and an order made pursuant to the authority given to the Municipal Commission by Minnesota Statutes authorizing it to delineate the boundaries and determine which portion of the township will be annexed to each of the adjoining municipalities.

8. That the Municipal Commission shall retain the right to call in adjacent political subdivisions which the Commission deems may be involved or have an interest in said matter.

9. That if no action is taken by the Township of Laketown, or the City of Waconia, City of Chaska, or Village of Victoria prior to the end of said four year period, the Minnesota Municipal Commission shall act within a reasonable period of time and call a hearing for the purpose of establishing boundaries of areas to be annexed to the respective adjoining municipalities.

10. In the event that the parties to this resolution shall reach an agreement prior to the termination of said four year period they may accelerate the time for hearing by requesting the Commission to hold a hearing for the purpose of considering the establishment of boundaries.

11. That the appeal presently pending from the Order of the Minnesota Municipal Commission denying the petition of parties to incorporate Laketown Township will be dismissed, and that the pending petitions for consolidation and annexation shall also be dismissed.

Passed and adopted by the Township of Laketown this ____day of _____, 1972.

TOWNSHIP OF LAKETOWN

Attest:_____ By_____
Township Clerk Its Chairman

Passed and adopted by the City of Waconia this 14th day

of March, 1972.

CITY OF WACONIA

Attest: Esther Zellmann By Karl C. Gramith

City Clerk Its Mayor

Passed and adopted by the City of Chaska this _____day

of _____, 1972.

CITY OF CHASKA

Attest:_____ By_____

City Clerk Its Mayor

Passed and adopted by the Village of Victoria this _____day

of _____, 1972.

VILLAGE OF VICTORIA

Attest:_____ By_____

Village Clerk Its Mayor

State of Minnesota)
)
County of Carver) SS.
)
City of Waconia)

CERTIFICATE

Esther Zellmann, the undersigned, does hereby CERTIFY that she is the duly appointed and acting Clerk of the City of Waconia; that as such Clerk she is custodian of the minute books and records of the City of Waconia; and that the foregoing Joint Resolution is a true and correct copy of said Resolution as same was adopted by the Common Council of the City of Waconia on March 14, 1972.

Esther Zellmann

Esther Zellmann

(SEAL)

JOINT RESOLUTION AS TO THE TOWNSHIP OF LAKETOWN

WHEREAS, the Municipal Commission of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Laketown Township to the City of Waconia and/or to consolidate all or a portion of Laketown Township with the Village of Victoria; and

WHEREAS, as part of the same hearing the Municipal Commission has heard evidence on the question of whether the Township of Laketown should be incorporated, and has entered its Order denying the petition for incorporation; and

WHEREAS, the Township of Laketown, City of Waconia, Village of Victoria, and City of Chaska are parties to the said hearing, as well as are private petitioners who have petitioned for the consolidation of Laketown Township with the Village of Victoria; and

WHEREAS, there is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Commission can be settled, and the municipal parties hereto desire to set forth such terms of settlement by means of this resolution,

NOW, THEREFORE, BE IT RESOLVED By the Township of Laketown, the City of Waconia, the Village of Victoria, and the City of Chaska, as follows:

1. That the Township of Laketown is a proper subject for orderly annexation under and pursuant to Minnesota Statutes Annotated 414.032 to adjacent political subdivisions, and the parties hereto do hereby designate the entire Township of Laketown, an unincorporated area, as in need of orderly annexation as provided by statute.

2. That the Township of Laketown does, upon the passage of this resolution and its adoption by the councils of the City of Waconia, City of Chaska, and Village of Victoria, confer jurisdiction upon the Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

3. That for a period of four years after said adoption of this resolution and the filing of same with the Minnesota Municipal Commission neither the Township of Laketown, nor any of the

other municipalities who have adopted this resolution, nor the Municipal Commission, will initiate any action through the Municipal Commission under said orderly annexation statute for the annexation of any property within the presently existing boundaries of the Township of Laketown except in conformity with the terms of this resolution.

4. That there will forthwith be organized under the direction of the Carver County Board of Commissioners a planning group which will include one representative from each of the Township of Laketown, the City of Waconia, the City of Chaska, the Village of Victoria and the Carver County Board of Commissioners, said representatives to be appointed by the respective governing bodies; that the joint planning group shall address itself to how orderly annexation should best be implemented; that the Municipal Commission will continue to hold hearings on this matter at least every six months at a time and a place to be designated by the Commission for the purpose of reviewing such studies and progress which has been made.

5. That in the event that said planning group is not proceeding as intended by the terms of this resolution, the Municipal Commission shall have the authority, as it deems necessary, to initiate action.

6. In the event certain parcels of land in Laketown Township adjacent to existing municipalities desire to be annexed to an incorporated area during said four year period, it is agreed that the annexation shall not occur until there has been a hearing before the municipal commission to determine the purpose of the annexation and whether such annexation, if accomplished, would not create a fiscal problem for Laketown Township, taking into consideration sewer assessments, annual sewer bills, and the ability of Laketown Township to function as a legal entity and recover assessments already made.

7. At or prior to the end of said four year period a presentation will be made by the four municipalities who have adopted this resolution, or, if there is agreement between said municipalities, a stipulated case shall be presented to the Commission for its approval. If there is no agreement between said parties, evidence will be taken by the Commission and an

order made pursuant to the authority given to the Municipal Commission by Minnesota Statutes authorizing it to delineate the boundaries and determine which portion of the township will be annexed to each of the adjoining municipalities.

8. That the Municipal Commission shall retain the right to call in adjacent political subdivisions which the Commission deems may be involved or have an interest in said matter.

9. That if no action is taken by the Township of Laketown, or the City of Waconia, City of Chaska, or Village of Victoria prior to the end of said four year period, the Minnesota Municipal Commission shall act within a reasonable period of time and call a hearing for the purpose of establishing boundaries of areas to be annexed to the respective adjoining municipalities.

10. In the event that the parties to this resolution shall reach an agreement prior to the termination of said four year period they may accelerate the time for hearing by requesting the Commission to hold a hearing for the purpose of considering the establishment of boundaries.

11. That the appeal presently pending from the Order of the Minnesota Municipal Commission denying the petition of parties to incorporate Laketown Township will be dismissed, and that the pending petitions for consolidation and annexation shall also be dismissed.

Passed and adopted by the Township of Laketown this 15th day of March, 1972.

TOWNSHIP OF LAKETOWN

Attest: _____ By _____
Township Clerk Its Chairman