

DEC 22 2010

**JOINT RESOLUTION OF
THE CITY OF NEW PRAGUE, MINNESOTA
AND
TOWN BOARD OF HELENA, SCOTT COUNTY, MINNESOTA**

**IN THE MATTER OF THE AMENDMENT OF AN EXISTING
ORDERLY ANNEXATION AGREEMENT AND THE IMMEDIATE
ANNEXATION OF TERRITORY UNDER THE AMENDED AGREEMENT
PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325**

WHEREAS, the Township of Helena (the "Township") and the City of New Prague (the "City") by joint resolution and agreement, each dated June 19, 1978, have established an orderly annexation area and the conditions for annexation within such area pursuant to Minnesota Statutes, Section 414.0325 (the "Original OAA"); and

WHEREAS, most of Section 32, and all of Section 33, of Township 113 North, Range 23 West is within the orderly annexation area designated in the Original OAA; and

WHEREAS, the parties desire to expand the orderly annexation area designated in the Original OAA to include the portion of Section 32, Township 113 North, Range 23 West described in the attached Exhibit A and shown as part of the map attached as Exhibit C (the "Additional Designated Area"); and

WHEREAS, the City has designated a portion of Naylor Avenue NW as part of the City's municipal state aid road system in 2010, of which only the east half is currently within City's limits; and

WHEREAS, the immediate annexation of the above described right-of-way, which includes a portion of the area designated in the Original OAA and the Additional Designated Area, which are legally described in the attached Exhibit B and shown on the map attached as Exhibit C (Annexation Area #1), is necessary in order for the City to obtain certain MnDOT state aid funds; and

WHEREAS, the City has also recently discovered a gap in the corporate limits of the City in the north half of the southeast quarter of section 33, which is legally described in the attached Exhibit D and shown on the map attached as Exhibit E ("Annexation Area #2), that needs to be corrected due to an error in annexation documents in the 1980's and 1990's; and

WHEREAS, the City and Township agree to amend the Original OAA to include the Additional Designated Area;

WHEREAS, the City and Township further agree to provide for the immediate annexation of Annexation Area #1 and Annexation Area #2 (hereinafter referred to collectively as the "Immediate Annexation Area") into the City pursuant to this Resolution; and

WHEREAS, the parties find the Immediate Annexation Area is now or is about to become urban or suburban in character, is guided as road right-of-way based on New Prague's Comprehensive Plan, and is appropriate for orderly annexation immediately; and

WHEREAS, notice of intent to designate the Additional Designated Area for orderly annexation was published as required by Minnesota Statutes, section 414.0325, subdivision 1b.

NOW, THEREFORE, IT IS JOINTLY RESOLVED, by the City of New Prague, Minnesota and the Town of Helena, County of Scott, Minnesota as follows:

1. **Amendment.** The Original OAA is hereby amended by expanding the area designated for orderly annexation to include the Additional Designated Area described in the attached Exhibit A. This amendment shall not otherwise effect the terms and conditions of the Original OAA, except as needed to accomplish the intent of the parties in this Resolution to provide for the immediate annexation of the Immediate Annexation Area.
2. **Conferring Jurisdiction.** Upon approval by the respective governing bodies of the City and Township, this Resolution shall confer jurisdiction upon the Chief Administrative Law Judge, as defined in Minnesota Statutes, section 414.011, subdivision 12 ("Chief Judge"), to accomplish the immediate annexation of the Immediate Annexation Area, including the Additional Designated Area, as provided in this Resolution.
3. **Review and Comment by the Chief Judge.** City and Township mutually agree and state that this Resolution sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary to accomplish the immediate annexation of the Immediate Annexation Area. Additionally, no alteration of the boundaries of the Immediate Annexation Area by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within 30 days, order the annexation to the City of the property within the Immediate Annexation Area.
4. **Immediate Annexation.** The City and Town agree that all property within the Immediate Annexation Area, as described in Exhibit B and Exhibit D, and shown in Exhibit C and Exhibit E, and shall immediately be annexed to the City pursuant to this Resolution.
5. **Tax Reimbursement.** Understanding that the Immediate Annexation Area is comprised of public right-of-way the City has maintained for years as it relates to Annexation Area #1 as well as land that was assumed to be within the City Limits for years and taxed at a City tax rate as it relates to Annexation Area #2, the City and Town agree that the City shall not be required to make any tax reimbursement payments to the Town under Minnesota Statutes, section 414.036, or otherwise, and that there are no outstanding special assessments or attributable portion of debt amounts payable to the Town resulting from the annexation of the Immediate Annexation Area.
6. **Effect of Annexation on Easements.** The City and Town agree, under Minnesota Statutes, section 414.039, that the Township's interest in all public easements annexed within the Immediate Annexation Area, as well as within any property annexed pursuant to the Original OAA, are transferred to and shall be held by the City.

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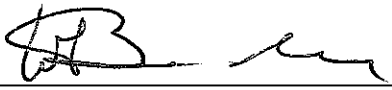
7. **Complete Agreement.** This Resolution shall constitute the entire agreement between the City and Township with respect to the designation and immediate annexation of the Immediate Annexation Area pursuant to Minnesota Statutes, section 414.0325 and shall amend, supersede, and control over any other resolutions, agreements, or understandings as may be needed in order to accomplish the annexation as provided herein. The exhibits attached hereto are incorporated in and made part of this Resolution.
8. **Filling.** That the City Administrator of the City is authorized and directed to submit this Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings together with the applicable fees, which shall be paid by the City.

CITY OF NEW PRAGUE

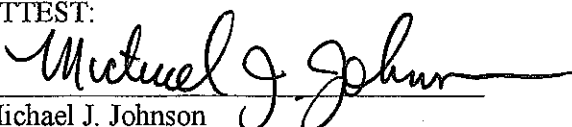
The resolution offered by Council member Guerrette and moved for its adoption. Council member Bartusek seconded said resolution and upon roll call the following vote was recorded.

Ayes	Nays
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>
<u>X</u>	<u> </u>

Thereupon Mayor Bender declared said resolution adopted the 20th day of December, 2010.



W.A. Bender
Mayor

ATTEST:


Michael J. Johnson
City Administrator

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TOWN OF HELENA

The resolution offered by Board member Terry Maas and moved for its adoption.
Board member Duane Deutsch seconded said resolution and upon roll call the following
vote was recorded.

	Ayes	Nays
Joseph Pexa	<u>✓</u>	<u> </u>
Duane Deutsch	<u>✓</u>	<u> </u>
Terry Maas	<u>✓</u>	<u> </u>

Thereupon Chairperson Pexa declared said resolution adopted the 7th day of
December, 2010.

Joseph F Pexa
Chairperson

Attest:

DeAnn Crockett
Clerk

EXHIBIT A
Legal Description of Additional Designated Area

The East 33.00 feet of the North Half of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 32; thence North 01 degrees 42 minutes 49 seconds East, assumed bearing, along the east line of said Northeast Quarter, 53.96 feet; thence North 88 degrees 30 minutes 09 seconds West 32.59 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

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EXHIBIT B
Legal Description of Annexation Area #1

The West 33 feet of the South 17 acres of the West Half of the Southwest Quarter of Section 33, Township 113, Range 23, Scott County, Minnesota.

ALSO,

The East 33 feet of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northwest Quarter of Section 33 and that part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 33; thence South 89 degrees 18 minutes 29 seconds East, assumed bearing, along the south line of said Northwest Quarter 264.00 feet; thence North 01 degrees 42 minutes 49 seconds East 50.25 feet to the southwest corner of OUTLOT E, RAVEN STREAM VILLAGE FIRST ADDITION, according to the recorded plat thereof, Scott County, Minnesota; thence North 88 degrees 30 minutes 09 seconds West on the westerly extension of the south line of said OUTLOT E 296.54 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

EXHIBIT C
Map of Annexation Area #1

REC'D BY
MBA

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(Attached hereto)



EXHIBIT D

Legal Description of Annexation Area #2

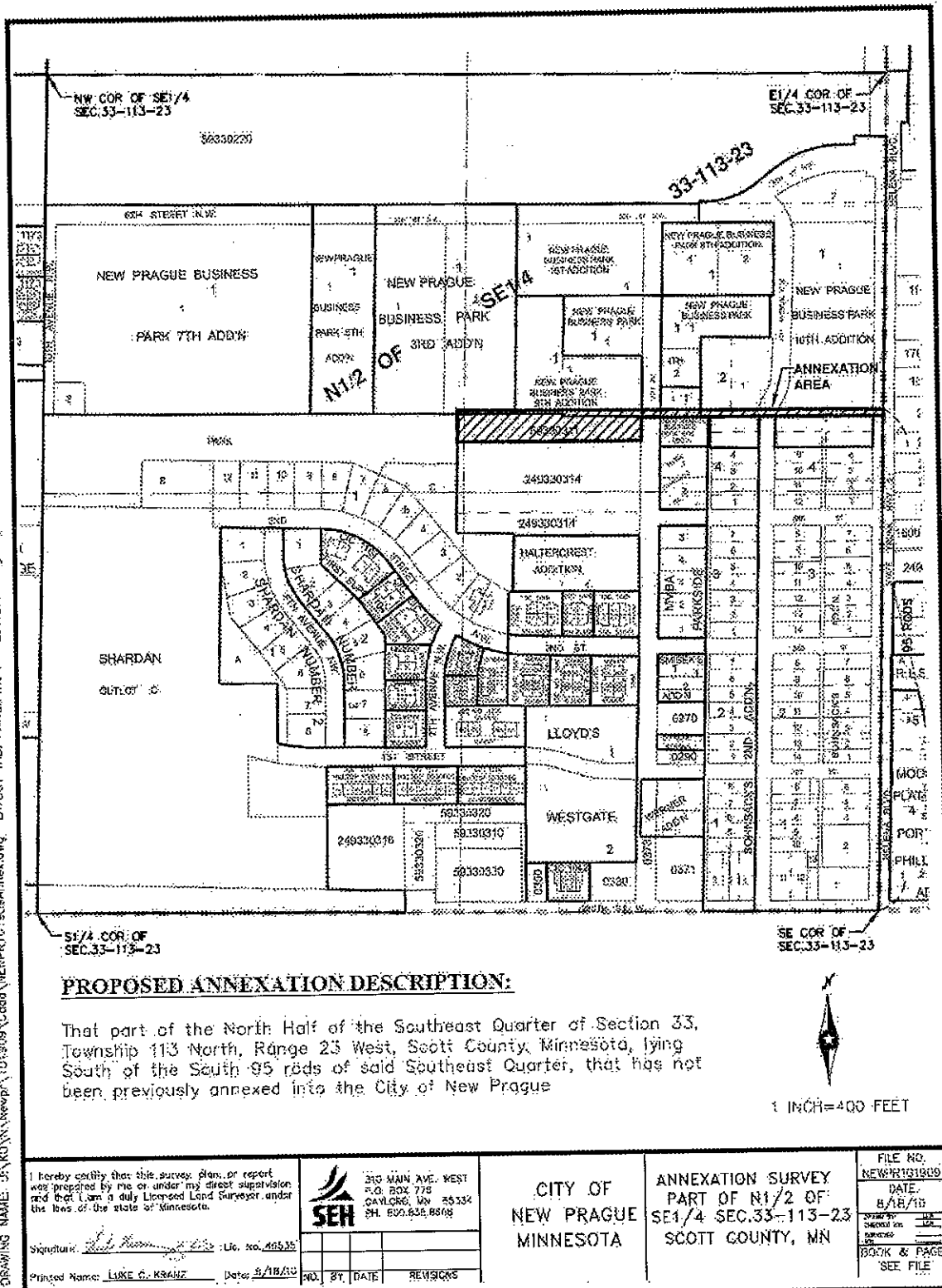
That part of the North Half of the Southeast Quarter of Section 33, Township 113 North, Range 23 West, Scott County, Minnesota, lying South of the South 95 rods of said Southeast Quarter that has not been previously annexed into the City of New Prague.

EXHIBIT E
Map of Annexation Area #2

(Attached hereto)

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DRAWING NAME: J:\NO\N\NewPr\101009\Cadd\NEWPR101009Annex.dwg LAYOUT TAB: ANNEXATION PLOTTED: Aug 18, 2010 - 1:37pm



CITY OF NEW PRAGUE
AND
HELENA TOWNSHIP

Notice is hereby given pursuant to Minn. Stat. § 414.0325, subd. 1b that the City and Township intend to amend an existing orderly annexation agreement to include and designate the following described approximately 1 acres of property for annexation into the City:

The East 33.00 feet of the North Half of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 32; thence North 01 degrees 42 minutes 49 seconds East, assumed bearing, along the east line of said Northeast Quarter, 53.96 feet; thence North 88 degrees 30 minutes 09 seconds West 32.59 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

Kenneth D. Ondich
Planning Director
City of New Prague

DeAnn Croatt
Helena Township Clerk

Site Map - Proposed Annexation Area #1- 2.77 Acres (120,694 sq. ft.)



Site Map - Proposed Annexation Area #2 - 1.7 Acres (74,052 sq. ft.)

Prepared by:
City of New Prague
Planning Department
Date: 8/18/10
Disclaimer: For Reference Purposes Only.

REC'D BY
MBA
DEC 22 2010

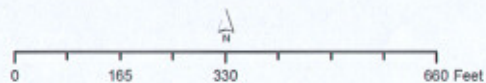
0 165 330 660 Feet



Legend:
 [Red Outline] Current New Prague City Limits
 [Yellow Hatched] Proposed Annexation Area

Prepared by:
City of New Prague
Planning Department
Date: 8/18/10
Disclaimer: For Reference Purposes Only.

REC'D BY
MBA

DEC 22 2010



 Current New Prague City Limits
 Proposed Annexation Area



PROPOSED ANNEXATION DESCRIPTION:

That part of the North Half of the Southeast Quarter of Section 33, Township 113 North, Range 23 West, Scott County, Minnesota, lying South of the South 95 rods of said Southeast Quarter, that has not been previously annexed into the City of New Prague.

1 INCH=400 FEET

I hereby certify that this survey, plan, or report 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.

Signature: *Luke G. Kranz* Lic. No. 46535

Printed Name: LUKE G. KRANZ Date: 8/18/10



310 MAIN AVE. WEST
P.O. BOX 776
GAYLORD, MN 55334
PH. 800.838.8666

NO.	BY	DATE	REVISIONS

CITY OF
NEW PRAGUE
MINNESOTA

ANNEXATION SURVEY
PART OF N1/2 OF
SEC. 33-113-23
SCOTT COUNTY, MN

FILE NO.	DATE
NEWPR101909	8/18/10
DRAWN BY:	
CHECKED BY:	
SURVEYED BY:	
BOOK & PAGE	
SEE FILE	

REC'D BY
MBA

DEC 22 2010

E1/4 CORNER
SEC. 33-113-23

ANNEXATION DESCRIPTION

The West 33 feet of the South 17 acres of the West Half of the Southwest Quarter of Section 33, Township 113, Range 23, Scott County, Minnesota.

ALSO,

The East 33 feet of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

That part of the Northwest Quarter of Section 33 and that part of the Northeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota, described as follows:

Commencing at the west quarter corner of said Section 33; thence South 89 degrees 18 minutes 29 seconds East, assumed bearing, along the south line of said Northwest Quarter 264.00 feet; thence North 01 degrees 42 minutes 49 seconds East 50.25 feet to the southwest corner of OUTLOT E, RAVEN STREAM VILLAGE FIRST ADDITION, according to the recorded plat thereof, Scott County, Minnesota; thence North 88 degrees 30 minutes 09 seconds West on the westerly extension of the south line of said OUTLOT E 296.54 feet to the west line of Naylor Avenue; thence South 02 degrees 17 minutes 08 seconds West along the west line of Naylor Avenue 34.71 feet; thence South 01 degrees 53 minutes 57 seconds West along the west line of Naylor Avenue 19.57 feet to the south line of said Northeast Quarter; thence South 89 degrees 26 minutes 30 seconds East along the south line of said Northeast Quarter 33.01 feet to the point of beginning.

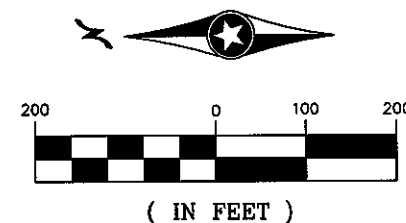
ADDITIONAL DESIGNATION DESCRIPTION

The East 33.00 feet of the North Half of the Southeast Quarter of Section 32, Township 113, Range 23, Scott County, Minnesota.

ALSO,

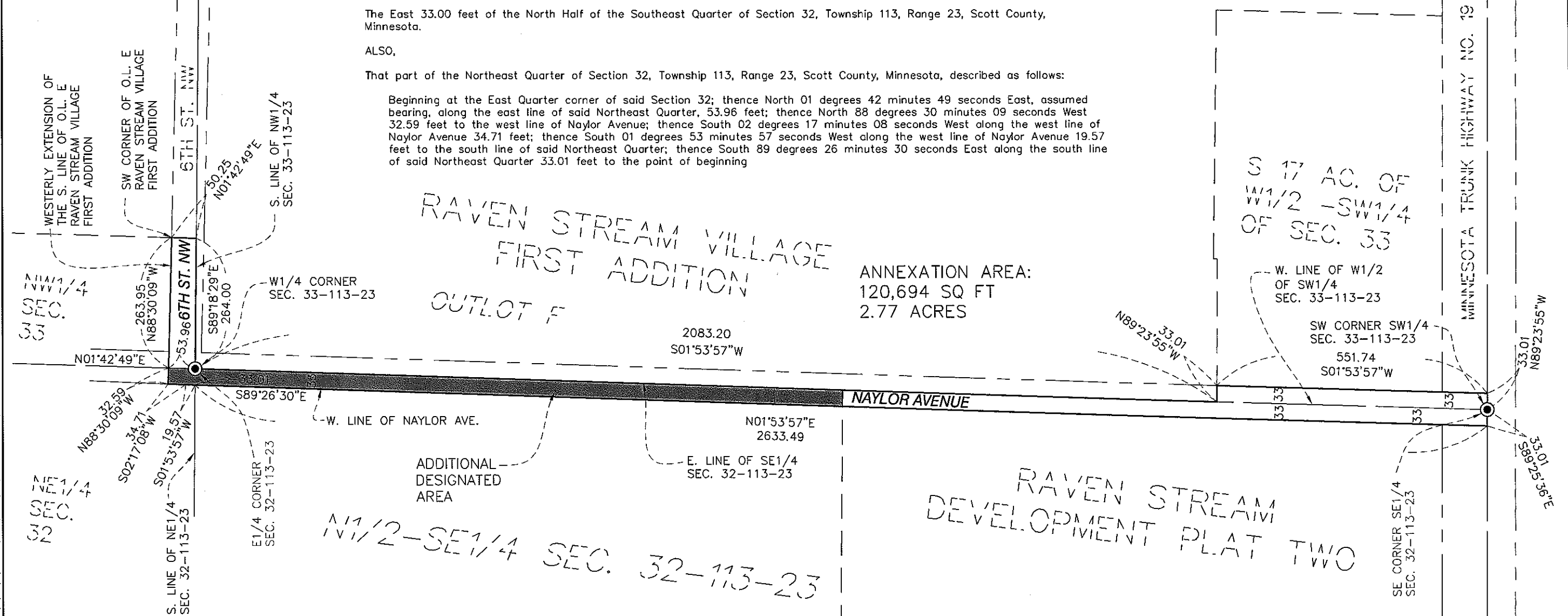
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● DENOTES SCOTT COUNTY MONUMENT

DRAWING NAME: U:\YON\Newp\101909\Cadd\EP Newp\NEWPR01909 Naylor.DWG LAYOUT TAB: Layout1 PLOTTED: Oct 26, 2010 - 1:02pm



ANNEXATION AREA:
120,694 SQ FT
2.77 ACRES

RAVEN STREAM VILLAGE
FIRST ADDITION
OUTLOT F
ANNEXATION AREA:
120,694 SQ FT
2.77 ACRES
RAVEN STREAM
DEVELOPMENT PLAT TWO
1/2-SE1/4 SEC. 32-113-23

DRAWN BY:	<u>SP</u>			
CHECKED BY:	<u>LCK</u>			
SURVEYED BY:				
	NO.	BY	DATE	REVISIONS

I hereby certify that this survey, plan, or report 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.
Signature: *Luke C. Kranz*
Printed Name: LUKE C. KRANZ
Lic. No. 46535
Date:

SEH
310 MAIN AVE. WEST
P.O. BOX 776
GAYLORD, MN 55334
PH. 800.838.8666

NEW PRAGUE,
MINNESOTA

ANNEXATION SURVEY
IN SECTION 32 & 33, T113, R23
HELENA TWP., NEW PRAGUE
SCOTT COUNTY, MN

FILE NO.
NEWPR 101909
DATE
7/22/10

BOOK
SEE
FILE
PAGE