

State of Minnesota  
Counties of Scott & Le Sueur  
City of New Prague

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REC'D BY  
MBA

MAY 22 2015

CITY OF NEW PRAGUE  
RESOLUTION #15-05-18-01

JOINT RESOLUTION OF  
THE CITY OF NEW PRAGUE, MINNESOTA  
AND  
TOWN BOARD OF HELENA, SCOTT COUNTY, MINNESOTA  
IN THE MATTER OF ORDERLY ANNEXATION  
UNDER 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 (and amended on 12/20/2010) have established an orderly annexation area and the conditions for annexation within such area pursuant to Minnesota Statutes Section 414.0325; and

WHEREAS, all of Section 33, Township 113 North, Range 23 West is within the orderly annexation area; and

WHEREAS, the City and Township agree to provide for the immediate annexation of the proposed annexation area (as described in Exhibit A and hereinafter referred to as "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 future light industrial zoning for an expanded municipal industrial park that will require municipal services based on New Prague's Comprehensive Plan, and is appropriate for orderly annexation immediately; and

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

**1. 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 as provided in this Resolution.

**2. 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

# City Council Proceedings

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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.

**3. Immediate Annexation.** The City and Town agree that all property within the Immediate Annexation Area, as described in Exhibit A and shown in Exhibit B and Exhibit C, shall immediately be annexed to the City pursuant to this Resolution. The Immediate Annexation Area consists of approximately 23.52 acres, the population is 0 and the current land use type is agricultural. The Immediate Annexation Area is now or about to become urban or suburban in character to be used for an expansion of the City's municipal industrial park and since the City of New Prague is capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area.

**4. Tax Reimbursement.** The City and Township 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.

**5. 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 are transferred to and shall be held by the City.

**6. Complete Agreement.** This Resolution shall constitute the entire agreement between the City and Township with respect to immediate designation 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.

**7. Filing.** 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.

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TOWN OF HELENA

The resolution offered by Board member Jerry Meas and moved for its adoption. Board member Edward Nylto seconded said resolution and upon roll call the following vote was recorded.

Ayes

3

Nays

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Thereupon Chairperson Deutch declared said resolution adopted the 7th day of May, 2015.

Quane J Deutch  
Chairperson

Attest:

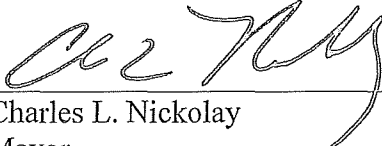
Deann Croatt  
Deann Croatt  
Clerk

## CITY OF NEW PRAGUE


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

	Ayes	Nays
Nickolay	<u>X</u>	<u>          </u>
Bartusek	<u>X</u>	<u>          </u>
Bruzek	<u>X</u>	<u>          </u>
Jirik	<u>X</u>	<u>          </u>
Vacant	<u>          </u>	<u>          </u>

Thereupon Mayor Nickolay declared said resolution adopted the 18<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
Charles L. Nickolay  
Mayor

Attest:

  
\_\_\_\_\_  
Michael J. Johnson  
City Administrator

## EXHIBIT A

Legal Description of Proposed Annexation Area

The North 25 rods of the Southeast Quarter of Section 33, Township 113, Range 23, Scott County, Minnesota.

Except that part described as follows:

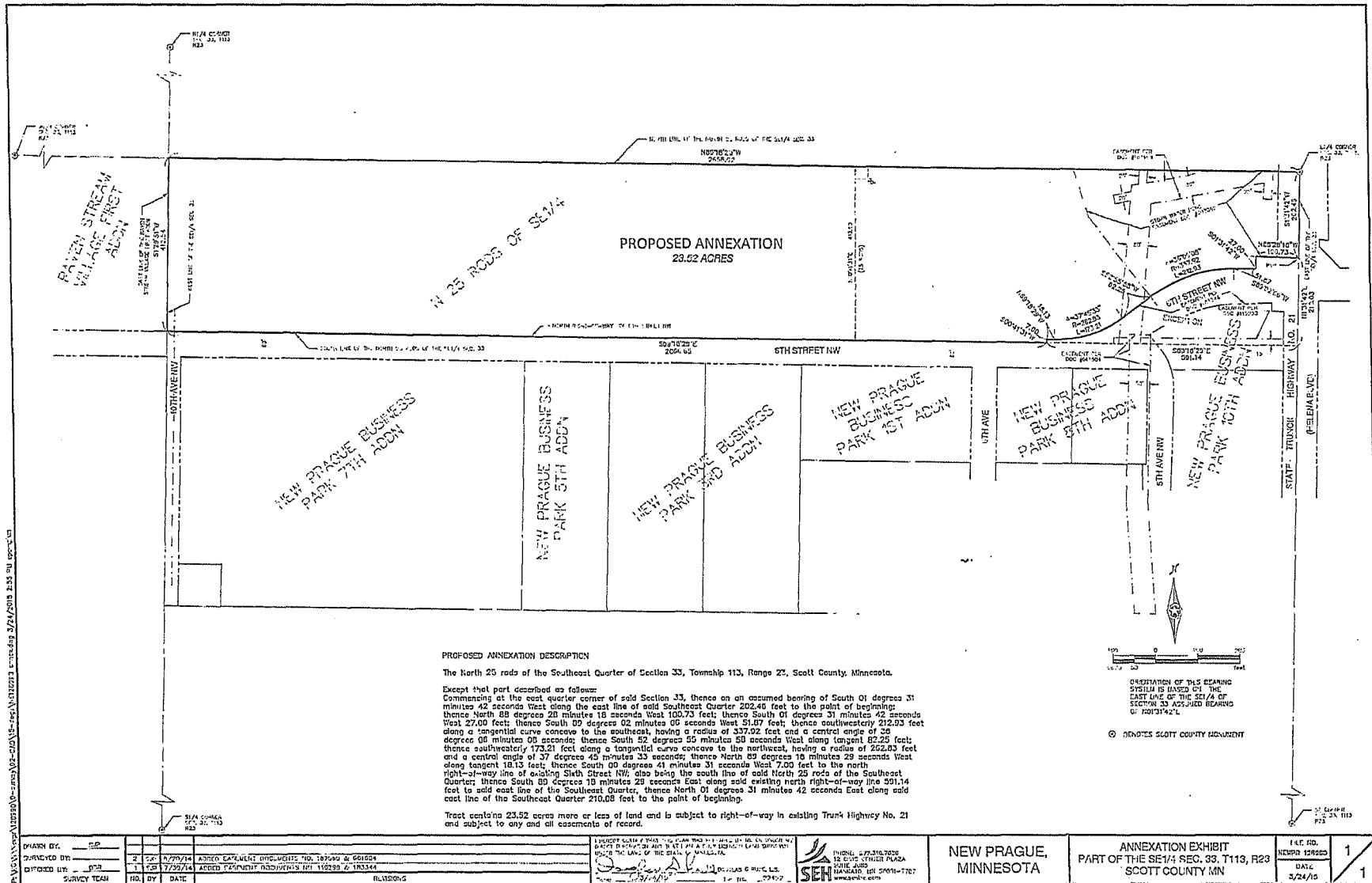
Commencing at the east quarter corner of said Section 33, thence on an assumed bearing of South 01 degrees 31 minutes 42 seconds West along the east line of said Southeast Quarter 202.46 feet to the point of beginning; thence North 88 degrees 28 minutes 18 seconds West 100.73 feet; thence South 01 degrees 31 minutes 42 seconds West 27.00 feet; thence South 89 degrees 02 minutes 06 seconds West 51.87 feet; thence southwesterly 212.93 feet along a tangential curve concave to the southeast, having a radius of 337.92 feet and a central angle of 36 degrees 06 minutes 08 seconds; thence South 52 degrees 55 minutes 58 seconds West along tangent 82.25 feet; thence southwesterly 173.21 feet along a tangential curve concave to the northwest, having a radius of 262.83 feet and a central angle of 37 degrees 45 minutes 33 seconds; thence North 89 degrees 18 minutes 29 seconds West along tangent 18.13 feet; thence South 00 degrees 41 minutes 31 seconds West 7.00 feet to the north right-of-way line of existing Sixth Street NW; also being the south line of said North 25 rods of the Southeast Quarter; thence South 89 degrees 18 minutes 29 seconds East along said existing north right-of-way line 591.14 feet to said east line of the Southeast Quarter; thence North 01 degrees 31 minutes 42 seconds East along said east line of the Southeast Quarter 210.08 feet to the point of beginning.

Tract contains 23.52 acres more or less of land and is subject to right-of-way in existing Trunk Highway No. 21 and subject to any and all easements of record.

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EXHIBIT B



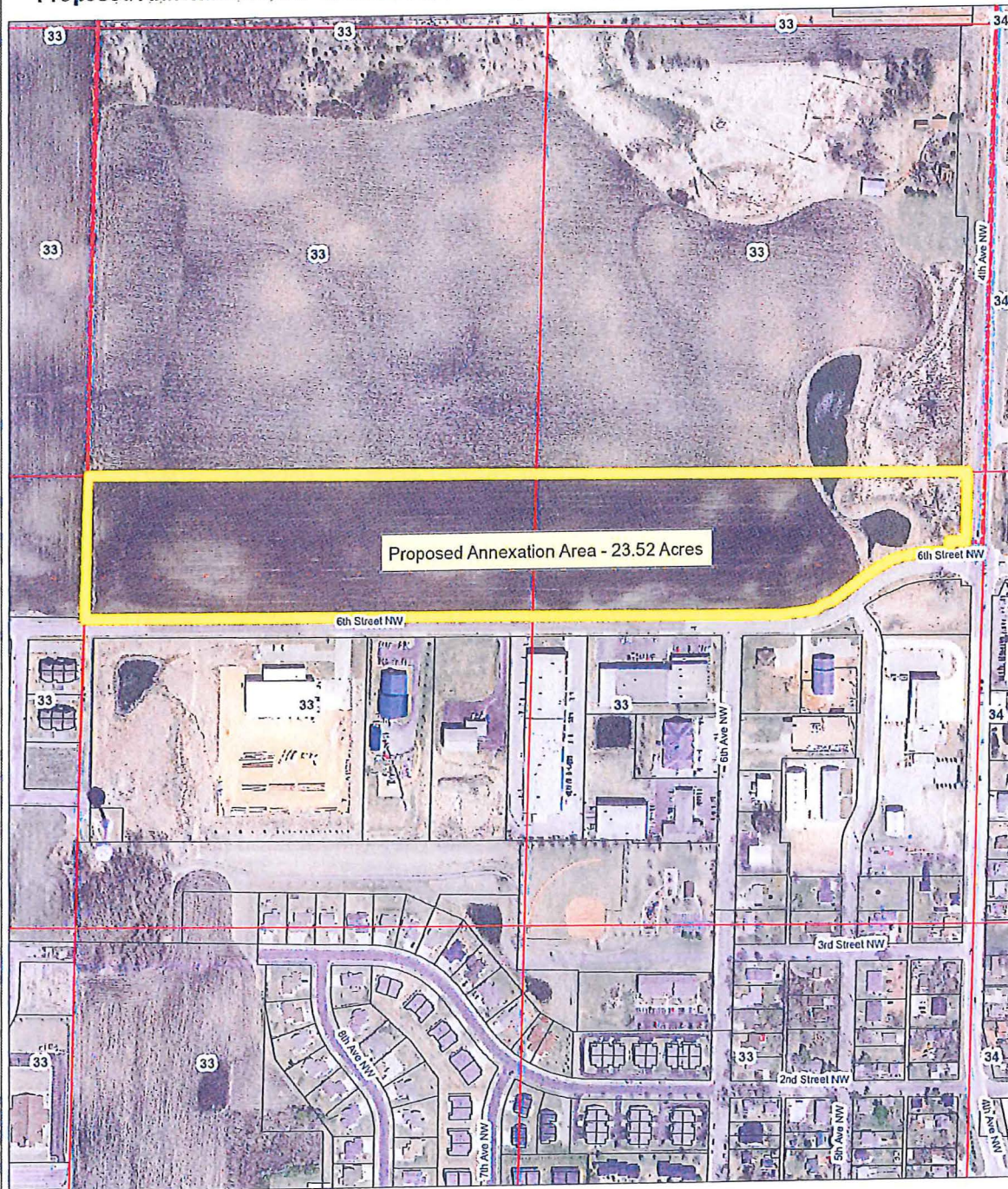


# EXHIBIT C

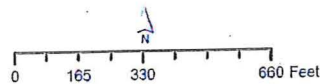
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Proposed Annexation Area - 23.52 Acres in SE 1/4 Sec. 33, T113, R23, Scott County, Minnesota.



Prepared by:  
City of New Prague  
Planning Department  
Date: 3/18/15  
Disclaimer: For Reference Purposes Only.



Disclaimer: This map was prepared using the City's GIS and is based on the County and City Street Data maintained by the County and City. While the City believes that the data is accurate, the City does not warrant that data in the GIS is error free and the City does not represent that the GIS data can be used for purposes such as navigation or any other purpose requiring the exact measurement of distance and direction or the precise depiction of geographic features. This disclaimer is pursuant to Minnesota Statutes 466.03 Subd. 21. The user of this map acknowledges that the City shall not be liable for any damages that may arise from this map or the information it contains.