

A-2491(OA)

REC'D. BY
MMB

SEP 26 1978

AMENDED-
TAKE
PLACE

Joint Resolution as To Orderly Annexation

Helena Township - City of New Prague

WHEREAS, recurring boundary adjustments between The City of New Prague and the Town of Helena and uncertainty as to future adjustments have made joint cooperation and planning difficult; and

WHEREAS, the Township and City desire to stabilize and enhance the predictability of the boundary situation insofar as this is consistent with the rights of property owners and other citizens and

WHEREAS, there is a basis for agreement between the parties for accomplishing these ends and the parties hereto do hereby set forth the terms of this agreement by means of this resolution,

NOW THEREFORE, BE IT RESOLVED by the Township of Helena and The City of New Prague, as follows:

1) That the following described area in Helena Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes 411.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statutes.

That portion of Helena Townships described as follows. The South Half of the Southeast Quarter of Section 32, all of sections 33 & 34, the South Quarter of Section 27, all of Section 35, the Southwest Quarter of the Southwest Quarter of Section 36, Helena Townships Scott County Minnesota.

That the Township of Helena does upon the passage of this resolution and its adoption by the Council of The City of New Prague. Confer jurisdiction upon The Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2) That no annexation will take place anywhere within the area designated as in need of orderly annexation unless its area involved is or is about to become urban or suburban in character or a petition of a majority of the property owners requesting annexation into The City of New Prague, or a request for extension of sewer or water lines into the Orderly Annexation is received by The City of New Prague and approved by The Helena Town Board. In this instance The City will not extend water or sewer lines unless annexation occurs.

3) That The City agrees not to commence or approve any annexation outside of the above described orderly annexation area.

4) That it is understood by the parties that the provisions of this agreement do not supercede the statutory authority and responsibility of the Municipal Commission established by the Legislature.

5) That the Township of Helena does upon the passage of this resolution and its adoption by The Council of The City of New Prague confer jurisdiction upon The Minnesota Municipal Board so as to accomplish said orderly annexation in accordance with the terms and conditions of the attached orderly annexation and joint planning agreement, hereby made a part of this resolution.

Township of Helena

Passed and adopted by The Township of Helena this 29
day of Aug, 1978.

Attest: Dallert Bohnsack Joseph F. Bexa
Township Clerk Township Chairman

City of New Prague

Passed and adopted by The City of New Prague this 19
day of June, 1978.

Attest: Jerry Bohnsack Clarence J. Welter
Jerry Bohnsack Clarence J. Welter
City Administrator Mayor

CITY OF NEW PRAGUE HELENA TOWNSHIP
JOINT PLANNING AND ANNEXATION AGREEMENT

1. The following territory in Helena Township of Scott County is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032 and the Parties hereto do hereby designate this area in need of orderly annexation as provided by Statute;

Sections - The South Half of the Southeast Quarter of Section 32, all of Section 33, all of Section 34, South Quarter of Section 27, all of Section 35, the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 36 all in Helena Township, Scott County, Minnesota. That the Township of Helena does upon passage of this resolution and its adoption by The Council of The City of New Prague confer jurisdiction upon The Minnesota Municipal Commission so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. Certain properties abutting the City of New Prague are presently urban or suburban in nature or are about to become so. Further, The City of New Prague is capable of providing services to this area. Therefore, these properties should be immediately annexed to The City of New Prague.

A. Scott County - Helena Township.

- 1) South $\frac{1}{2}$ of SE Quarter of Section twenty-

seven (27) Township 113, Range Twenty-three (23) Scott County.

2) The South (25) Twenty-five acres of the East thirty-five (35) acres of the Southeast One quarter ($\frac{1}{4}$) of the Southwest one quarter ($\frac{1}{4}$) of Section Twenty-seven (27) Township one hundred thirteen (113) Range Twenty-three (23) Scott County, Minnesota.

3) An L shaped parcel of land in Section 33 Helena Township described as follows: Beginning at the Southwest corner of Bohnsack's Second Addition, City of New Prague Helena Township then West along South Section line (33) a distance of 1250 feet. Thence North at right angle a distance of 500 feet; thence East at right angle a distance 1000 feet thence North at right angle a distance of 1000 feet; thence East at right angle a distance of 250 feet; thence South along the west line of Bohnsack's Second Addition a distance of 1500 feet to the point of beginning.

3. Other properties within the orderly annexation area are not presently urban or suburban in nature. These properties shall be subject to annexation under the following circumstances:

- A. A petition of a majority of the property owners requesting annexation into The City of New Prague, and
- B. A petition by a property owner(s) and agreed to by The Council of New Prague and The Helena Town Board, for the extensions of water or sewer lines. The City of

New Prague agrees that it will not extend either water or sewer lines to any property owner outside the corporate boundary until a petition for such extension of services is received and a petition for annexation is received and accepted by The City and filed with the State of Minnesota, and

- C. A request by a property owner for a building permit for the purposes of constructing a non-farm home-stead, multiple dwellings, any uses permitted under the B-1A or R-1A zones, or other uses determined by the joint city/townships/county planning commission as being urban or suburban in nature using the criteria established by The Minnesota Municipal Board (M.S.A. 414.031).
- D. Land abutting the corporate boundary of New Prague that is developed in an urban or suburban nature; urban or suburban in nature shall be determined by applying the criteria established by The Minnesota Municipal Board (M.S.A. 414.031).
- E. Land required by practical nature to successfully extend water or sewer lines to property not abutting The City Boundary, but necessary to the petitioners requesting the extensions of water or sewer services and petitioning for annexation.

- 4. The zoning requirements included as Appendix A and titled, "New Prague Annexation and Zoning Requirements", passed and adopted this date, are made a part of this document and shall regulate the land use and zoning requirements within

the orderly annexation area.

A. The following area described below shall be considered the Transition Zone, and is about to become urban or suburban in nature. All requirements set forth herein shall apply upon passage of this resolution.

- 1) The SW $\frac{1}{4}$ of Section 35, Township 113, Range 23 West, Scott County, Minnesota, excepting therefrom that part of the SW $\frac{1}{4}$ of Section 35 described as follows:
Beginning at the Southwest corner of the SW $\frac{1}{4}$, thence east along the south line of said section a distance of 500 feet, thence north parallel to the West line of said section a distance of 2600 feet, thence west on a line parallel to the South section line a distance of 500 feet, thence South along the West line of said section a distance of 2600 feet to the point of beginning.
- 2) West one half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) Section Thirty-five (35) Township one hundred thirteen (113), Range Twenty-three (23) Scott County, Minnesota.
- 3) The Southwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section twenty-seven (27) Helena Township.
- 4) The Southeast one quarter ($\frac{1}{4}$) of section

thirty-three (33) Township one hundred thirteen (113), Range twenty-three (23), except Bohnsack's First and Second Additions, Scott County, Minnesota, and also exceptions therefrom an L shaped parcel of land in Section thirty-three (33), Helena Township described as follows:

Beginning at the Southwest corner of Bohnsack's Second Addition, City of New Prague, Helena Township, then west along South section line thirty-three (33) a distance of 1250 feet. Thence North at right angle a distance of 500 feet, thence east at right angle a distance of 1000 feet, thence North at right angle a distance of 1000 feet, thence East at right angle a distance of 250 feet, thence South along west line of Bohnsack's Second addition a distance of 1500 feet to the point of beginning.

- 5) The East ($\frac{1}{2}$) of the East $\frac{1}{2}$ of the Northwest quarter of Section thirty-three (33), Helena Township.

B. The following area described below shall follow the requirements established in Appendix A and titled the, "Agricultural Preservation Zone".

- 1) All that area described in Paragraph 1 excluding the area described in Paragraph 4 (A).

5. That any property annexed to The City pursuant to this agreement shall receive the following:

A. That on the effective date of any annexation The

City of New Prague shall receive the tax revenue.

- B. That property that remains unplatted or undeveloped shall be taxed at the mill rate established by The Township.
 - C. That agricultural land will continue to be taxed at the Township's mill rate.
 - D. That in the case of annexation of developed property, The City mill rate shall be applied in three (3) equal mill rate adjustments over a period of three (3) years.
 - E. That until sewer or water are provided, all existing property shall be taxed at the town mill rate.
6. That the existing and approved plats within the orderly annexation area shall be allowed to continue receiving building permits within the same land use regulations, received on the date of their approval. But in no case shall they be allowed to expand or alter lot sizes without conforming to the zoning requirements set forth herein.
7. The orderly annexation area herein described shall be zoned and administered in the following manner. The town agrees to exclude the area designated as in need of orderly annexation from its zoning and subdivision ordinances if the county will agree to adopt all of Appendix A and make it part of their zoning and subdivision regulations for the orderly annexation area herein described. The parties to this agreement will establish a joint planning commission for purposes of advising the county. The joint planning commis-

sion shall be two residents of the town appointed by the town board, two residents of The City appointed by The City Council and a neutral member appointed by The County Board of Commissioners.

8. Per Capita Aids.

The Municipal Commission will determine the ratio of the population annexed to the total population of the town on the date of its order. This ratio will be further modified by the proportion of the year remaining in which the annexation takes place. The County Auditor will apply this modified ratio to all quarterly or other subsequent payments accordingly, Per Capita aids received by The Town in the year of annexation prior to the date of annexation would be shared by the same modified ratio as explained above. Unless and until the entitlement of the Town to Federal Revenue. Sharing Aids is adjusted pursuant to Federal regulations relating to boundary changes (31 CFR Sec. 51.23); the Town agrees to apply the above determined modified population ratio to any Federal Revenue Sharing Checks, received and to forward The City portion within thirty (30) days of receipt of the funds.

9. Dedicated Road or Park Funds:

If any annexation involve locations which entail Dedicated Road or Park Funds, these funds and their administration will be turned over to The City within thirty (30) days after the date of the annexation order. If any annexations involve locations which entail accounts receivable to be collected in the future as special road assessments, such funds will be forwarded by The City to the Town.

APPENDIX A

NEW PRAGUE ANNEXATION AND ZONING REQUIREMENTS

I. Zoning Within the Utility Limit Area, Transition Zone

A. PERMITTED USES

1. Single family residence
2. Horticulture
3. Wildlife
4. Forest and wetlands management
5. Limited livestock raising on parcels of ten
(10) acres or larger

B. CONDITIONAL USES

1. Commercial nurseries and greenhouses
2. Cemeteries
3. Churches and church related facilities
4. Educational and cultural institutions
5. Nursery Schools
6. Public utility buildings
7. Limited livestock raising if less than ten (10)
acres and greater than five (5) acres and a lot-
of-record filed with the County Recorder before
the adoption of these amendments with the follow-
ing conditions:
 - a) Must receive a P.C.A. permit within ninety
(90) days for the confinement of animals
 - b) Must maintain one hundred fifty (150) foot
setback with all non-residential structures
 - c) Cannot exceed five-tenths (.5) animal unit

density per productive acre

C. LOT SIZE REQUIREMENT

1. Five (5) acres and three hundred (300) feet width if not platted.
2. Any parcel of less than five (5) acres created after the effective date of these amendments and requesting a building permit for a residence, must create a plat, officially recorded with the Office of The County Recorder. This plat shall show a minimum lot size of twelve thousand (12,000) square feet and eight (80) feet in width with a density of one home per minimum two and one half (2½) acre tract. No additional home permits would be granted within each tract until municipal sewer and water is available. A minimum of fifty (50) per cent of the tract must be buildable.
3. Plats with lot sized less than five (5) acres cannot be approved unless:
 - a) The sanitary sewer is reasonable expected to be available for service in less than ten (10) years and the City of New Prague has given written approval.
 - b) The on site sewage disposal systems for the various homes are so designed that the service can easily be extended to proposed sewer laterals (to be determined by the Joint Planning Commission).

D. BUILDING SETBACK AND YARD REQUIREMENT FOR UNPLATTED
LOTS

1. Front Yard Setback one hundred fifty (150) feet from the center line of a public road or one hundred (100) feet from right-of-way, whichever is greater.
2. Side Yard Setback thirty (30) feet or one hundred fifty (150) feet from the center line of a public road if a corner lot or one hundred (100) feet from a road right-of-way, whichever is greater.
3. Rear Yard Setback thirty (30) feet.

HIGHWAY BUSINESS DISTRICT B-1A

I. Permitted Uses

- A. Uses permitted in the B-1 District, New Prague Zoning Ordinance.

II. Permitted Accessory Uses

- A. Uses permitted as accessory in the B-1 District, New Prague Zoning Ordinance.

III. Conditional Uses

- A. Uses permitted conditional in the B-1 District, New Prague Zoning Ordinance.

IV. Lot Size Requirement

- A. Twenty acres (20) and three hundred (300) feet width if not platted.
- B. Any parcel of less than twenty (20) acres created after the effective date of these amendments and requesting a building permit for a B-1A use must create a plat, officially recorded with the office of the County Recorder, this plat shall show a minimum lot size of one (1) acre and two hundred (200) feet in width.
- C. Plats with lot sizes less than twenty (20) acres cannot be approved unless the entire site is incorporated into the City of New Prague.

V. Building Setbacks and Yard Requirements for Platted Lots

- A. As required in the B-1 District, New Prague Zoning Ordinance.

VI. Building Setbacks and Yard Requirements for Unplatted Lots

- A. As required in the Transition Area.

II. Agriculture Preservation Zone

A. PURPOSE STATEMENT

This district is intended to contain those areas within the orderly annexation area of New Prague, but beyond the ten (10) year annexation boundary where agriculture is a current, logical and proper use, but which in the future will gradually be required for non-agricultural purposes.

B. PERMITTED USES

1. Single family residence
2. General farming and related buildings
3. Horticulture
4. Field crops
5. Dairying
6. Livestock raising
7. Wildlife
8. Forest and wetland management
9. Intensive poultry farming
10. Livestock feedlots
11. Township halls

C. CONDITIONAL USES

1. Private, public and semi-public clubs
2. Tourist camps and campgrounds
3. Second farm home
4. Processing and packaging of agricultural products including livestock products for retail sale.
5. Cold storage plants

6. Fertilizer plants
7. Cemeteries
8. Churches, church related facilities
9. Manufacturing and processing of natural resources indigenous to the County
10. Reduction and salvage yards
11. Personal service shops
12. Artificial lakes if they are to encroach on a neighboring property
13. Dams and reservoirs
14. Sanitary landfills
15. Portable asphalt mixing plants
16. Landing strips
17. Nursery Schools
18. Electrical substation not to exceed one hundred fifteen (115) KV

D. CONDITIONAL USES (IF THEY ARE TO BE COMMERCIAL ACTIVITIES)

1. Livestock experimentation
2. Kennels and animal hospitals
3. Nurseries and greenhouses
4. Bulk liquid storage
5. Forest industries
6. Pits and quarries
7. Recreational facilities
8. Stand for the sale of agricultural products
9. Agriculturally related machine shops
10. Storage garages

E. LOT SIZE REQUIREMENTS

1. Minimum of forty (40) acres or one quarter of a quarter section ($\frac{1}{4}$) ($\frac{1}{4}$) and six hundred sixty (660) feet in width.

F. BUILDING SETBACK AND YARD REQUIREMENTS

1. Front Yard Setback one hundred fifty (150) feet from center line of a public road, or one hundred (100) feet from the road right-of-way, whichever is greater.
2. Side Yard Setback thirty (30) feet or one hundred fifty (150) feet from the center line of a public road if a corner lot, or one hundred (100) feet from a road right-of-way, whichever is greater.
3. Rear Yard Setback sixty (60) feet.
4. Windbreak Setback twenty-five (25) feet from right-of-way.

G. PERMITTED ACCESSORY USES

1. Private garages, carports
2. Fallout or blast shelters
3. Residential recreation equipment
4. Off-street parking
5. Nameplate

H. OTHER CONDITIONS

A second house may be located on a farm having a minimum of forty (40) acres, provided the occupant is to be employed on the farm. For the purposes of acquiring a building permit, land split-off is not

required. The home can be located anywhere on the forty (40) acre parcel providing a suitable building site can be found, a proper sewage disposal system can be installed and no encroachment of setbacks if the parcel is to be split. A letter stating that the occupant of the dwelling will be working on the farm, shall accompany the application and shall be a condition of approval. No further split-offs for the purpose of constructing a home will be approved unless the parcel is located on a forty (40) acre tract not including the forty (40) acres used above.

A temporary home (mobile home) will be allowed in the A-1 District as a Conditional Use providing the farm has minimum of forty (40) acres and the existing farm home and temporary home are to be occupied by individuals who will be working on the farm and a letter stating such shall accompany the application and become a condition of the Conditional Use. Every Conditional Use approved shall be reviewed every two (2) years for compliance or at anytime the Planning Commission feels compliance is not being met.

III. Zoning Within the Orderly Annexation Area - Beyond the Transition Zone

PURPOSE STATEMENT

This district is intended to contain those areas within the orderly annexation area of New Prague where agriculture is not a proper use and when utilities extensions are not feasible. These are districts where the land has not been

used for agricultural production for five years or more. The intent of this area is to allow non-farm developments in wooded areas.

A. PERMITTED USES

1. Single family residence
2. Forest and wetlands management
3. Horticulture

B. CONDITIONAL USES

1. Tourist camps and campgrounds
2. Cemeteries
3. Churches and related facilities
4. Manufacturing and processing of natural resources indigenous to the County

C. LOT SIZE REQUIREMENTS

1. Minimum of two and one half (2½) acres

D. REQUIRED APPROVALS NECESSARY

1. That no portion of the building lots have been in agriculture use for five (5) years or more.
2. That an analysis of soils, septic systems, drainage and wells show that each building site is safe, healthful, and sanitary.
3. That the towns in writing, submit their findings and decisions to the Planning Commission of New Prague.

IV. Every section provision or part of this agreement is declared separable from every other section provision or parts and if any section, provision or part hereof shall be held invalid it shall not effect any other section,

provisions or part.

- V. Amendments to this agreement shall be made by joint resolution passed and adopted by The New Prague City Council, Helena Town Board, and Scott County.

TOWNSHIP OF HELENA

Passed and adopted by the Township of Helena this 29 day of Aug., 1978.

Attest: Dallas Bohnsack Joseph F. Geyer Jr.
Township Clerk Township Chairman

City of New Prague

Passed and adopted by The City of New Prague this 19 day of June, 1978.

Attest: Jerome Bohnsack Clarence J. Welter
Jerome Bohnsack Clarence J. Welter
City Administrator Mayor