

**CITY OF WACONIA  
ORDINANCE NO. 554**

REC'D BY  
MMB

AUG 12 2004

**AN ORDINANCE ANNEXING CERTAIN LANDS INTO THE CORPORATE LIMITS OF  
THE CITY OF WACONIA, MINNESOTA (HARTMAN)**

**WHEREAS**, The City of Waconia received a petition submitted by the Kelzer Trust and Hartman Brothers, LLC to annex certain lands into the corporate limits of the City of Waconia, Minnesota; and

**WHEREAS**, Posted, published and written notice has been provided to Waconia Township and all landowners within and contiguous to the area to be annexed; and

**WHEREAS**, No objections have been received regarding this Petition for Annexation; and

**WHEREAS**, Said annexation of said lands is consistent with the City of Waconia's Comprehensive Plan.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WACONIA, CARVER COUNTY, MINNESOTA, DOES HEREBY ORDAIN:**

**Section 1. Declaration.** It is hereby determined that the annexation of lands described in Section 2 below would be in the best interest of the City of Waconia.

**Section 2. Territory Annexed.** The corporate limits of the City of Waconia are hereby extended to encompass and embrace all of the territory described as follows and said land is hereby annexed to and included within the City as effectually as if it had originally been a part thereof:

Lots 21 to 49, inclusive, all in Volkenant's Second Addition to the City of Waconia, Carver County, Minnesota, and the roads adjacent thereto, EXCEPTING THEREFROM the following four parcels of land:

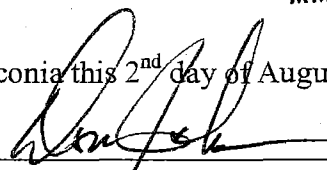
The West 50 feet of Lots 21, 22, 23, 24 and 25;  
The West 50 feet of the North 20 feet of Lot 26;  
The East 400 feet of the West 450 feet of the North 30 feet of Lot 21;  
That part of Lot 49, Volkenant's Second Addition, described as follows:  
Commencing at the Northwest corner of said Lot 49; thence  
South along the West line of said Lot 49 for a distance of 50 feet;  
thence East parallel to the North line of said Lot 49 to a point  
on the Southwesterly line of Carver County Road No. 10  
(formerly known as Carver Road); thence Northwesterly along  
the said Southwesterly line of said Carver County Road No. 10  
to the Northeast corner of said lot 49; thence Westerly along the  
North line of said Lot 49 to the place of beginning.

**Section 3. Filing.** The City Clerk is hereby directed to file certified copies of this Ordinance with the Minnesota Planning board of the State of Minnesota, the Secretary of State, and the County Auditor of Carver County as required by law.


**Section 4. Effective Date of Annexation.** This Ordinance takes effect upon its passage and publication and the filing of certified copies as directed in Section 4 and shall be deemed final upon approval of this Ordinance by the Minnesota Planning Board of the State of Minnesota.

AUG 12 2004

Adopted by the City Council of the City of Waconia this 2<sup>nd</sup> day of August, 2004.

  
Don Johnson, Mayor

ATTEST:

  
Mary J. Johnson, CMC, City Clerk

M/ SteinhagenSchiffman AyeS/ SchiffmanSteinhagen AyeStevens AyeCollins AyeD. Johnson Aye

# CITY OF WACONIA OFFICIAL ZONING MAP

REC'D BY  
MMB

AUG 2 2004



LAKE

WACONIA

CONY ISLAND

LAKE

WACONIA

AMITE LAKE

**29 ACRE  
ANNEXATION  
AREA**

JOSE LAKE

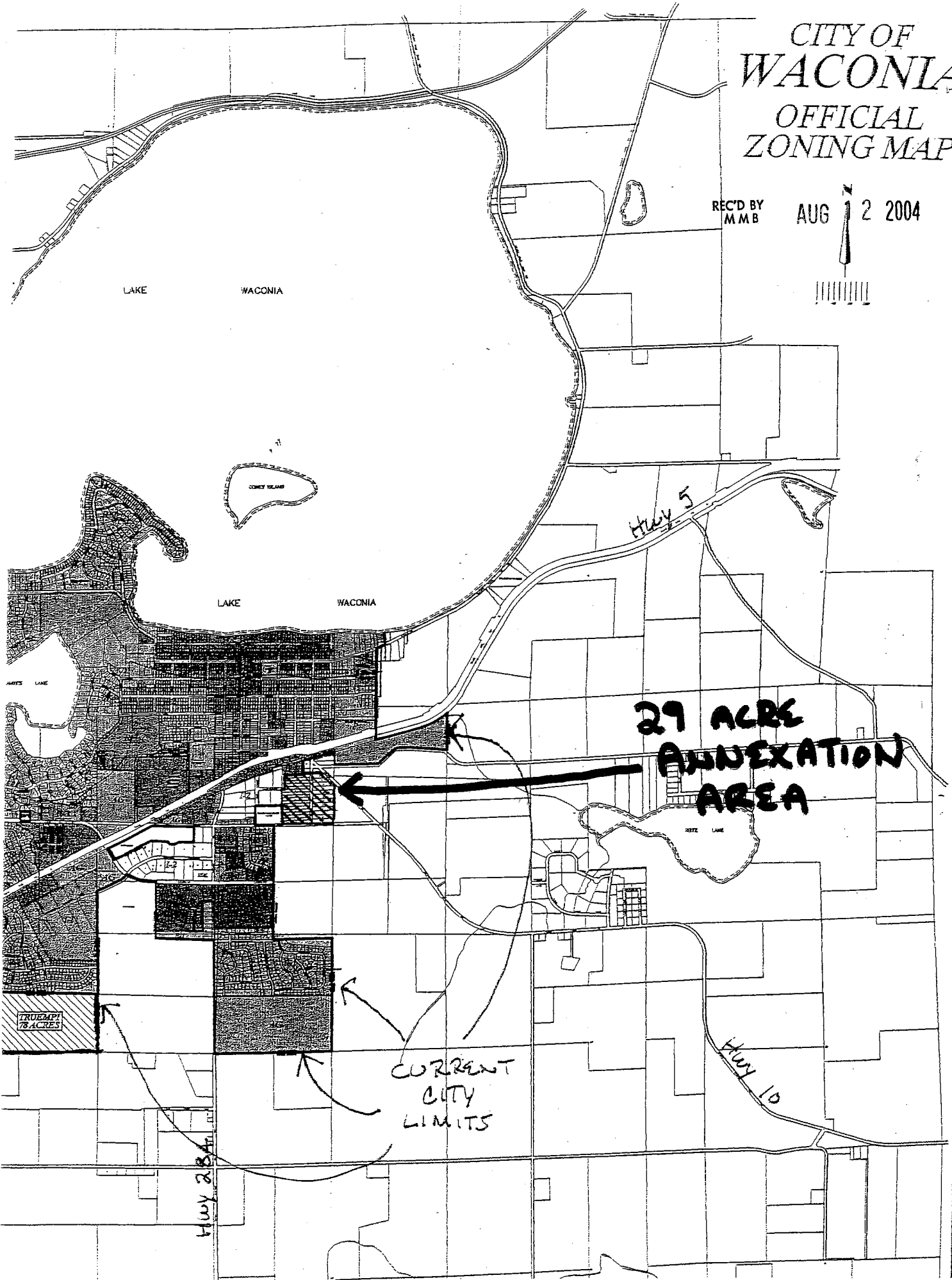
TRUENI  
78 ACRES

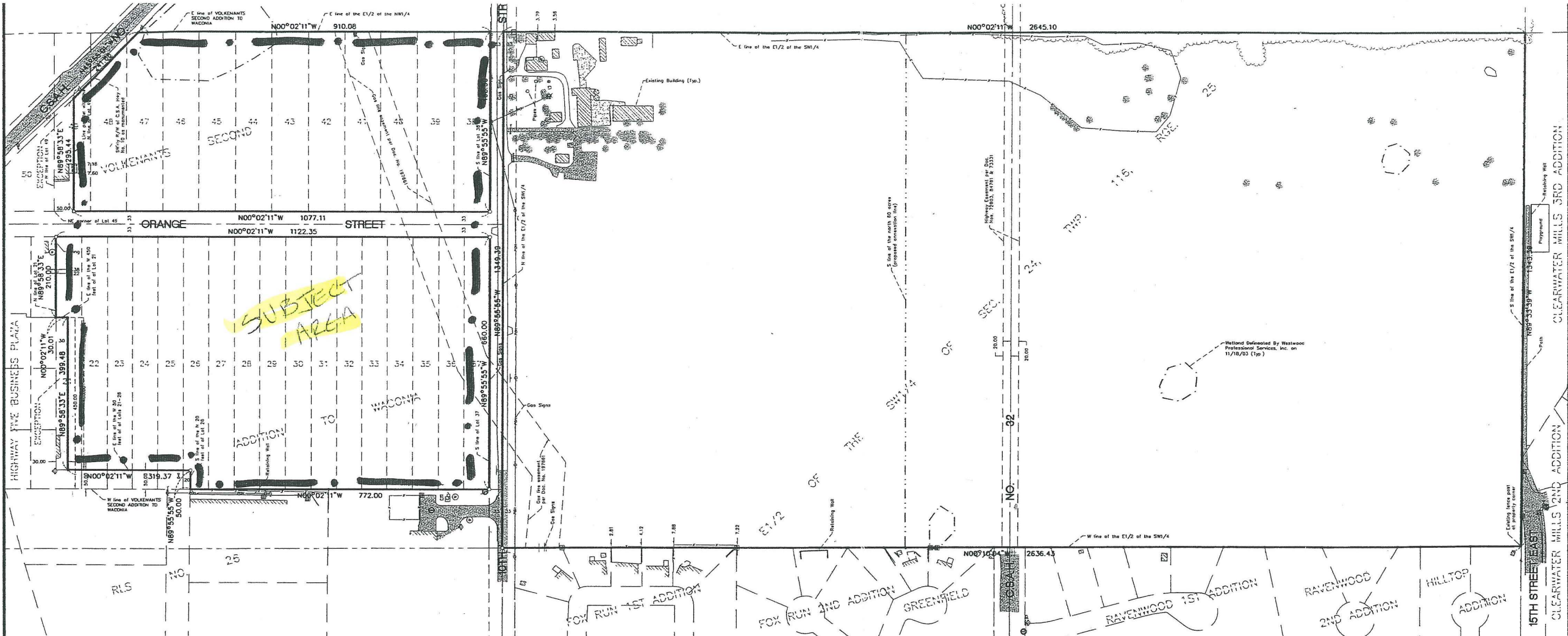
CURRENT  
CITY  
LIMITS

Hwy 10

Hwy 28

Hwy 5





**Note:**

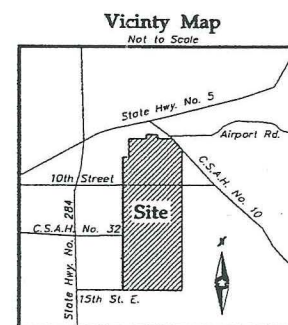
- 1) This survey was prepared using Stewart Title Guaranty Company Title Commitment Number 20033272 having an effective date of August 15, 2003.
- 2) Subject property appears to be classified as Zone X when scaled from Flood Insurance Rate Map Community - Panel Number 270049 dated January 6, 1986.
- 3) Subject property contains 4,756,630.2± Sq.Ft. or 109.20± acres.
- 4) Subject Property is Zoned Agricultural Building Setbacks:  
Front = 68 Feet from the centerline of the road  
Side = 15 Feet  
Rear = 30 Feet
- 5) Subject property contains no parking stalls.
- 6) The underground utilities shown have been located from field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.
- 7) Property appears to be subject to an Easement for 10th street as traveled.
- 8) Property appears to be subject to an Easement for County State Aid Highway No. 10 over the Northeastly 33 feet of the subject property. The easement is over as much as the County has used for the road.
- 9) Property appears to be subject to an Easement in favor of Northern Natural Gas Company, a Delaware Corporation dated September 6, 1963; recorded October 18, 1963 in Book "B1" of Deeds, Page 49, Conveyance, Assignment and Bill of Sale dated December 14, 1990; recorded January 9, 1991 as Document No. 120841.
- 10) Property appears to be subject to an Easement in favor of Northern Natural Gas Company dated March 15, 1962; recorded April 11, 1962 in Book "74" of Deeds, Page 21, Modification and Amendment of Easement Grant dated June 11, 1996; recorded July 5, 1996 as Document No. 197661.
- 11) Property does not appear to be subject to a Slope Easement in favor of County of Carver dated June 25, 1985; recorded August 1, 1985 as Document No. 72602. (Easement has expired)
- 12) Property appears to be subject to a Highway Easement in favor of County of Carver, State of Minnesota dated June 18, 1985; recorded August 1, 1985 as Document No. 72603.
- 13) Property appears to be subject to a Final Certificate dated September 15, 1986; recorded February 19, 1987 as Document No. 84761.
- 14) Property does not appear to be subject to a Highway Easement in favor of County of Carver, State of Minnesota dated September 9, 1985; recorded September 10, 1985 as Document No. 73330.
- 15) Property appears to be subject to a Highway Easement in favor of County of Carver, State of Minnesota dated September 9, 1985; recorded September 10, 1985 as Document No. 73331.
- 16) Property does not appear to be subject to a Slope Easement without County Maintenance in favor of the County of Carver dated June 26, 1985; recorded October 3, 1985 as Document No. 73727. (Easement has expired)
- 17) Property appears to be subject to Orange Street as platted. There is no evidence of a road in the platted right of way.

**Legal Description:**

Lots 21 to 49, inclusive, all in Volkman's Second Addition to the City of Waconia, Carver County, Minnesota, EXCEPTING THEREFROM the following four parcels of land:  
The West 50 feet of Lots 21, 22, 23, 24 and 25;  
The West 50 feet of the North 20 feet of Lot 26;  
The East 400 feet of the West 450 feet of the North 30 feet of Lot 21;  
That part of Lot 49, Volkman's Second Addition, described as follows: Commencing at the Northwest corner of said Lot 49; thence South along the West line of said Lot 49 for a distance of 50 feet; thence East parallel to the North line of said Lot 49 to a point on the Southwesterly line of Carver County Road No. 10 (formerly known as Carver Road); thence Northwesterly along the said Southwesterly line of said Carver County Road No. 10 to the Northeast corner of said Lot 49; thence Westerly along the North line of said Lot 49 to the place of beginning.  
AND  
The East Half of the Southwest Quarter of Section 24, Township 116, Range 25.

To Hartman Brothers, LLC and Stewart Title Guaranty Company:

This is to certify that this map or plot and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation, and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."  
Date: 3/12/04  
Martin J. Webb  
Registration No. 12043



NOT FOR CONSTRUCTION

Date: 01/09/04

Sheet: 1 OF 1

Westwood Professional Services, Inc.  
7599 Anagram Drive  
Eden Prairie, MN 55344  
Phone: 952/937-5150 Fax: 952/937-5822

Revisions:	Drawn: MJB & AJ
03/12/04: Add easement line per client (NPS)	Checked: MJB
	Described: NPS
	Revised Drawing: N/A

Prepared for:

Hartman Brother, LLC  
Victoria, Minnesota

Kelzer / Mielke  
Property  
Waconia, Minnesota

ALTA / ACSM Land  
Title Survey