

ORDINANCE NO.734

CITY OF WACONIA

CARVER COUNTY, MINNESOTA

October 5, 2020

**AN ORDINANCE OF THE CITY OF WACONIA, MINNESOTA ANNEXING
LAND LOCATED IN WACONIA TOWNSHIP, CARVER COUNTY, MINNESOTA,
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBDIVISION 2(3),
PERMITTING ANNEXATION BY ORDINANCE**

WHEREAS, a petition signed by all the property owners, requesting that property legally described on **Exhibit A** attached hereto and made a part of this Ordinance be annexed to the City of Waconia, Minnesota, was duly presented to the Council of the City of Waconia on the 7th day of February, 2020; and

WHEREAS, said property is unincorporated and abuts the City of Waconia on its southwesterly boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

WHEREAS, said property is not located within a flood plain or shoreland area; and

WHEREAS, said property is currently agricultural and rural residential and annexation is requested to facilitate the extension of city services for the residential development of the property; and

WHEREAS, the City of Waconia held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on the 16th day of March, 2020, following thirty (30) days written notice by certified mail to the Town of Waconia and to all landowners within and contiguous to the area legally described on attached **Exhibit A**, to be annexed; and

WHEREAS, provisions of Minnesota Statutes § 414.033 Subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WACONIA HEREBY ORDAINS AS FOLLOWS:

1. The City Council hereby determines that the property as described on attached **Exhibit A** and depicted by crosshatch on **Exhibit B** abuts the city limits and is or is about to become urban or suburban in nature in that residential use is being proposed for said property, the construction of which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of Waconia, Minnesota, are hereby extended to include the following described property, said land abutting the City of Waconia and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land legally described on **Exhibit A** attached hereto.

The above described property consists of a total of 59.46 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto.

4. The population of the area legally described on **Exhibit A** and hereby annexed is 2.

5. The City of Waconia, pursuant to Minnesota Statutes § 414.036, with respect to the property taxes payable on the area legally described on attached **Exhibit A**, hereby annexed, shall make a cash payment to the Township of Waconia in accordance with the following schedule:

- a. In the first year following the year in which the City of Waconia could first levy on the annexed area, an amount equal to \$606.79; and
- b. In the second year, an amount equal to \$606.78.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described on attached **Exhibit A** there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

7. That the City Clerk of the City of Waconia is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Carver County Auditor, and the Waconia Township Clerk.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Waconia, Minnesota, this 5th day of October, 2020.



Kent Bloudek, Mayor

ATTEST:



Susan MH Arntz, City Clerk/Administrator

EXHIBIT A

PARCEL A

Tract I:

That part of the Northeast Quarter of Section 27, Township 116 North, Range 25 West, Carver County, Minnesota described as follows:

Commencing at the north quarter corner of said Section 27; thence southerly along the west line of said Northeast Quarter, a distance of 995.52 feet to the point of beginning of the tract to be described; thence continuing southerly along said west line of the Northeast Quarter, a distance of 1011.28 feet; thence easterly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 400.00 feet; thence northerly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 1243.31 feet to the previous southerly right-of-way line of the former Chicago-Northwestern Transportation Company; thence southwesterly along said former Transportation Company right-of-way line to the point of beginning.

Tract II:

That part of the Northeast Quarter of Section 27, Township 116 North, Range 25 West, Carver County, Minnesota described as follows:

Commencing at the north quarter corner of said Section 27; thence southerly along the west line of said Northeast Quarter, a distance of 995.52 feet; thence continuing southerly along said west line of the Northeast Quarter, a distance of 1011.28 feet to the point of beginning of the tract to be described; thence easterly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 400.00 feet; thence northerly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 1243.31 feet to the previous southerly right-of-way line of the former Chicago-Northwestern Transportation Company; thence northeasterly deflecting right 59 degrees 53 minutes 00 seconds along said former Transportation Company right-of-way line, a distance of 72.36 feet; thence southerly deflecting right 120 degrees 07 minutes 00 seconds on a line parallel to said west line of the Northeast Quarter, a distance of 1909.20 feet to the south line of said Northeast Quarter; thence westerly deflecting right 89 degrees 45 minutes 45 seconds along said south line of the Northeast Quarter, a distance of 462.60 feet to the center of said Section 27; thence northerly deflecting right 90 degrees 14 minutes 15 seconds along said west line of the Northeast Quarter a distance of 635.62 feet to the point of beginning.

Tract III:

That part of the Northeast Quarter of Section 27, Township 116 North, Range 25 West, Carver County, Minnesota described as follows:

Commencing at the north quarter corner of said Section 27; thence southerly along the west line of said Northeast Quarter, a distance of 995.52 feet; thence continuing southerly along said west line of the Northeast Quarter, a distance of 1011.28 feet; thence easterly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 400.00 feet; thence northerly deflecting left 90 degrees 00 minutes 00 seconds, a distance of 1243.31 feet to the previous southerly right-of-way line of the former Chicago-Northwestern Transportation Company, said point being the point of beginning of the tract to be described; thence northeasterly deflecting right 59 degrees 53 minutes 00 seconds along said former Transportation Company right-of-way line, a distance of 72.36 feet to a point; thence northerly deflecting left 59 degrees 53 minutes 00 seconds on a line

parallel to said west line of the Northeast Quarter, a distance of 115.61 feet to the previous northerly right-of-way line of the former Chicago-Northwestern Transportation Company, also being the southerly right-of-way line of State Highway No. 5; thence southwesterly deflecting left 120 degrees 07 minutes 00 seconds along said former Transportation Company right-of-way line and the southerly right-of-way line of State Highway No. 5, a distance of 534.78 feet to the point of intersection with the west line of said Northeast Quarter of Section 27, Township 116, Range 25; thence south deflecting left 59 degrees 53 minutes 00 seconds, a distance of 115.61 feet along the west line of said Northeast Quarter of Section 27, Township 116, Range 25 to said former southerly Transportation Company right-of-way line; thence northeasterly deflecting left 120 degrees 07 minutes 00 seconds along said former southerly Transportation Company right-of-way line 462.42 feet to the point of beginning.

Tract IV:

The easterly 50 feet of the following described parcel of land as measured along the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track centerline was originally located over said parcel, the westerly line of said 50 feet being parallel with the east line of the Northwest Quarter of Section 27, Township 116, Range 25:

A strip of land 100 feet in width, the same being 50 feet in width on each side of the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track centerline was originally located over and across the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 27, Township 116, Range 25.

Said 100-foot-wide strip of land lies southerly of and adjacent to the right of way of Trunk Highway No. 5 as shown on Minnesota Department of Transportation Monumentation Plat No. 10-M25.

PARCEL B

Tract I:

That part of the East Half of the Northwest Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota, lying south of the Railroad right of way (formerly the southerly right of way line of the Minneapolis and St. Louis Railway Co.),

EXCEPTING THEREFROM

1) The South 348.48 feet of the West 250 feet of the Southeast Quarter of the Northwest Quarter of said Section 27, Township 116, Range 25.

2) That part of the Southeast Quarter of the Northwest Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota, described as follows: Beginning at the southwest corner of said Southeast Quarter of the Northwest Quarter of Section 27; thence northerly along the west line of said Southeast Quarter of the Northwest Quarter a distance of 359.00 feet; thence easterly deflecting right 92 degrees 00 minutes 00 seconds, a distance of 320.19 feet; thence southerly deflecting right 88 degrees 00 minutes 00 seconds, a distance of 346.62 feet to the south line of said Southeast Quarter of the Northwest Quarter; thence westerly

deflecting right 89 degrees 47 minutes 00 seconds along said south line of the Southeast Quarter of the Northwest Quarter, a distance of 320.00 feet to the point of beginning.

Said Railroad right of lies southerly of and adjacent to the right of way of Trunk Highway No. 5 as shown on Minnesota Department of Transportation Monumentation Plat No. 10-M25.

Tract II:

A strip of land 100 feet in width, the same being 50 feet in width on each side of the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and North Western Transportation Company), as said main track centerline was originally located over and across the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Northwest Quarter of Section 27, Township 116, Range 25, Carver County, Minnesota, EXCEPTING THEREFROM the easterly 50 feet of the above-described parcel of land, as measured along the centerline of the main track (now removed) of the Minneapolis & St. Louis Railway Company (now the Chicago and Northwestern Transportation Company), as said main track centerline was originally located over said parcel, the westerly line of said 50 feet being parallel with the east line of the Northwest Quarter of Section 27, Township 116, Range 25.

Said 100-foot-wide strip of land lies southerly of and adjacent to the right of way of Trunk Highway No. 5 as shown on Minnesota Department of Transportation Monumentation Plat No. 10-M25.

