

**City of Hopkins
Resolution No. 2020-022**

**City of Minnetonka
Resolution No. 2020-022**

**JOINT RESOLUTION REQUESTING CONCURRENT DETACHMENT FROM HOPKINS AND
ANNEXATION TO MINNETONKA OF CERTAIN LANDS PURSUANT TO MINNESOTA
STATUTES SECTION 414.061**

WHEREAS, certain real property, approximately 0.36 acres in size, legally described and depicted on Exhibit A attached hereto and incorporated herein and depicted on the survey thereof attached hereto and incorporated herein as Exhibit A (the "Annexation Property") is located in the City of Hopkins; and

WHEREAS, the Annexation Property is located southerly of and abutting real property estate that is located in the City of Minnetonka; and

WHEREAS, Ron Clark ("Developer") desires to incorporate the Annexation Property into a proposed plat and residential development known as Shady Oak Crossings; and

WHEREAS, the Annexation Property is part of a larger tax parcel, with a street address of 2 Shady Oak Road, Hopkins, MN and a tax parcel number of 23-117-22-42-0056; and

WHEREAS, the City of Hopkins, the City of Minnetonka and the Developer desire that the entire Shady Oak Crossings plat and development be located within the boundaries of Minnetonka by detaching the Annexation Property from Hopkins and annexing the Annexation Property to Minnetonka; and

WHEREAS, the detachment of the Annexation Property from Hopkins will result the division of tax parcel number 23-117-22-42-0056 into the Annexation Property and a separate parcel, legally described and depicted as the "Remainder Parcel" on the attached Exhibit A; and

WHEREAS, the division of tax parcel number 23-117-22-42-0056 is a lot line adjustment that may be administratively approved and does not constitute a subdivision within the meaning of the City of Hopkins subdivision ordinances; and

WHEREAS, the City of Hopkins wishes to preserve future redevelopment opportunities for the Remainder Parcel; and

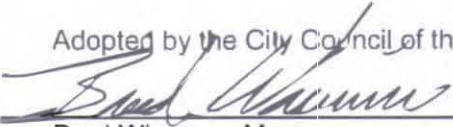
WHEREAS, the city of Minnetonka desires to transfer this property into the city of Hopkins in a "land swap" between the two cities; and

WHEREAS, the City of Hopkins and the City of Minnetonka desire to modify their respective boundaries by detaching the Annexation Property from the City of Hopkins and annexing the Annexation Property to the City of Minnetonka pursuant to Minnesota Statutes Section 414.061.

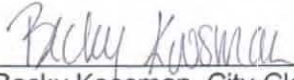
NOW, THEREFORE, BE IT RESOLVED:

1. The City of Hopkins and the City of Minnetonka jointly request that the Office of Administrative Hearings – Municipal Boundary Adjustment concurrently detach the Annexation Property from the City of Hopkins and annex the same to the City of Minnetonka at the earliest possible date.
2. The city clerk for each city is directed to submit this Joint Resolution to the Office of Administrative Hearings – Municipal Boundary Adjustments for the purposes set forth herein.
3. The City of Hopkins and the City of Minnetonka agree that, within 30 days of receipt of this Resolution, passed and adopted by each party, the Office of Administrative Hearings – Municipal Boundary Adjustments, may review and comment, but shall order the concurrent detachment and annexation consistent with the terms of this Resolution.
4. The City of Hopkins has designated a Comprehensive Plan Land Use Guiding of Commercial and a Zoning District designation of Commercial for the Annexation Property. As a condition of annexation of the Annexation Property into the City of Minnetonka, the Developer is required to combine the Annexation Property with tax parcel 23-117-22-42-0057. Upon annexation into the City of Minnetonka and the filing of the tax parcel combination, the Annexation Property shall have a Comprehensive Plan Land Use Guiding designation of High Density Residential and a Zoning District designation of Planned Unit Development. These designations match the existing comprehensive plan land use guidance zoning designation for tax parcel 23-117-22-42-0057.
5. As a condition of the Shady Oak Crossings development approvals, the City of Minnetonka agrees to require a cross access easement to provide joint use of the driveway by the Annexation Parcel and the Remainder Parcel. In approving the cross access easement, the City of Minnetonka will ensure that future redevelopment opportunities of the Remainder Parcel are not precluded and that the function of the driveway to the Shady Oak Crossings development will not compromise or restrict the use of the driveway in providing future opportunities for the redevelopment of the Remainder Parcel.
6. The City of Minnetonka is responsible for all costs associated with processing this Resolution, including reimbursement of reasonable attorney's fees incurred by the City of Hopkins.
7. The City of Minnetonka and City of Hopkins will not submit this Resolution to the Office of Administrative Hearings – Municipal Boundary Adjustments until the City of Minnetonka has granted final land use and financing approvals for the Shady Oak Crossings residential development project.
8. This Resolution is conditioned upon approval of the concurrent detachment/annexation Resolution for the 11524 Excelsior Boulevard property also requested by the city of Minnetonka and city of Hopkins.

Adopted by the City Council of the City of Minnetonka on Feb. 24, 2020.


Brad Wiersum, Mayor


ATTEST:


Becky Koosman, City Clerk

Action on this resolution:

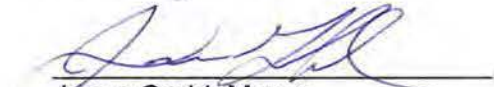
Motion for adoption: Kirk
Seconded by: Schack
Voted in favor of: Kirk, Schack, Carter, Calvert, Schaeppi, Coakley, Wiersum
Voted against:
Abstained:
Absent:
Resolution adopted.

I certify that the foregoing is a true and correct copy of a resolution adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on Feb. 24, 2020, with administrative corrections of non-substantive errors as authorized by Minnetonka City Code § 1315.025. Corrections have been made to errors in the legal description of the Annexation Property, as described in Exhibit A of the original resolution, at the request of the Hennepin County Surveyor and Hennepin County Examiner of Titles. A typographical error in a street address at paragraph 8 of the resolution was also corrected.


Becky Koosman, City Clerk

(seal)

Passed and adopted by the City Council of the City of Hopkins on the 5th day of May, 2020.


Jason Gadd, Mayor

ATTEST:


Amy Domeier, City Clerk

CERTIFICATION

The undersigned, being the duly qualified Clerk of the City of Hopkins, hereby certifies the foregoing Resolution No. 2020-005 is a true and correct copy of a resolution presented to and adopted by the Council of the City of Hopkins at a duly authorized meeting thereof held on the 5th day of May, 2020, as shown by the minutes of the aforesaid meeting in possession of the undersigned.


Amy Domeier, City Clerk

(Seal)

EXHIBIT A

That part of the West Half of the Southeast Quarter of Section 23, Township 117 North, Range 22 West, Hennepin County, Minnesota being described as follows:

All that portion of the tract or parcel of land described as Paragraph "A" below, which lies Southerly of a line drawn parallel to and 200 feet Southerly of the North line thereof and the same extended, to wit:

Paragraph "A"; That portion of the West Half of the Southeast Quarter of Section 23, Township 117 North, Range 22 West of the 5th Principal Meridian, described as follows: Starting at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section, thence South along the East line of the West half of the Southeast Quarter of said Section, a distance of 300 feet, thence Westerly at right angles to said East line for a distance of 284 feet; thence Northerly along a line parallel to said East line a distance of 600 feet; thence Easterly along a line at right angles to said East line 209 feet to the center line of McGinty Road; thence Southeasterly along the center line of McGinty Road to the East line of the West Half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.5 feet to the point of beginning.

Which are described as follows:

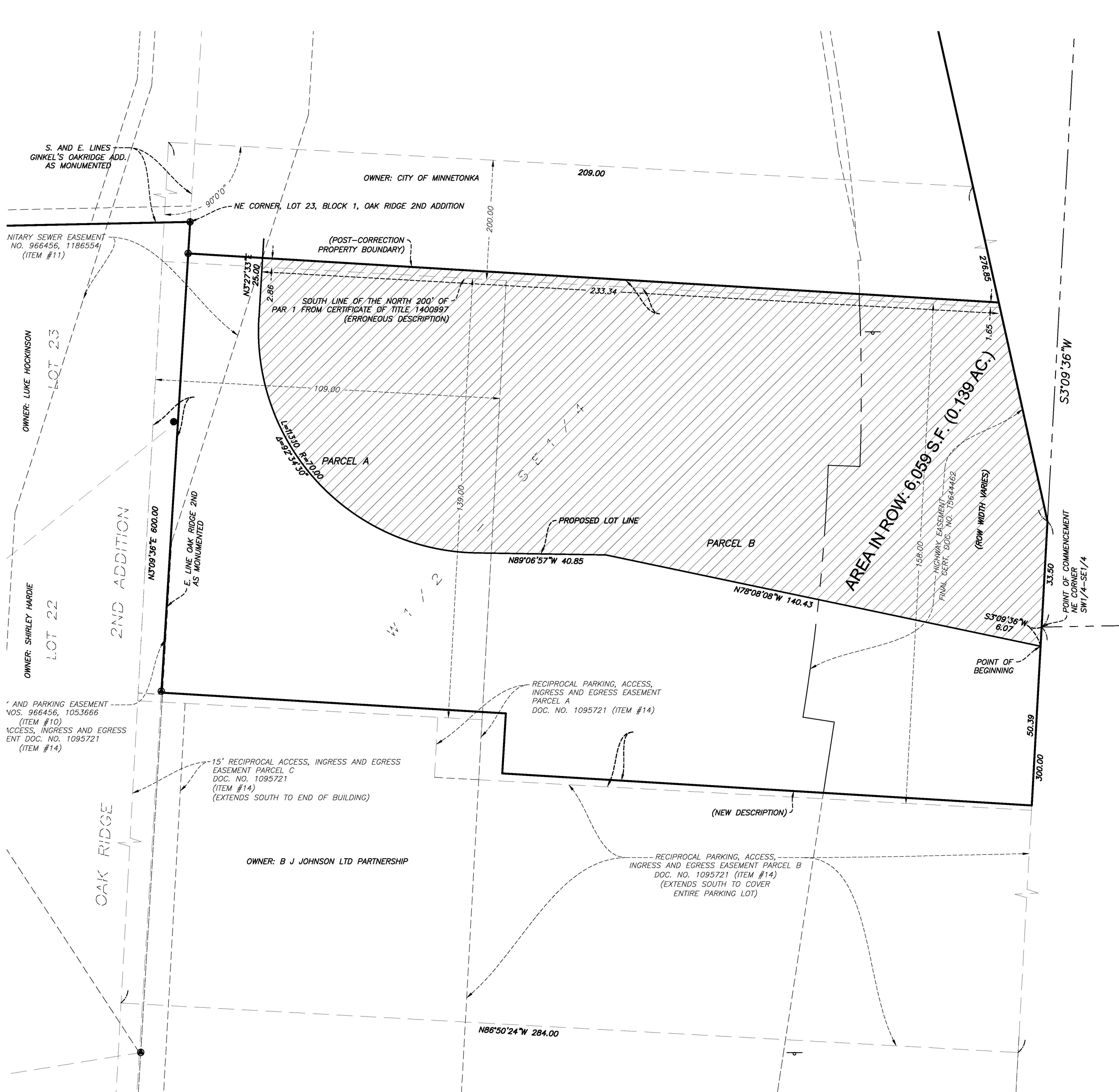
Parcel A: The West 109.00 feet of the North 139.00 feet.

Parcel B: That part of the North 158.00 feet thereof lying East of the West 109.00 feet thereof.

Together with an easement for driveway and parking purposes over, under and cross that part of Lot 22, Block 1, Oak Ridge 2nd Addition, lying Northeasterly of a line, and its extensions, drawn from the Southeast corner of said lot to a point on the Northwestern line of said lot distant 120 feet Southwesterly, measured along said Northwestern line, from the most Northerly corner of said lot, as contained in deed Doc. No. 966456; (See Order Doc. No. 1053666)

Which lies northeasterly of the following described line:

Commencing at the northeast corner of Lot 23, Block 1, OAK RIDGE 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota; thence South 03 degrees 27 minutes 33 seconds West, along the east line of said Lot 23, a distance of 10.00 feet to the point of beginning of the line to be described; thence South 86 degrees 32 minutes 27 seconds East a distance of 23.56 feet to the point of beginning of the line to be described; thence South 03 degrees 27 minutes 33 seconds West a distance of 18.99 feet; thence southeasterly 113.10 feet along a tangential curve concave to the northeast having a radius of 70.00 feet and central angle of 92 degrees 34 minutes 30 seconds; thence South 89 degrees 06 minutes 57 seconds East a distance of 40.85 feet; thence South 78 degrees 08 minutes 08 seconds East a distance of 140.43 feet, more or less, to the east line of said West Half of the Southeast Quarter and there terminating.



PROPOSED ANNEXATION PROPERTY DESCRIPTION:

That part of the West Half of the Southeast Quarter of Section 23, Township 117 North, Range 22 West, Hennepin County, Minnesota being described as follows:

All that portion of the tract or parcel of land described at Paragraph "A" below, which lies Southerly of a line drawn parallel to and 200 feet Southerly of the North line thereof and the same extended, to wit:


Paragraph "A"; That portion of said West Half of the Southeast Quarter described as follows: Beginning at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section, thence South along the East line of the West Half of the Southeast Quarter of said Section, a distance of 300 feet, thence Westerly at right angles to said East line for a distance of 284 feet; thence Northerly along a line parallel to said East line a distance of 600 feet; thence Easterly along a line at right angles to said East line 209 feet to the center line of McGinty Road; thence Southeasterly along the center line of McGinty Road to the East line of the West Half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.5 feet to the point of beginning.

Which are described as follows:

- Parcel A: The West 109.00 feet of the North 139.00 feet.
Parcel B: That part of the North 158.00 feet thereof lying East of the West 109.00 feet thereof.

Which lies northerly, northeasterly, and easterly of the following described line:

Commencing at the northeast corner of the Southwest Quarter of said Southeast Quarter of Section 23; thence on an assumed bearing of South 03 degrees 09 minutes 36 seconds West along the east line of said West Half of the Southeast Quarter a distance of 6.07 feet to the point of beginning of the line to be described; thence North 78 degrees 08 minutes 08 seconds West a distance of 140.43 feet; thence North 89 degrees 06 minutes 57 seconds West a distance of 40.85 feet; thence northwesterly 113.10 feet along a tangential curve concave to the northeast having a radius of 70.00 feet and a central angle of 92 degrees 34 minutes 30 seconds; thence North 03 degrees 27 minutes 33 seconds East, tangent to said curve, a distance of 25.00 feet, and there terminating.

 Responsive partner. Exceptional outcomes. 1802 WOODDALE DRIVE WOODBURY, MN 55125 Ph: 651-395-5212		CLIENT NAME RON CLARK CONSTRUCTION & DESIGN				PROJECT TITLE ANNEXATION EXHIBIT			
		DWN BY CNA	CHK'D CNA	APP'D CNA	DWG DATE 3/16/2020	SCALE 1" = 20'			
#		XXX	XXX	XX/XX/XX	PROJECT NO.	SHEET NO.			
REV	REVISION DESCRIPTION	DWN	APP	REV DATE	1531-0014	1 OF 1			