

**CITY OF CARVER
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 105-21**

**AN ANNEXATION RESOLUTION FOR THE CITY OF CARVER IN ACCORDANCE
WITH OA-1428 CARVER/DAHLGREN TOWNSHIP JOINT ANNEXATION
AGREEMENT DESIGNATING PROPERTY FOR IMMEDIATE ORDERLY
ANNEXATION**

WHEREAS, the City of Carver (hereinafter “the City”) and Dahlgren Township (hereinafter the “Township”) entered into an Orderly Annexation Agreement (OAA) on March 19, 2009, updated and amended November 9, 2020, for the purpose of orderly and planned annexation pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the Orderly Annexation Agreement has been filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office; and

WHEREAS, the above-referenced Joint Agreement provides that any land within the OAA designated therein may be annexed by the City at any time during the term of the Joint Agreement provided that the conditions in Section 8 of the Joint Agreement have been fulfilled; and

WHEREAS, on November 24, 2020 the City received a petition for annexation from Aimee Song in accordance with Section 8 of the OAA. The petition was signed by Cory Meyer, Senior Project Manager; and

WHEREAS, the petition requested immediate orderly annexation of the property designated in Exhibit A; and

WHEREAS, the property legally described in Exhibit A and shown in Exhibit B is located within the OAA described in the Joint Agreement; and

WHEREAS, the property (PID 040130900, 040240200 and 040130700), is located within the annexation area as described in the OAA; and

WHEREAS, on November 25, 2020 the City provided notice of the petition to the township and;

WHEREAS, Westwood Professional Services, Inc. (“Westwood”), a Minnesota business corporation, has paid the Township pursuant to Sections 6.A and 8 of the Joint Agreement the amount of \$81,000.00 and the Township has provided evidence to the City to document the payment; and

WHEREAS, the property has proposed development by Summergate with plan development to be completed by Westwood; and

WHEREAS, there are not any delinquent taxes owed on the property that the City would be required to be paid to the Township under Section 6.B of the Joint Agreement; and

WHEREAS, the 2020 Property Tax Statements for the parcels identify that Dahlgren Township will receive a total of \$1,379.86 in taxes in 2020; and

WHEREAS, there are not any outstanding special assessments levied by the Township on the property that the City would be required to forward to the Township under Section 6.C of the Joint Agreement; and

WHEREAS, there may be deferred Green Acres and Rural Preserves taxes, which amounts will be remitted from the City to the Township if collected by the City; and

WHEREAS, the Joint Agreement provides in the last paragraph of Section 6 that other than the reimbursement outlined in Sections 6.B and 6.C, no other reimbursement or taxes shall be owed to the Township from the City; and

WHEREAS, in accordance with Section 4 of the Joint Agreement, annexation of the property designated herein pursuant to the Joint Agreement does not require a hearing or any consideration by the Office of Administrative Hearings (“OAH”), except to the extent that the OAH may review and comment thereon.

WHEREAS, the property designated and legally described herein for immediate orderly annexation, is urban or suburban, or about to become so, and annexation is in the best interests of the City and property owner and annexation thereof would benefit the public health, safety and welfare of the community; and

WHEREAS, having met all of the triggering conditions for orderly annexation of the property legally described herein, as provided in the Joint Agreement, for property located in the OAA, the City may now adopt and execute this “Annexation Resolution” providing for the immediate annexation of the property; and

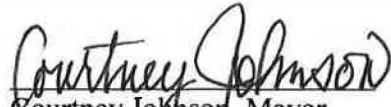
WHEREAS, in accordance with Section 4 of the Joint Agreement, annexation of the property designated herein pursuant to the Joint Agreement does not require a hearing or any consideration by the Office of Administrative Hearings (“OAH”), except to the extent that the OAH may review and comment thereon.

NOW, THEREFORE, BE IT RESOLVED the City of Carver as follows:

1. All recitals listed above are incorporated herein by reference.
2. This Annexation Resolution hereby constitutes and shall be referred to as the “Annexation Resolution” as provided in Section 8 of the Joint Agreement.

3. The property legally described in Exhibit A and designated as in need of immediate orderly annexation is 161.36 gross acres.
4. In accordance with Section 4 of the Joint Agreement, the OAH may review and comment on this Annexation Resolution, but shall within thirty (30) days of receipt of this Annexation Resolution order the annexation of the property designated in this Annexation Resolution and legally described in Exhibit A in accordance with the terms of the Joint Agreement. Subject to paragraph 10 of this Annexation Resolution, no alteration of the stated boundaries as described in this Annexation Resolution is appropriate. No consideration by the OAH is necessary, and all terms and conditions for annexation thereof have been met as provided for in the Joint Agreement.
5. In accordance with Section 6 of the Joint Agreement, the City shall remit all delinquent taxes, charges and assessments collected from the property after annexation if such taxes or charges were originally payable while the property remained in the Township. Additionally, if the property no longer qualifies for special tax treatment through Green Acres or other applicable programs such as Ag Preserves, CRP, This Old House, and taxes that were deferred under one of these programs is paid to the City, the City shall remit to Township the amount which was deferred during the time the property was in the Township.
6. In accordance with Section 6 of the Joint Agreement, the City does not assume by this annexation any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the Township or for which special assessments were levied by the Township. In the event that the property has outstanding special assessments levied by the Township at the time of annexation, the City shall forward to the Township upon receipt all special assessment payments which the City receives as a result of special assessments levied by the Township.
7. In accordance with Section 6 of the Joint Agreement, no other reimbursement or taxes shall be owed to the Township from the City.
8. The City shall file this Annexation Resolution with the Township and the OAH Municipal Boundary Adjustments Office along with the required filing fee.
9. In the event there are errors, omissions, or any other problems with the legal descriptions or mapping provided in Exhibit A or Exhibit B of this Annexation Resolution, in the judgment of the OAH Municipal Boundary Adjustments Office, the City shall make such corrections and file such additional documentation, including a new Exhibit A or Exhibit B, making the corrections requested or required by the OAH as necessary to make effective the annexation of said area in accordance with the Joint Agreement.

Adopted by the City Council of the City of Carver on this 19 day of January, 2021.


Courtney Johnson, Mayor

ATTEST:-


Vicky Sons-Eiden, City Clerk/Treasurer

EXHIBIT A

The Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, all in Section 13, Township 115, Range 24, Carver County, Minnesota.

EXCEPT that part described as lying easterly, southerly, easterly, southerly, easterly and southerly, respectively, of the following described line: Commencing at the southeast corner of the Southeast Quarter of the Southwest Quarter of said Section 13; thence South 88 degrees 30 minutes 00 seconds West, assumed bearing, along the southerly line of said Southeast Quarter of the Southwest Quarter a distance of 247.50 feet to the point of beginning of the line to be described; thence North 1 degree 13 minutes 03 seconds East, parallel with the easterly line of said Southeast Quarter of the Southwest Quarter a distance of 400.00 feet; thence North 2 degrees 26 minutes 43 seconds East a distance of 350.00 feet; thence North 1 degree 21 minutes 15 seconds East a distance of 1425.00 feet; thence North 89 degrees 24 minutes 40 seconds East a distance of 576.00 feet; thence North 1 degree 25 minutes 08 seconds East a distance of 264.00 feet; thence North 88 degrees 41 minutes 15 seconds East a distance of 964.00 feet; thence North 3 degrees 27 minutes 24 seconds East a distance of 361.95 feet to the westerly extension of the north line of the south 148.17 feet of the Southeast Quarter of the Northeast Quarter of said Section 13; thence North 87 degrees 52 minutes 41 seconds East along the westerly extension of the north line of said south 148.17 feet a distance of 15.84 feet to the easterly line of the Southwest Quarter of the Northeast Quarter of said Section 13 and said line there terminating.

AND EXCEPT that part platted as BLACKBERRY RIDGE 2ND ADDITION and BLACKBERRY RIDGE 3RD ADDITION according to the plats on file and of record in the Office of the County Recorder, Carver County, Minnesota.

AND EXCEPT the East 421.03 feet of the West 821.03 feet of the south 816.86 feet of the Southwest Quarter of the Southwest Quarter of said Section 13.

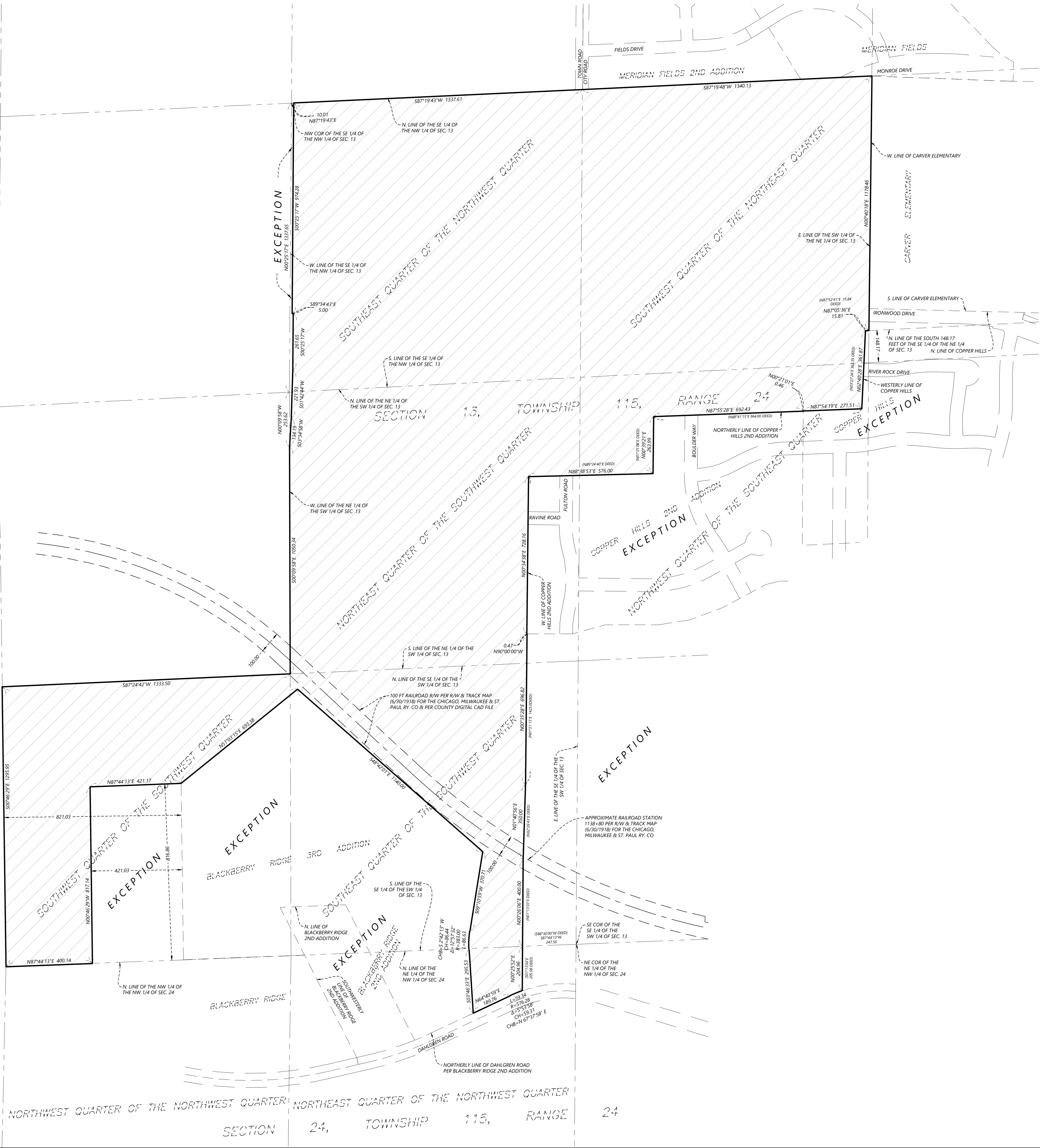
AND EXCEPT that part platted as COPPER HILLS and COPPER HILLS 2ND ADDITION, as monumented, according to the plats on file and of record in the Office of the County Recorder, Carver County, Minnesota.

AND EXCEPT That part of the Southeast Quarter of the Northwest Quarter and that part of the Northeast Quarter of the Southwest Quarter, all in Section 13, Township 115, Range 24, Carver County, Minnesota, described as follows:

Beginning at the northwest corner of said Southeast Quarter of the Northwest Quarter; thence North 87 degrees 19 minutes 43 seconds East assumed bearing along the north line of said Southeast Quarter of the Northwest Quarter, a distance of 10.01 feet; thence South 00 degrees 25 minutes 17 seconds West, a distance of

974.28 feet; thence South 89 degrees 34 minutes 43 seconds East, a distance of 5.00 feet; thence South 00 degrees 25 minutes 17 seconds West, a distance of 261.65 feet; thence South 01 degrees 42 minutes 44 seconds West, a distance of 221.93 feet; thence South 03 degrees 34 minutes 58 seconds West, a distance of 134.19 feet to the west line of said Northeast Quarter of the Southwest Quarter; thence North 00 degrees 09 minutes 58 seconds West, along said west line of the Northeast Quarter of the Southwest Quarter, a distance of 253.62 feet; thence North 00 degree 25 minutes 17 seconds East, along the west line of said Southeast Quarter of the Northwest Quarter, a distance of 1337.65 feet to the point of beginning.

TOGETHER WITH that part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota described as commencing at the northeast corner of said Northeast Quarter of the Northwest Quarter; thence South 88 degrees 30 minutes 00 seconds West, assumed bearing, along the northerly line of said Northeast Quarter of the Northwest Quarter, a distance of 247.50 feet to the point of beginning of the parcel to be described; thence South 1 degree 13 minutes 04 seconds West, parallel with the easterly line of said Northeast Quarter of the Northwest Quarter a distance of 205.08 feet to the point of intersection with the northerly line of Dahlgren Road as shown on the plat of BLACKBERRY RIDGE 2ND ADDITION according to the plat on file and of record in the Office of the County Recorder, Carver County, Minnesota; thence southwesterly a distance of 58.95 feet along a non-tangential curve concave to the south, along the northerly line of said Dahlgren Road, said curve having a radius of 576.28 feet and central angle of 5 degrees 51 minutes 39 seconds and the chord of said curve bears South 68 degrees 22 minutes 35 seconds West; thence continuing southwesterly along the northerly line of said Dahlgren Road South 65 degrees 26 minutes 46 seconds West, tangent to the last described curve, a distance of 189.76 feet to the southeasterly corner of Lot 1, Block 1; BLACKBERRY RIDGE 3RD ADDITION according to the plat on file and of record in the Office of the County Recorder, Carver County, Minnesota; thence North 3 degrees 00 minutes 46 seconds West, along the easterly line of said Lot 1, Block 1; BLACKBERRY RIDGE 3RD ADDITION a distance of 295.53 feet; thence continuing northerly along the easterly line of said Lot 1 a distance of 4.00 feet along a tangential curve concave to the east, having a radius of 383.00 feet and a central angle of 0 degrees 35 minutes 56 seconds to a point on the northerly line of said Northeast Quarter of the Northwest Quarter; thence North 88 degrees 30 minutes 00 seconds East along the northerly line of said Northeast Quarter of the Northwest Quarter a distance of 247.54 feet to the point of beginning.



ANNEXATION PROPERTY DESCRIPTION:

The Southeast Quarter of the Northwest Quarter and the Southwest Quarter of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter and the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, all in Section 13, Township 115, Range 24, Carver County, Minnesota.

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AND EXCEPT that part platted as BLACKBERRY RIDGE 2ND ADDITION and BLACKBERRY RIDGE 3RD ADDITION according to the plats on file and of record in the Office of the County Recorder, Carver County, Minnesota.

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ANNEXATION AREA: 7,056.938 SF OR 162.01 ACRES

DESIGNED: _____
CHECKED: BRP
DRAWN: SBM
HORIZONTAL SCALE: 200'
VERTICAL SCALE: _____

INITIAL ISSUE: 11/19/2020
REVISIONS:
01/11/2021 removed existing property description (SRM)

PREPARED FOR:

SUMMERGATE COMPANIES
17305 CEDAR AVENUE S., SUITE 200
LAKEVILLE, MN 55044

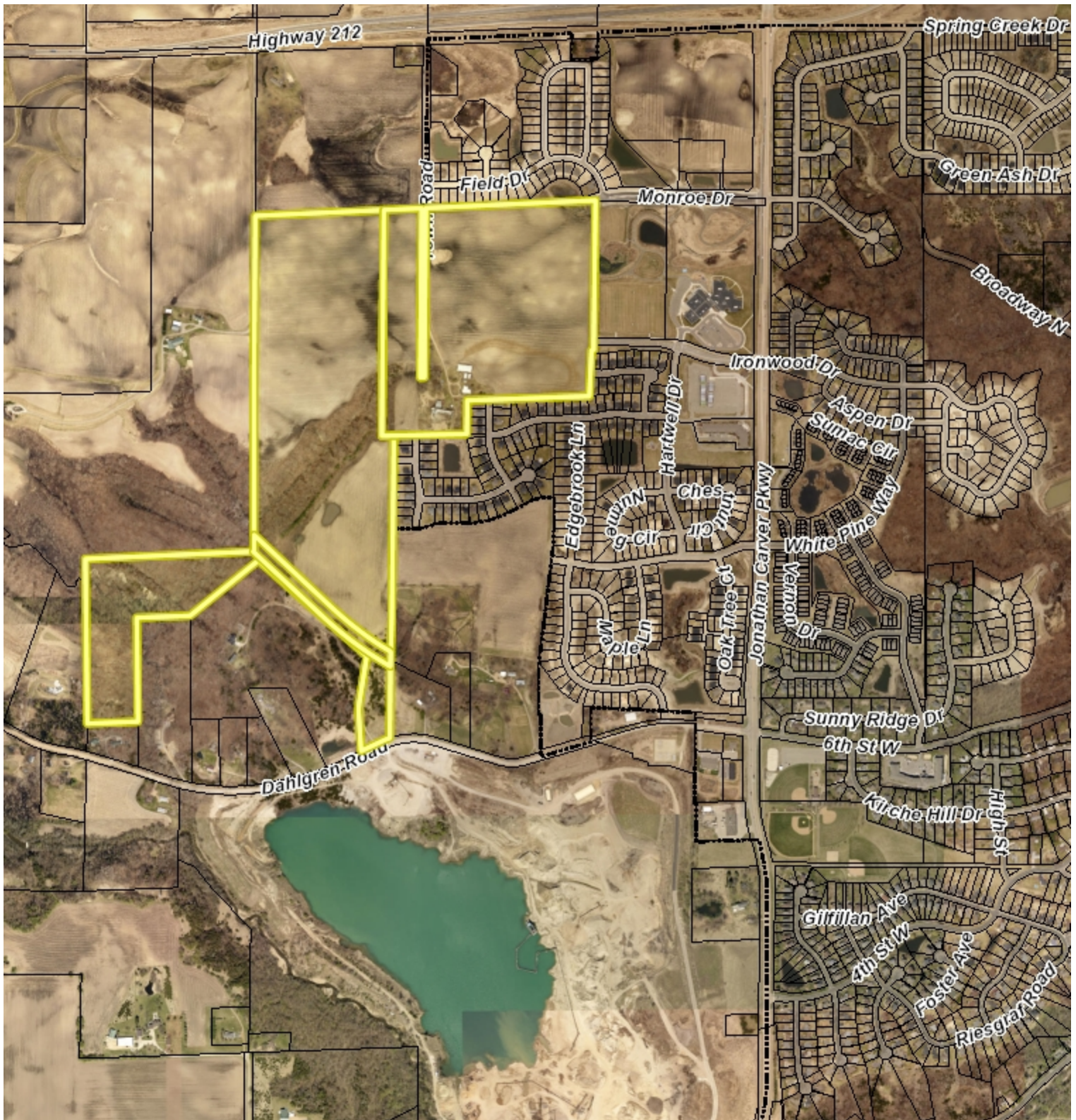
TIMBER CREEK
CARVER, MINNESOTA

Westwood
Phone (952) 937-5150 12701 Whitewater Drive, Suite 8300
Fax (952) 937-5822 Minneapolis, MN 55434
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

ANNEXATION EXHIBIT

SHEET NUMBER:
1 OF 1
DATE: 11/19/2020

PROJECT NUMBER: 0022250.00



0 1,053 Feet



**BOLTON
& MENK**

Real People. Real Solutions.

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. The City of Carver is not responsible for any inaccuracies herein contained.



Project Location

