



RECEIVED

By: OAH on April 5, 2023

**CITY OF CARVER
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 113-23**

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

WHEREAS, the OAA has been filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office under Docket No. OA-1428; and

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

WHEREAS, on February 23, 2023, a County State Aid Highway/County Highway Jurisdictional Reversion “Turnback” Agreement was entered into by the City and Carver County (the “County”), which contemplates annexation of the roadway segment that is subject thereto; and

WHEREAS, the property legally described in Exhibit A and depicted on Exhibit B attached hereto (the “Property”) is located within the designated area described in the OAA, and the fee owners of said Property, the City and the County, have requested its annexation under the OAA; and

WHEREAS, on February 15, 2023 the City provided notice of the orderly annexation to the Township as required under the OAA; and

WHEREAS, the City has met its tax reimbursement obligation under the OAA, if any, and there are no delinquent taxes owed on the Property that the City is required to pay to the Township under Section 6.B of the OAA; and

WHEREAS, the Township will receive a total of \$0.00 in taxes for the Property in 2023 because all of the Property is tax-exempt; 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 OAA; and

WHEREAS, in accordance with Section 4 of the OAA, annexation of the Property pursuant to the OAA 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 owners 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 OAA, the City may now adopt and execute this “Annexation Resolution” providing for the immediate annexation of the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of 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. This Annexation Resolution shall confer jurisdiction upon the OAH and the chief administrative law judge, as defined in Minnesota Statutes, section 414.011, subd. 12, to accomplish the immediate annexation of the Property as provided herein. All of the Property shall immediately be annexed to the City pursuant to this Annexation Resolution. The portion of the Property not already in the City consists of approximately 8.65 acres and the Property’s population is 0.
3. In accordance with Section 4 of the OAA, 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 in accordance with the terms of the OAA. 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 OAA.
4. In accordance with Section 6 of the OAA, 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.
5. In accordance with Section 6 of the OAA, 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.

6. The City shall file this Annexation Resolution with the Township and the OAH Municipal Boundary Adjustments Office along with the required filing fee.
7. In the event there are errors, omissions, or any other problems with the legal descriptions or mapping provided in Exhibits A and 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 new exhibits if necessary, making the corrections requested or required by the OAH as necessary to make effective the annexation of said area in accordance with the OAA.

Adopted by the City Council of the City of Carver on this 3rd day of April, 2023.


Courtney Johnson, Mayor

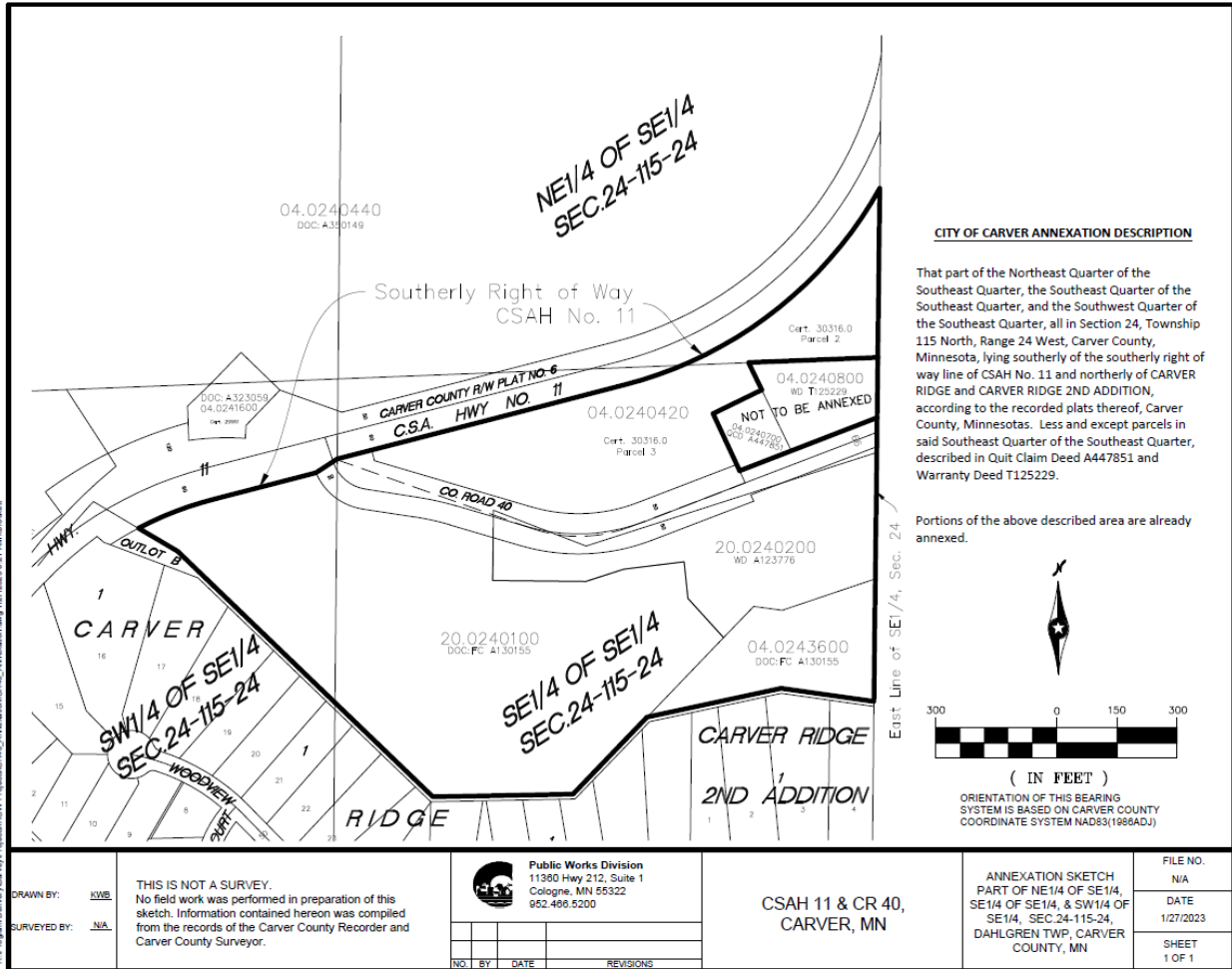
ATTEST:


Vicky Sons-Eiden
Vicky Sons-Eiden, City Clerk

EXHIBIT A

That part of the Northeast Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, all in Section 24, Township 115 North, Range 24 West, Carver County, Minnesota, lying southerly of the southerly right of way line of CSAH No. 11 and northerly of CARVER RIDGE and CARVER RIDGE 2ND ADDITION, according to the recorded plats thereof, Carver County, Minnesota. Less and except parcels in said Southeast Quarter of the Southeast Quarter, described in Quit Claim Deed A447851 and Warranty Deed T125229. And less and except any land already within City of Carver limits.

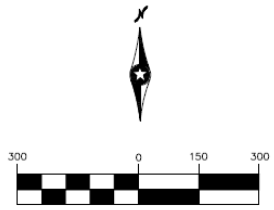
EXHIBIT B



CITY OF CARVER ANNEXATION DESCRIPTION

That part of the Northeast Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, all in Section 24, Township 115 North, Range 24 West, Carver County, Minnesota, lying southerly of the southerly right of way line of CSAH No. 11 and northerly of CARVER RIDGE and CARVER RIDGE 2ND ADDITION, according to the recorded plats thereof, Carver County, Minnesota. Less and except parcels in said Southeast Quarter of the Southeast Quarter, described in Quit Claim Deed A447851 and Warranty Deed T125229.

Portions of the above described area are already annexed.




(IN FEET)
 ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CARVER COUNTY COORDINATE SYSTEM NAD83(1986ADJ)

R:\Program\Delivery\Survey\Projects\CDW\Project\CR40_Annexation\Map 1\27\2023\B.21_Annexation.dwg

DRAWN BY: **KWB**
 SURVEYED BY: **NA**

THIS IS NOT A SURVEY.
 No field work was performed in preparation of this sketch. Information contained hereon was compiled from the records of the Carver County Recorder and Carver County Surveyor.

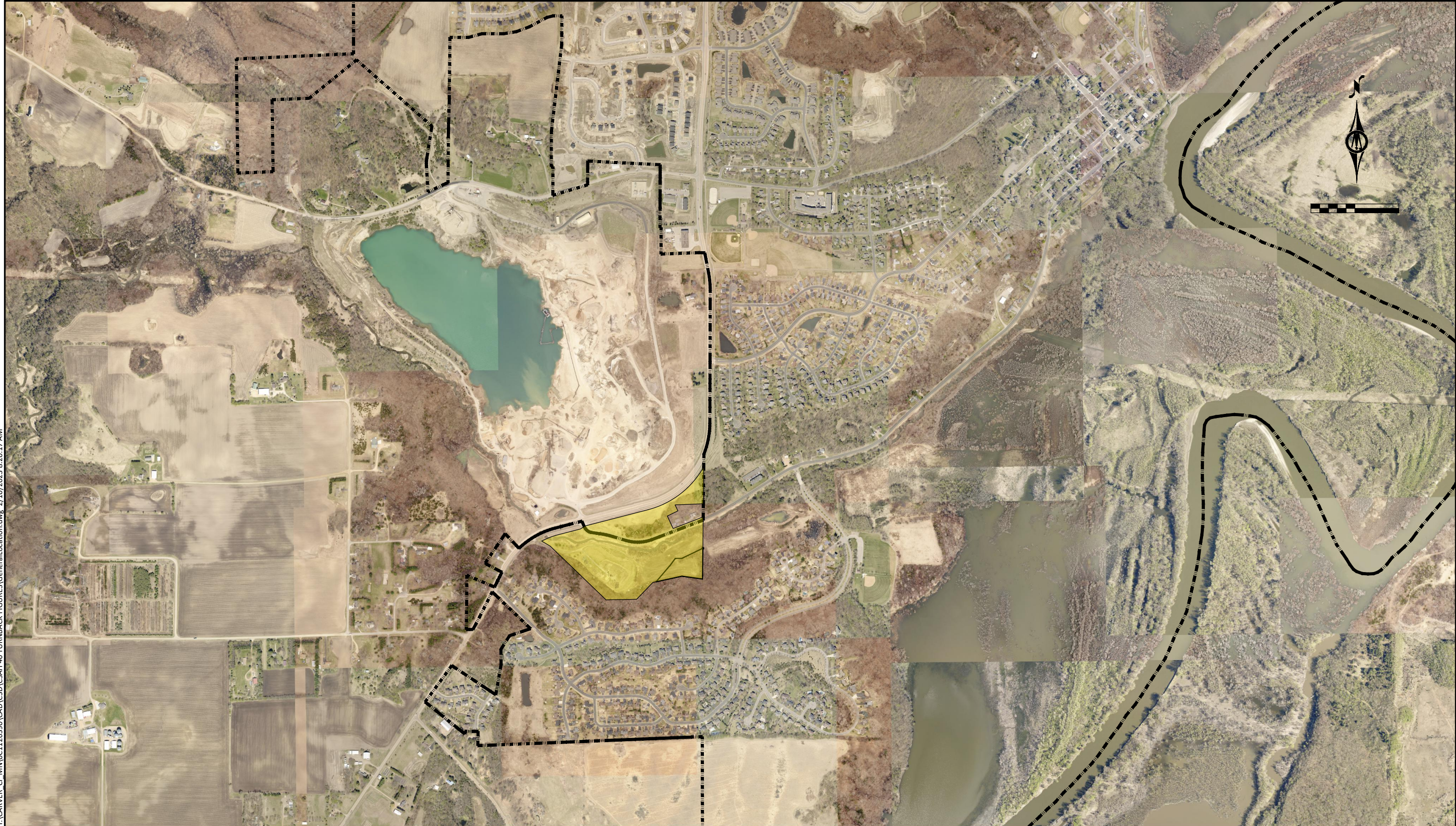
 Public Works Division
 11390 Hwy 212, Suite 1
 Cologne, MN 55322
 952-466-5200

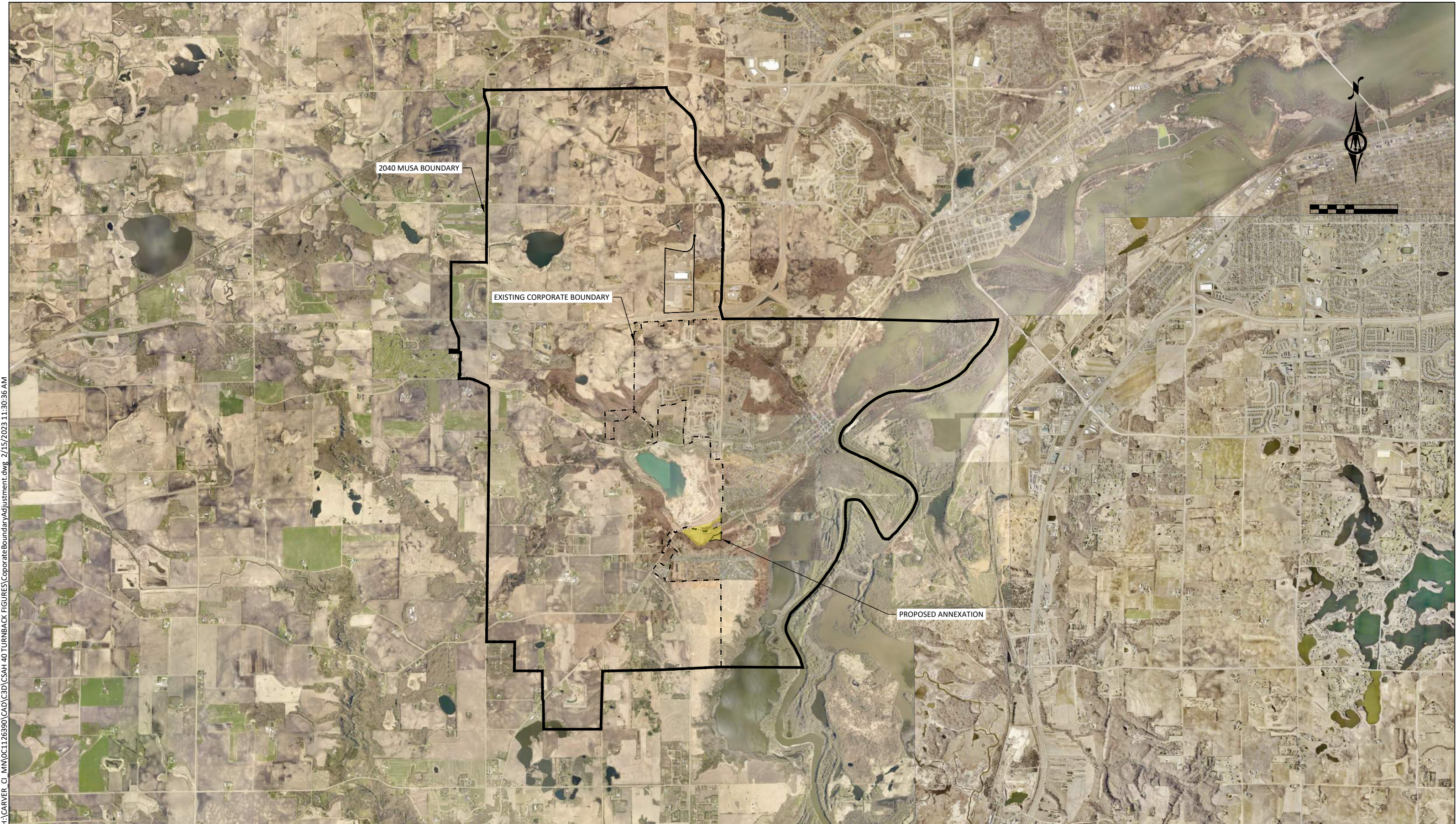
NO.	BY	DATE	REVISIONS

CSAH 11 & CR 40,
 CARVER, MN

ANNEXATION SKETCH
 PART OF NE1/4 OF SE1/4,
 SE1/4 OF SE1/4, & SW1/4 OF
 SE1/4, SEC 24-115-24,
 DAHLGREN TWP, CARVER
 COUNTY, MN

FILE NO.	N/A
DATE	1/27/2023
SHEET	1 OF 1





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