

RECEIVED

By: OAH on January 9, 2025

**CITY OF CARVER
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 102-25**

**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 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 October 30, 2024, the City received a petition for annexation in accordance with the OAA, which was co-signed by Connor McCarthy of United Properties and Skip Cook of JCP Holdings, LLC (collectively, the “Petitioners”); and

WHEREAS, said petition requested immediate orderly annexation of Carver County PID 040121200, which consists of approximately 29.5 acres of real property and is legally described on the attached Exhibit A and depicted on the attached Exhibit B (the “Property”); and

WHEREAS, the Property is located within the designated area described in the OAA, and the fee owner of said Property, JCP Holdings, LLC, has duly petitioned for annexation under the OAA; and

WHEREAS, on December 4, 2024 the City provided notice of the petition to the Township as required under the OAA; and

WHEREAS, Petitioners have paid the Township pursuant to Sections 6.A and 8 of the OAA the amount of \$14,750 and the Township has provided evidence to the City to document the payment; and

WHEREAS, there are no delinquent taxes owed on the Property that the City would be required to be paid to the Township under Section 6.B of the OAA; and

WHEREAS, the 2024 Property Tax Statements for the parcels identify that the Township will receive a total of \$9,696 in taxes in 2024; and

WHEREAS, there are no 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, 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 OAA provides in the last paragraph of Section 6 that other than the reimbursement outlined above, no other reimbursement or taxes shall be owed to the Township from the City; and

WHEREAS, in accordance with Section 4 of the OAA, annexation of the Property designated herein 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 is urban or suburban, or about to become so, and annexation is in the best interests of the City and Petitioners, 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, 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 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 OAA. 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.
3. The Property is 29.50 gross acres and the population is 0.
4. 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.
5. 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.

6. 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.
7. In accordance with Section 6 of the OAA, 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 description 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 6th day of January, 2025.


Courtney Johnson, Mayor

ATTEST:


Vicky Sons-Eiden, City Clerk

EXHIBIT A

That part of the East Half of the Southeast Quarter of Section 12, Township 115 North, Range 24 West of the 5th Principal Meridian, Carver County, Minnesota lying North of the following described line:

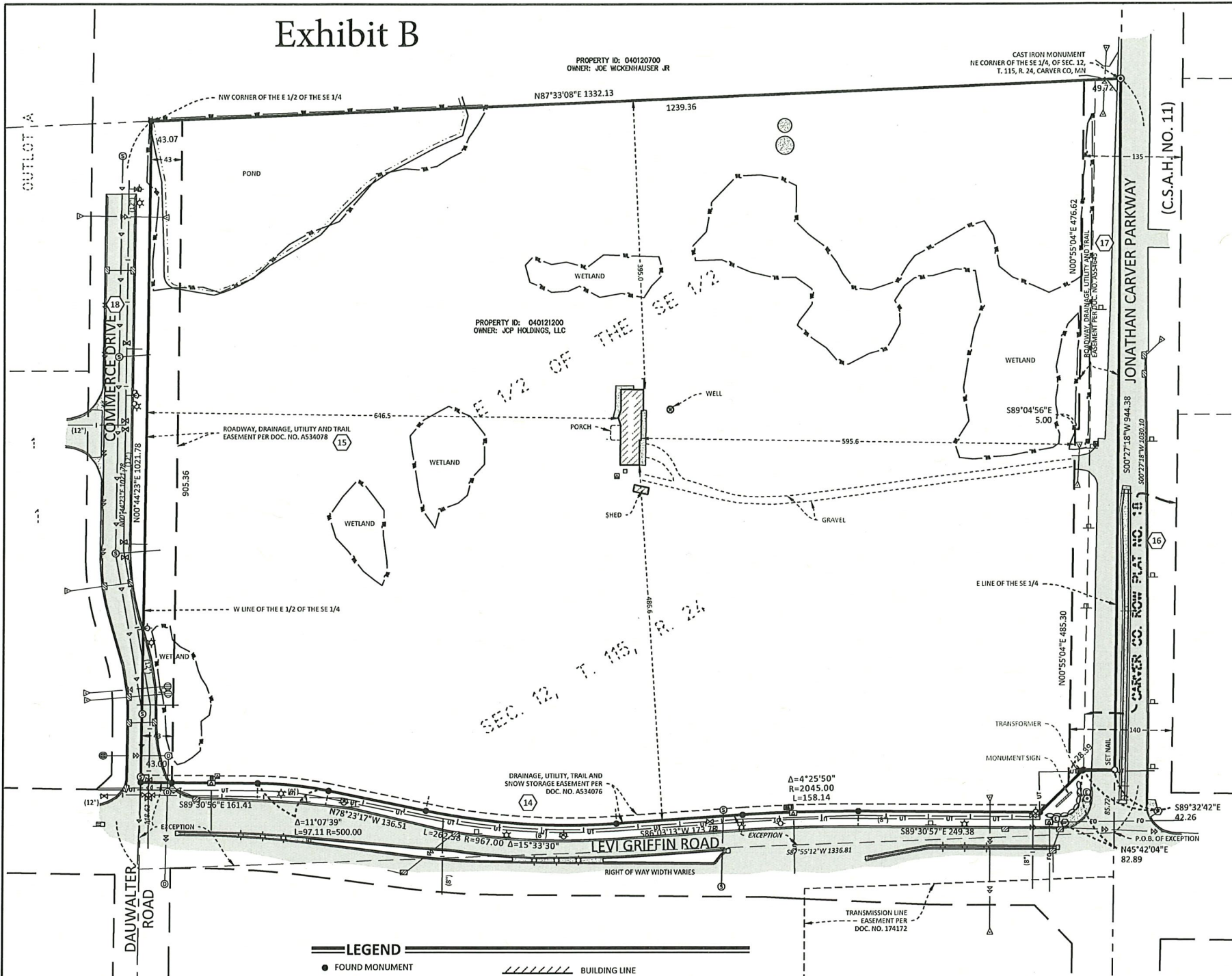
Commencing at the Northeast corner of the Southeast Quarter of Section 12, thence South, along the East line of Southeast Quarter, 1030.10 feet to the actual point of the beginning of the line to be described; thence Westerly to a point on the West line of the East Half of the Southeast Quarter, said point being 1021.78 feet South from the Northwest corner of the East Half of the Southeast Quarter, and there terminating.

EXCEPTING THEREFROM the following described portion:

That part of the East Half of the Southeast Quarter of Section 12, Township 115 North, Range 24 West of the 5th Principal Meridian, Carver County, Minnesota, described as follows:

Commencing at the northeast corner of the said Southeast Quarter, thence South 00 degrees 27 minutes 18 seconds West, assumed bearing along the east line of said Southeast Quarter, 1030.10 feet to the point of beginning; thence South 87 degrees 55 minutes 12 seconds West, 1336.81 feet to a point on the west line of said East Half of the Southeast Quarter, said point being 1021.78 feet south from the northwest corner of said East Half of the Southeast Quarter, thence North 00 degrees 44 minutes 23 seconds East along said west line, 118.62 feet, thence South 89 degrees 30 minutes 56 seconds East, 161.41 feet; thence easterly 97.11 feet along a tangential curve concave to the south having a radius of 500.00 feet and central angle of 11 degrees 07 minutes 39 seconds; thence South 78 degrees 23 minutes 17 seconds East, tangent to last described curve 136.51 feet thence southerly and easterly 262.58 feet along a tangential curve concave to the north having a radius of 967.00 feet and central angle of 15 degrees 33 minutes 30 seconds; thence North 86 degrees 03 minutes 13 seconds East tangent to last described curve, 173.78 feet; thence easterly 158.14 feet along a tangential curve concave to the south having a radius of 2045.00 feet and central angle of 04 degrees 25 minutes 50 seconds; thence South 89 degrees 30 minutes 56 seconds East tangent to last described curve 249.38 feet; thence North 45 degrees 42 minutes 04 seconds East, 82.89 feet; thence South 89 degrees 32 minutes 42 seconds East, 42.26 feet to said east line of Southeast Quarter; thence South 00 degrees 27 minutes 18 seconds West, along said east line of the Southeast Quarter, 85.72 feet to the point of beginning.

Exhibit B



"TABLE A" NOTES

- The survey shows property corner monuments or witness to the corner that were found during the field work, as well as property corner monuments or witness to the corner set by the surveyor at locations where there did not appear to be any evidence of an existing monument.
- The address of the surveyed property is shown on the graphical portion of the survey.
- The surveyed property lies within Zone X - Areas determined to be outside the 0.2% annual chance flood plain, as depicted by scaled map location and graphic plotting according to FEMA, FIRM Map Nos. 27019C021D and 27019C0219D dated 12/21/2018.
- The gross land area of the surveyed property is 29.50 Acres or 1,284,977 Square Feet. The net area (gross land area minus the right of way area) is 27.39 Acres or 1,193,157 Square Feet.
- The zoning information has not been provided by the client.
- The building(s) and exterior dimensions of the outside wall at ground level are shown on the survey, which may or may not be the foundation wall.
- Visible substantial features observed in the process of conducting the fieldwork are shown hereon.
- There are no parking stalls on the subject property.
- Evidence of underground utilities existing on or serving the surveyed property is shown per the following:
A Gopher State One Call (GSOC) request placed on 07/26/2024 and assigned GSOC Ticket No. 242080490 and 242080793.
Utility information shown hereon is a compilation of provided map information and those visible utilities and marked utilities which were located during the survey field work. Utility suppliers often do not respond to locate requests in the field but may provide maps, plans, and drawings in lieu of physical location. The surveyor makes no guarantee that the underground utilities shown hereon comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown hereon are in the exact location as indicated, although they are located as accurately as possible from the available information. The surveyor has not physically located the underground utilities. Pursuant to M5 216.D contact Gopher State One Call at (651-454-0002) prior to any excavation.
- The names of adjoining land owners according to the current county tax records as of 9/20/2024 are shown on the survey.

SURVEY NOTES

- This survey was prepared utilizing Title Commitment No. NCS-1224884-MPLS by First American Title Insurance Company, bearing an effective date of June 13, 2024.
- The bearing system is based on the Carver County coordinate system, NAD83 (1986 Adjust), with an assumed bearing of 500°27'18"W for the east line of the Southeast Quarter, Section 12, Township 115 North, Range 24 West.
- Wetland location per Kjolhaug Environmental wetland delineation.
- Contours and public utility data shown on page 2. Tree inventory information shown on page 3 and 4.

CERTIFICATION

To United Properties Development, LLC; JCP Holdings, LLC and First American Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 8, 9, 11(a) and 13 of Table A thereof. The field work was completed on 8/13/2024.

Dated this 20th day of September, 2024.

Sambatek, Inc.
Jared A. Averbek
Jared J. Averbek
Minnesota License No. 53642
javerbeck@sambatek.com

Sambatek, LLC
12800 Whitewater Dr, Suite 300
Minnetonka, MN 55343
(763) 476-6010



SUBJECT PROPERTY

Description from title commitment:

That part of the East Half of the Southeast Quarter of Section 12, Township 115 North, Range 24 West of the 5th Principal Meridian, Carver County, Minnesota lying North of the following described line:

Commencing at the Northeast corner of the Southeast Quarter of Section 12, thence South, along the East line of Southeast Quarter, 1030.10 feet to the actual point of beginning of the line to be described; thence West to a point on the West line of the East Half of the Southeast Quarter, said point being 1021.78 feet South from the Northwest corner of the East Half of the Southeast Quarter, and there terminating.

EXCEPTING THEREFROM the following described portion:

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The following notes correspond to the reference numbers listed in Schedule B, Section 2 of the title commitment. Item nos. 1-11, 13, and 19-20 do not require surveyor comments.

12. Easement for electric transmission purposes, together with any incidental rights, in favor of The Minnesota Valley Electric Cooperative, a corporation, as contained in Easement for Right of Way, dated June 30, 1938, recorded July 29, 1938, in Book 43, Page 95, as Document No. 59644. Easement is blanket in nature and not graphically depicted hereon.

As affected by Quit Claim Deed, dated October 15, 1970, recorded October 26, 1970, in Book 102, Page 62. Easement is blanket in nature and not graphically depicted hereon.

As affected by Release of Easement, dated November 2, 1994, recorded November 16, 1994, as Document No. 174172. Easement release is south of the subject property.

14. Easement for drainage, utility, trail and snow storage purposes, together with any incidental rights, in favor of the City of Carver, a Minnesota municipal corporation, as contained in the Permanent Easement for Drainage, Utility, Trail and Snow Storage Purposes, dated February 2, 2011, recorded February 15, 2011, as Document No. A534076. According to the description in said document, the easement lies within the surveyed property as shown hereon.

15. Easement for roadway, drainage, utility and trail purposes, together with any incidental rights, in favor of the City of Carver, a Minnesota municipal corporation, as contained in the Permanent Easement for Roadway, Drainage, Utility and Trail Purposes, dated February 2, 2011, recorded February 15, 2011, as Document No. A534078. According to the description in said document, the easement lies within the surveyed property as shown hereon.

16. Matters as shown on the Carver County Right of Way Plat No. 18, recorded March 27, 2012, as Document No. A552064. According to the description in said document, the right of way lies within the surveyed property as shown hereon.

17. Easement for public right of way and drainage purposes, together with any incidental rights, in favor of the City of Carver, as contained in the Permanent Right of Way Easement, dated April 26, 2012, recorded May 9, 2012, as Document No. A554645. According to the description in said document, the right of way lies within the surveyed property as shown hereon.

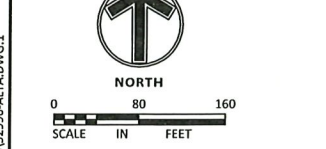
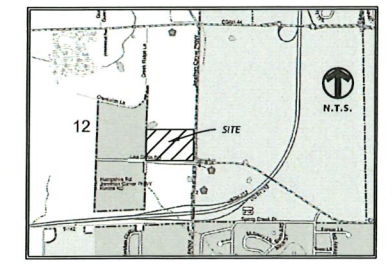
18. Subject to Commerce Dr. as currently located and traveled. Commerce Drive Improvements surveyed on shown hereon.

19. Rights of way for drainage tiles, ditches, feeders and laterals, if any. Improvements surveyed and shown hereon. Visible above ground utilities have been surveyed and evidence of underground utilities from available sources were utilized in mapping their location as shown hereon. See utility note under Table A item 11.

LEGEND

- | | |
|--------------------------------|-----------------------------------|
| ● FOUND MONUMENT | ▨ BUILDING LINE |
| ○ SET MONUMENT MARKED LS 53642 | ▬ CONCRETE CURB |
| ⊕ GATE VALVE / HYDRANT | ⊖ STONE RETAINING WALL |
| ⊙ SANITARY MANHOLE | ▬ POND / WATER LINE |
| ⊙ SKIMMER | ▬ WETLAND LIMITS |
| ⊙ STORM MANHOLE | ▬ SANITARY SEWER LINE |
| ⊙ STORM CATCH BASIN | ▬ STORM SEWER LINE |
| ▬ FLARED END SECTION | ▬ WATERMAIN PER MAP |
| ▬ TRANSFORMER | ▬ UNDERGROUND TELEPHONE PER MAP |
| ★ LIGHT | ▬ UNDERGROUND FIBER OPTIC PER MAP |
| ▬ ELECTRIC MANHOLE | ▬ CONCRETE SURFACE |
| ▬ HAND HOLE/VAULT | ▬ BITUMINOUS SURFACE |
| ▬ CABLE TV BOX | 800' SPOT ELEVATIONS |
| ⊙ TRAFFIC SIGNAL | ○ DECIDUOUS TREE |
| ① SCHEDULE B ITEM NO. | ○ CONIFEROUS TREE |

VICINITY MAP



NO.	DATE	BY	CKD	APPR	COMMENT

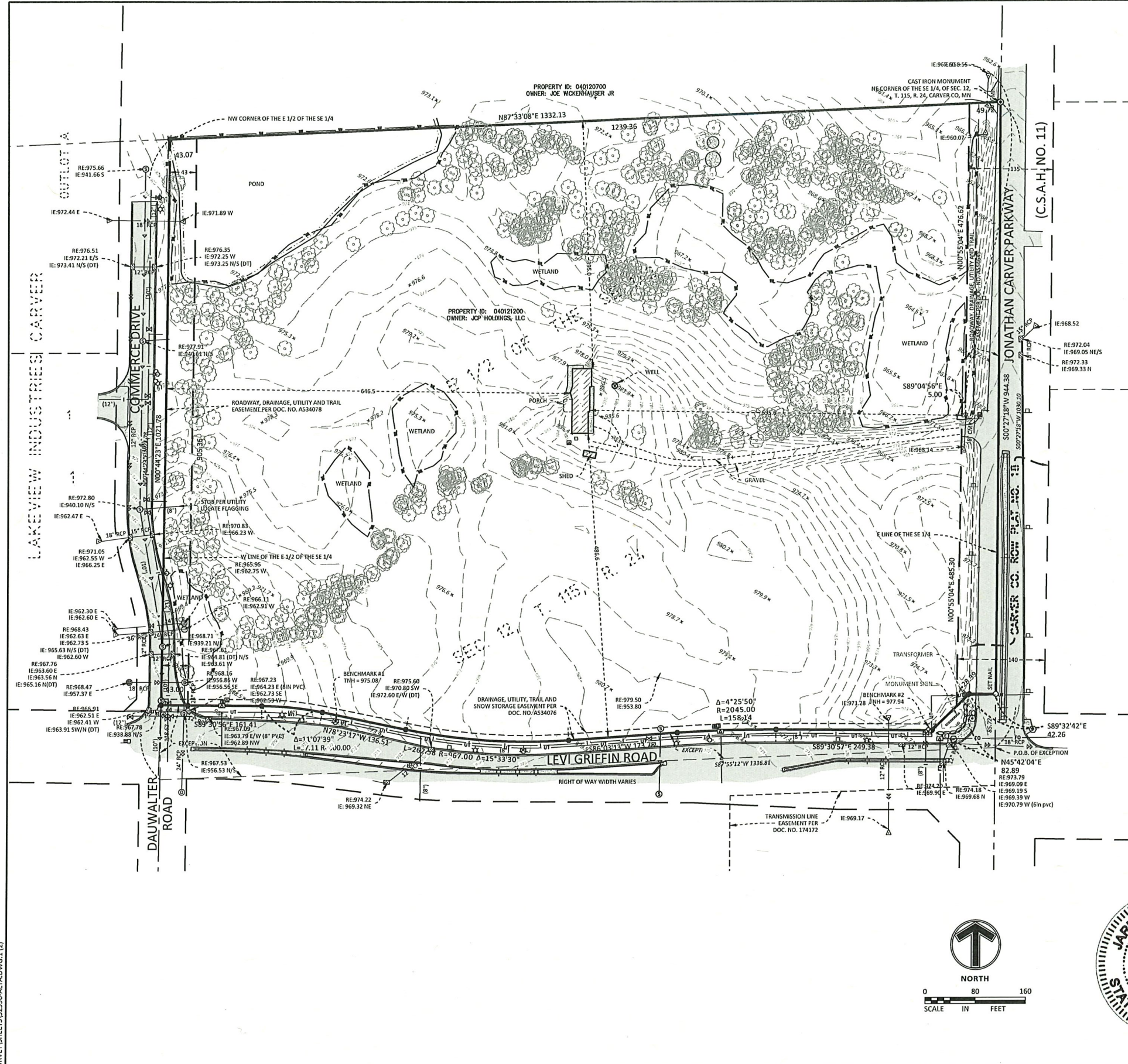
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
Print Name: Jared Averbek
Jared Averbek
Date: 9/23/2024 License # 53642

PRELIMINARY	DRAWN BY EH
DESIGN REVIEW	DESIGNED BY
PERMIT SUBMITTAL	CHECKED BY JJA
CONSTRUCTION DOCUMENTS	PROJECT NO. 52996



ALTA/NSPS LAND TITLE SURVEY
UNITED PROPERTIES
12280 JONATHAN CARVER PARKWAY
CITY OF CARVER, MINNESOTA
CARVER COUNTY

SHEET
1
OF 4
REV.



SURVEY NOTES

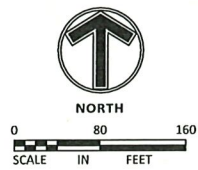
- The bearing system is based on the Carver County coordinate system, NAD83 (1986 Adjust), with an assumed bearing of 500°27'18"W for the east line of the Southeast Quarter, Section 12, Township 115 North, Range 34 West.
- The vertical datum is based on NAVD88. The originating bench marks are 1013 CB MNDOT and 1013 CD MNDOT, both referenced from the MnDOT Geodetic Database.

BENCHMARK #1
TNH Elev.=975.08

BENCHMARK #2
TNH Elev.=977.94

LEGEND

- FOUND MONUMENT
- SET MONUMENT MARKED LS 53642
- ⊕ GATE VALVE / HYDRANT
- ⊙ SANITARY MANHOLE
- SKIMMER
- ⊙ STORM MANHOLE
- ⊙ STORM CATCH BASIN
- ▷ FLARED END SECTION
- ⊠ TRANSFORMER
- ⊛ LIGHT
- ⊠ SIGN
- ⊙ ELECTRIC MANHOLE
- ⊠ HAND HOLE/VAULT
- ⊠ CABLE TV BOX
- ⊠ TRAFFIC SIGNAL
- ① SCHEDULE B ITEM NO.
- ▬ BUILDING LINE
- ▬ CONCRETE CURB
- ▬ STONE RETAINING WALL
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- ▬ UNDERGROUND FIBER OPTIC PER MAP
- ▬ CONCRETE SURFACE
- ▬ BITUMINOUS SURFACE
- 800' * SPOT ELEVATIONS
- ⊙ DECIDUOUS TREE
- ⊙ CONIFEROUS TREE



NO	DATE	BY	CKD	APPR	COMMENT

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name: Jared Averbeck

Jared Averbeck

Date: 9/23/2024 License # 53642

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PERMIT SUBMITTAL	CHECKED BY JJA
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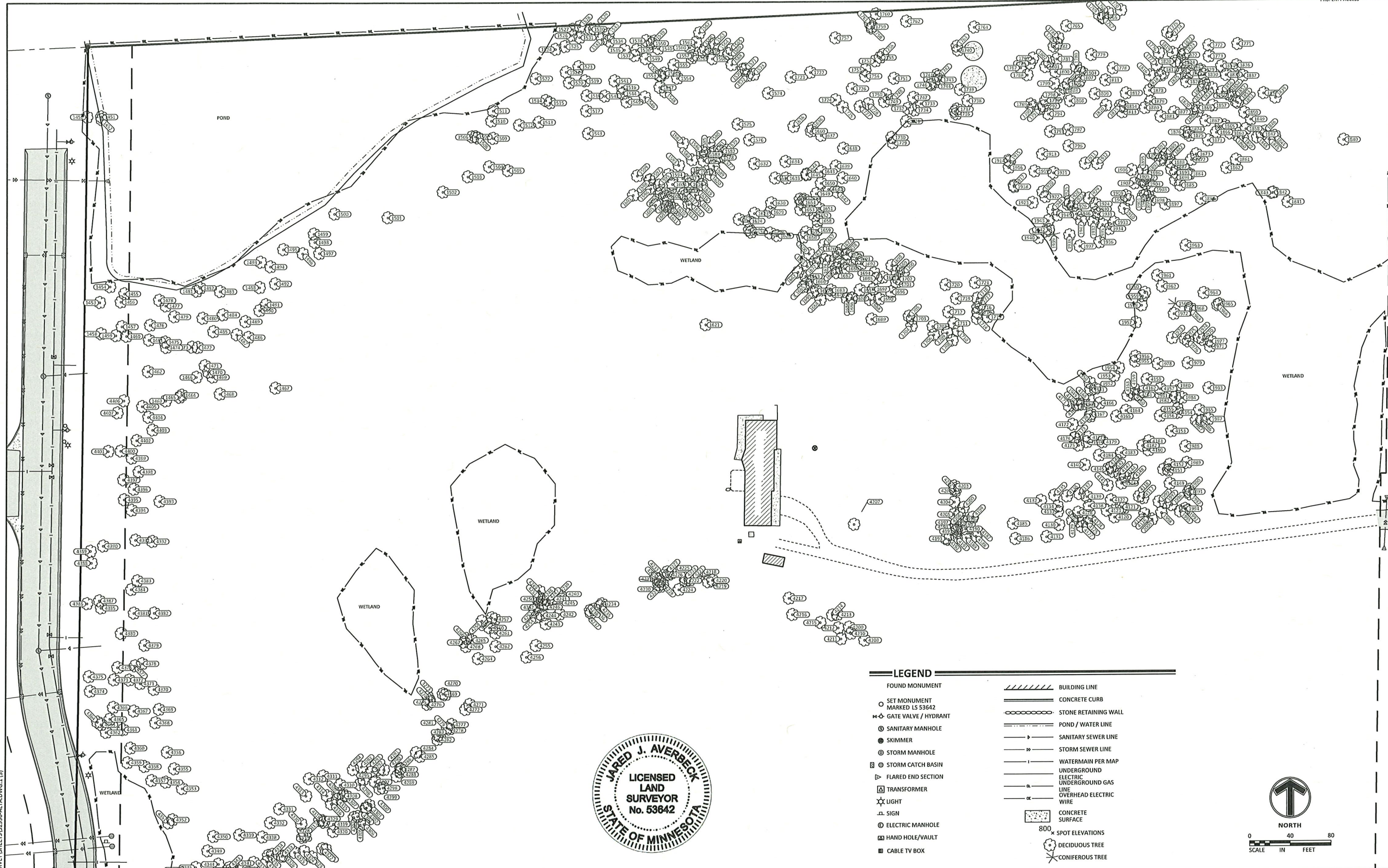


ALTA/NSPS LAND TITLE SURVEY WITH TOPOGRAPHY

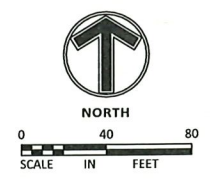
UNITED PROPERTIES
12280 JONATHAN CARVER PARKWAY
CITY OF CARVER, MINNESOTA
CARVER COUNTY

SHEET
2
OF 4
REV.

24.15 (LMS TECH) | JARED AVERBECK | 9/23/2024 2:27:02 PM | L:\PROJECTS\52996\CAD\SURVEY\SHETS\52996-ALTA.DWG:1 (2)



LEGEND	
○ FOUND MONUMENT	▨ BUILDING LINE
○ SET MONUMENT MARKED LS 53642	▬ CONCRETE CURB
⊕ GATE VALVE / HYDRANT	⊖ STONE RETAINING WALL
⊙ SANITARY MANHOLE	— POND / WATER LINE
● SKIMMER	— SANITARY SEWER LINE
⊙ STORM MANHOLE	— STORM SEWER LINE
⊕ STORM CATCH BASIN	— WATERMAIN PER MAP
▷ FLARED END SECTION	— UNDERGROUND
⊠ TRANSFORMER	— ELECTRIC UNDERGROUND GAS
✱ LIGHT	— OVERHEAD ELECTRIC WIRE
△ SIGN	▨ CONCRETE SURFACE
⊙ ELECTRIC MANHOLE	800 × SPOT ELEVATIONS
⊠ HAND HOLE / VAULT	○ DECIDUOUS TREE
⊠ CABLE TV BOX	✱ CONIFEROUS TREE



24.15 (LIMS TECH) | JARED AVERBECK | 9/23/2024 2:27:02 PM
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NO	DATE	BY	CHKD	APPR	COMMENT

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 Print Name: Jared Averbeck
Jared Averbeck
 Date: 9/23/2024 License # 53642

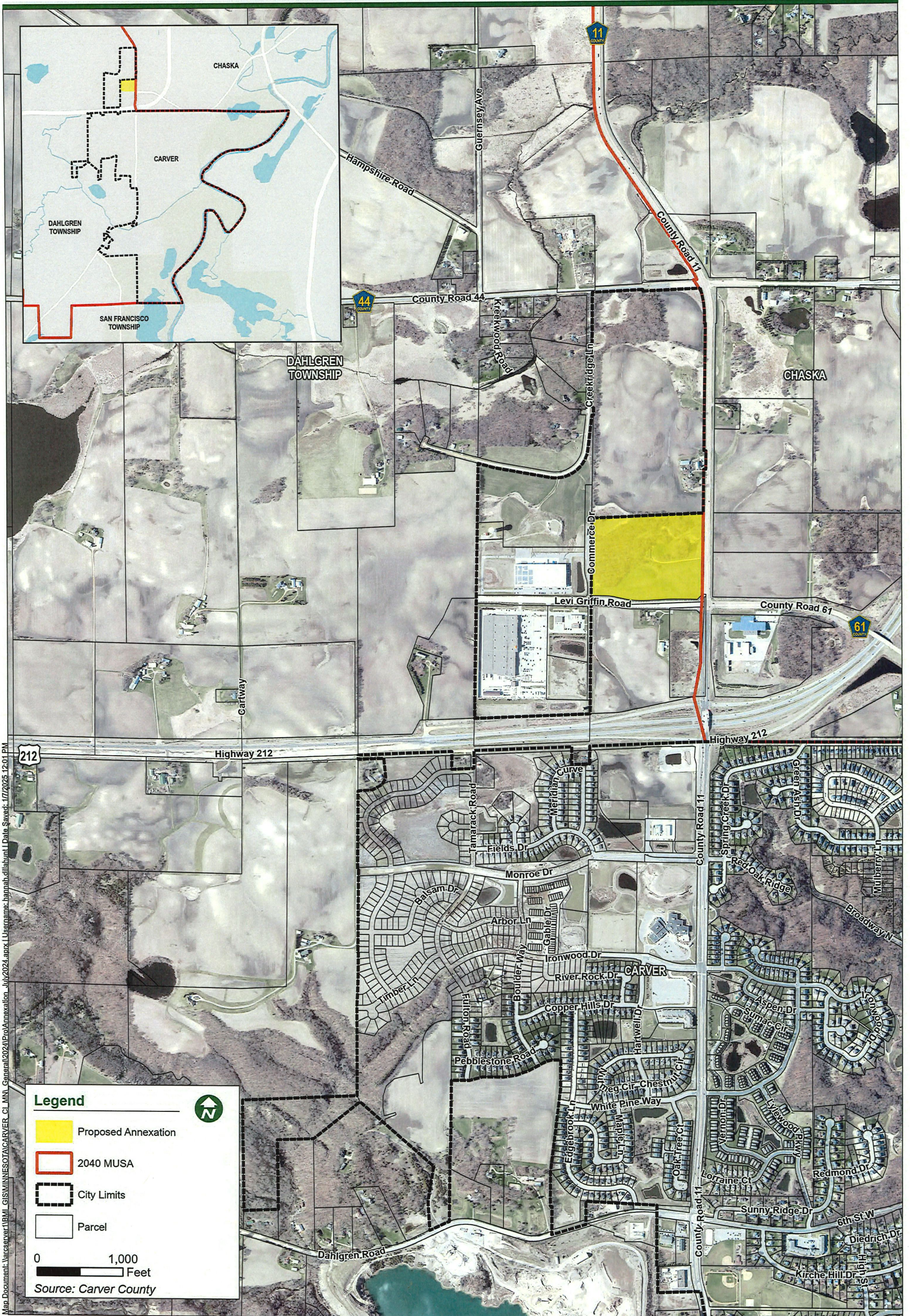
PRELIMINARY
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DRAWN BY
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 52996



ALTA/NSPS LAND TITLE SURVEY WITH TREE INVENTORY
 UNITED PROPERTIES
 12280 JONATHAN CARVER PARKWAY
 CITY OF CARVER, MINNESOTA
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SHEET
3
 OF 4
 REV.



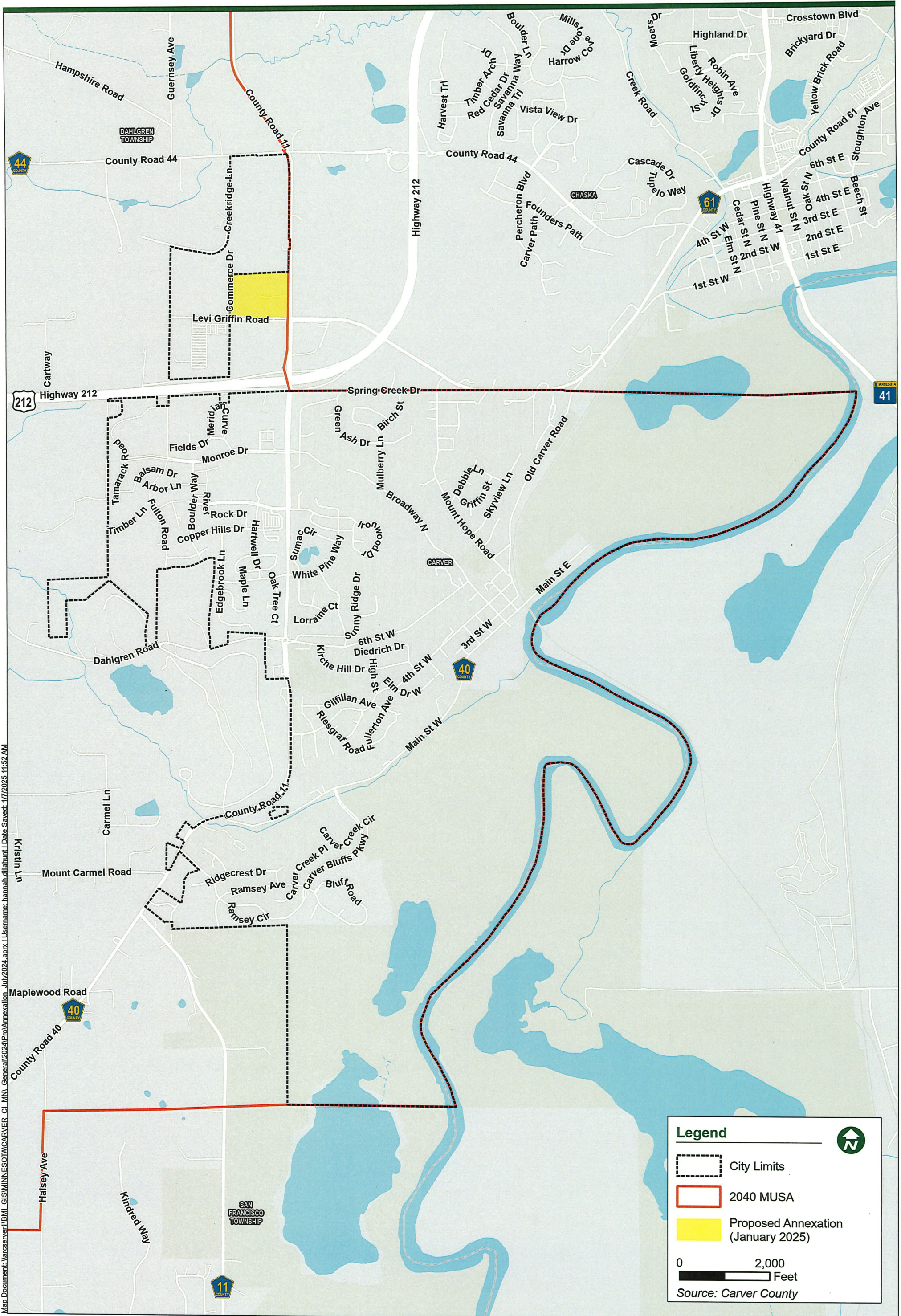
Legend

- Proposed Annexation
- 2040 MUSA
- City Limits
- Parcel

0 1,000 Feet

Source: Carver County

Map Document: \arcserver\1\BML_GIS\MINNESOTA\CARVER_CI_MNL_General\2024\12\12\2024.aprx | User: bnm | Date Saved: 1/17/2025 12:01 PM



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