

**CITY OF CARVER
CITY COUNCIL
RESOLUTION NO. 127-10**

**ANNEXATION RESOLUTION OF THE CITY OF CARVER IN ACCORDANCE WITH
OA-1428 CARVER/DAHLGREN TOWNSHIP JOINT AGREEMENT DATED MARCH 19,
2009 DESIGNATING CERTAIN PROPERTY LOCATED IN THE ORDERLY
ANNEXATION AREA OF DAHLGREN TOWNSHIP AS IN NEED OF IMMEDIATE
ORDERLY ANNEXATION**

WHEREAS, the City of Carver (hereinafter the "City") and Dahlgren Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated February 11, 2009, describing the procedures and process for immediate and future orderly annexations of certain designated areas of the Township, referred to as the Orderly Annexation Area (hereinafter the "OAA") for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced Joint Resolution for Orderly Annexation between the City and Township, bearing city Resolution No. 102-09, dated February 11, 2009, has been previously filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office and is referenced as Office of Administrative Hearings File No. OA-1428 Carver/Dahlgren Township Joint Agreement (hereinafter referred to as the "Joint Agreement"); 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 August 19, 2010, in accordance with Section 8 of the Joint Agreement, the City received a property owner petition from 100% of the property owners ("Petitioners") of the property designated in Exhibit A, which is known for ease of reference as the "Mueller Property", requesting immediate orderly annexation thereof to the City; and

WHEREAS, the Mueller Property legally described in Exhibit A and shown as Tract 2 in Exhibit B is located within the OAA described in the Joint Agreement; and

WHEREAS, on August 24, 2010 in accordance with Section 8 of the Joint Agreement, the City provided a 31day notice to the Township; and

WHEREAS, the Petitioners have paid the tax reimbursement to Dahlgren Township required under Section 6 and 8 of the Joint Agreement and have provided evidence to the City to document the payment; and

WHEREAS, the Mueller property, designated and legally described herein for immediate orderly annexation is urban or suburban or about to become so, and therefore 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 Mueller 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 Mueller Property; and

WHEREAS, in accordance with Section 4 of the Joint Agreement, annexation of the Mueller 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 by the City Council of the City of Carver, Carver County as follows:

1. All recitals listed above are incorporated herein by reference as though fully set forth in full.
2. This resolution hereby constitutes and shall be referred to as the "Annexation Resolution" as provided in Section 8 of the Joint Agreement.
3. The Mueller Property legally described in Exhibit A and designated as in need of immediate orderly annexation is 1.02 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 Mueller Property designated in this Annexation Resolution and legally described in Exhibit A in accordance with the terms of the Joint Agreement. 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 Mueller Property after annexation if such taxes or charges were originally payable while the property remained in the Township. Additionally, if the Mueller 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 Mueller 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. The City shall file the Annexation Resolution with the Township and the OAH Municipal Boundary Adjustments Office along with the required filing fee no earlier than September 24th unless the 31-day notice period is waived by the Township.
8. 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 and/or 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 and approved by the City Council of the City of Carver on a vote of 4 ayes and 0 nays effective on the 7th day of September, 2010.


James Weygand, Mayor

Attest:


Patricia Plekkenpol, City Clerk

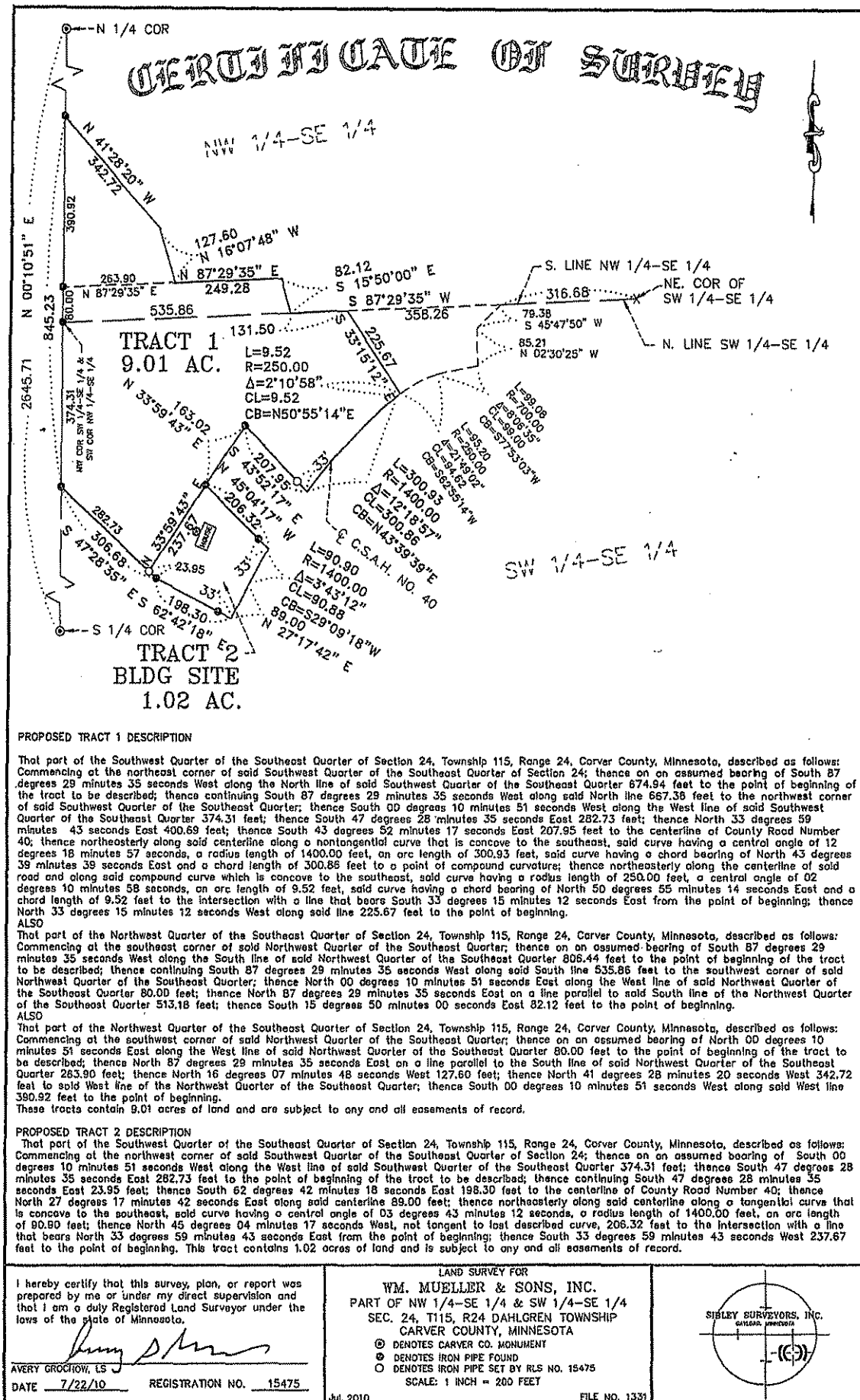
/Carver/developments/utility connections/Mueller june2010/resolution annexation Mueller draft1
First Draft 8/24/2010

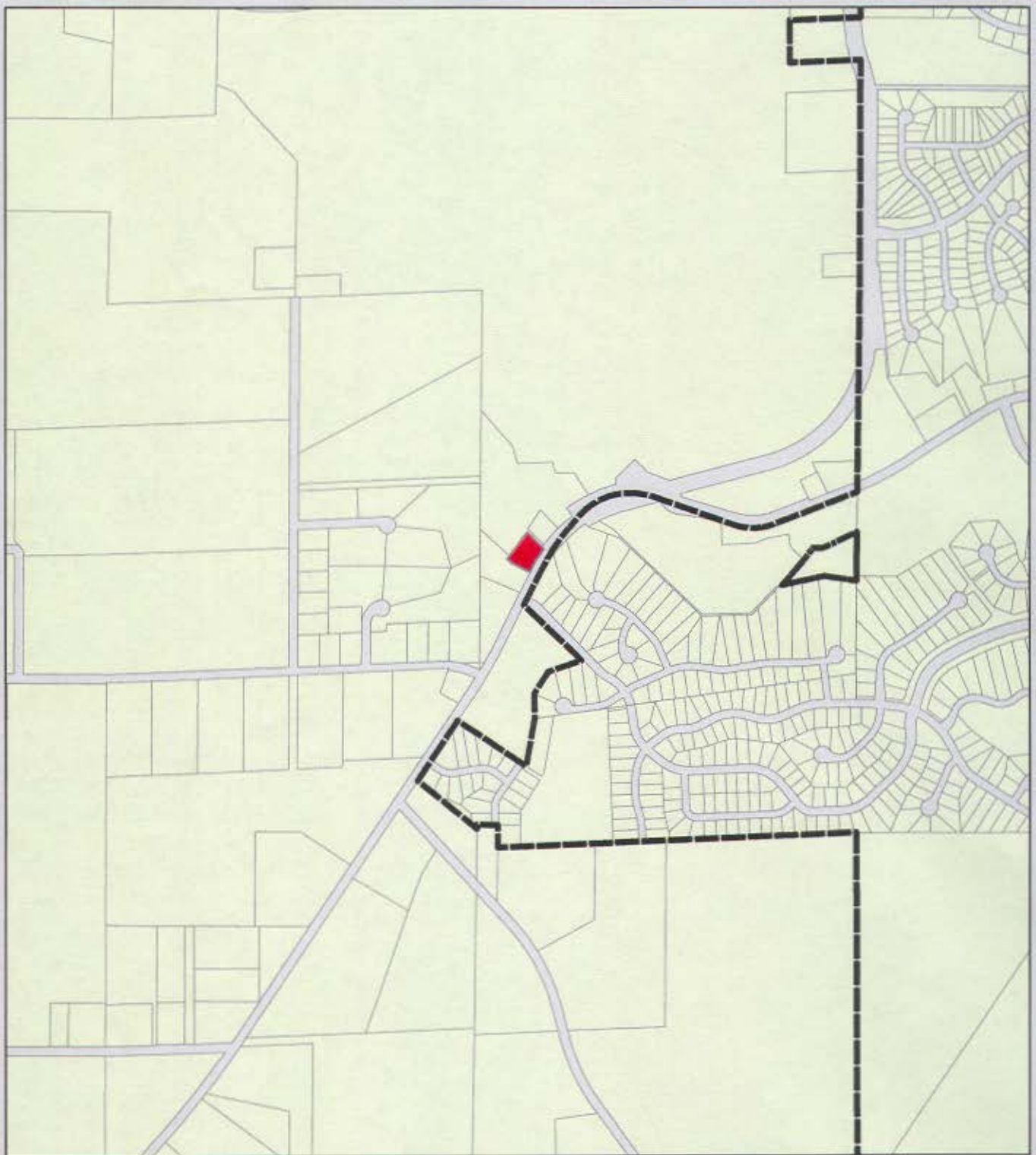
EXHIBIT A

That part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, described as follows: Commencing at the northwest corner of said Southwest Quarter of the Southeast Quarter of Section 24; thence on an assumed bearing of South 00 degrees 10 minutes 51 seconds West along the West line of said Southwest Quarter of the Southeast Quarter 374.31 feet; thence South 47 degrees 28 minutes 35 seconds East 282.73 feet to the point of beginning of the tract to be described; thence continuing South 47 degrees 28 minutes 35 seconds East 23.95 feet; thence South 62 degrees 42 minutes 18 seconds East 198.30 feet to the centerline of County Road Number 40; thence North 27 degrees 17 minutes 42 seconds East along said centerline 89.00 feet; thence northeasterly along said centerline along a tangential curve that is concave to the southeast, said curve having a central angle of 03 degrees 43 minutes 12 seconds, a radius length of 1400.00 feet, an arc length of 90.90 feet; thence North 45 degrees 04 minutes 17 seconds West, not tangent to last described curve, 206.32 feet to the intersection with a line that bears North 33 degrees 59 minutes 43 seconds East from the point of beginning; thence South 33 degrees 59 minutes 43 seconds West 237.67 feet to the point of beginning. This tract contains 1.02 acres of land and is subject to any and all easements of record.

EXHIBIT B

Certificate of Survey prepared by Sibley Surveyors, Inc dated July 22, 2010 is on the following page.





***General Location Map
Mueller's Annexation
City of Carver***

September 2010



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