

**CITY OF CARVER  
CITY COUNCIL  
RESOLUTION NO. 136-10**

**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 March 19, 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, dated March 19, 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 September 29, 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 "Mills Property", requesting immediate orderly annexation thereof to the City ; and

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

**WHEREAS**, on September 29, 2010 in accordance with Section 8 of the Joint Agreement, the City provided a 31-day 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**, Dahlgren Township took action at their meeting on September 13<sup>th</sup> to waive the 31-day notice period; and

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

**WHEREAS**, in accordance with Section 4 of the Joint Agreement, annexation of the Mills 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.

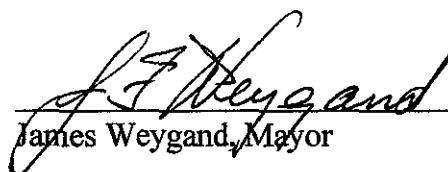
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Carver, Carver County as follows:

1. All recitals listed above are incorporated herein by reference.
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 Mills Property legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 88.1 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 Mills 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 Mills Property after annexation if such taxes or charges were originally payable while the property remained in the Township. Additionally, if the Mills 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 Mills 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 October 5<sup>th</sup>.
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, 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 5 ayes and 0 nays effective on the 4<sup>th</sup> day of October, 2010.

  
James Weygand, Mayor

Attest:

  
Patricia Plekkenpol, City Clerk

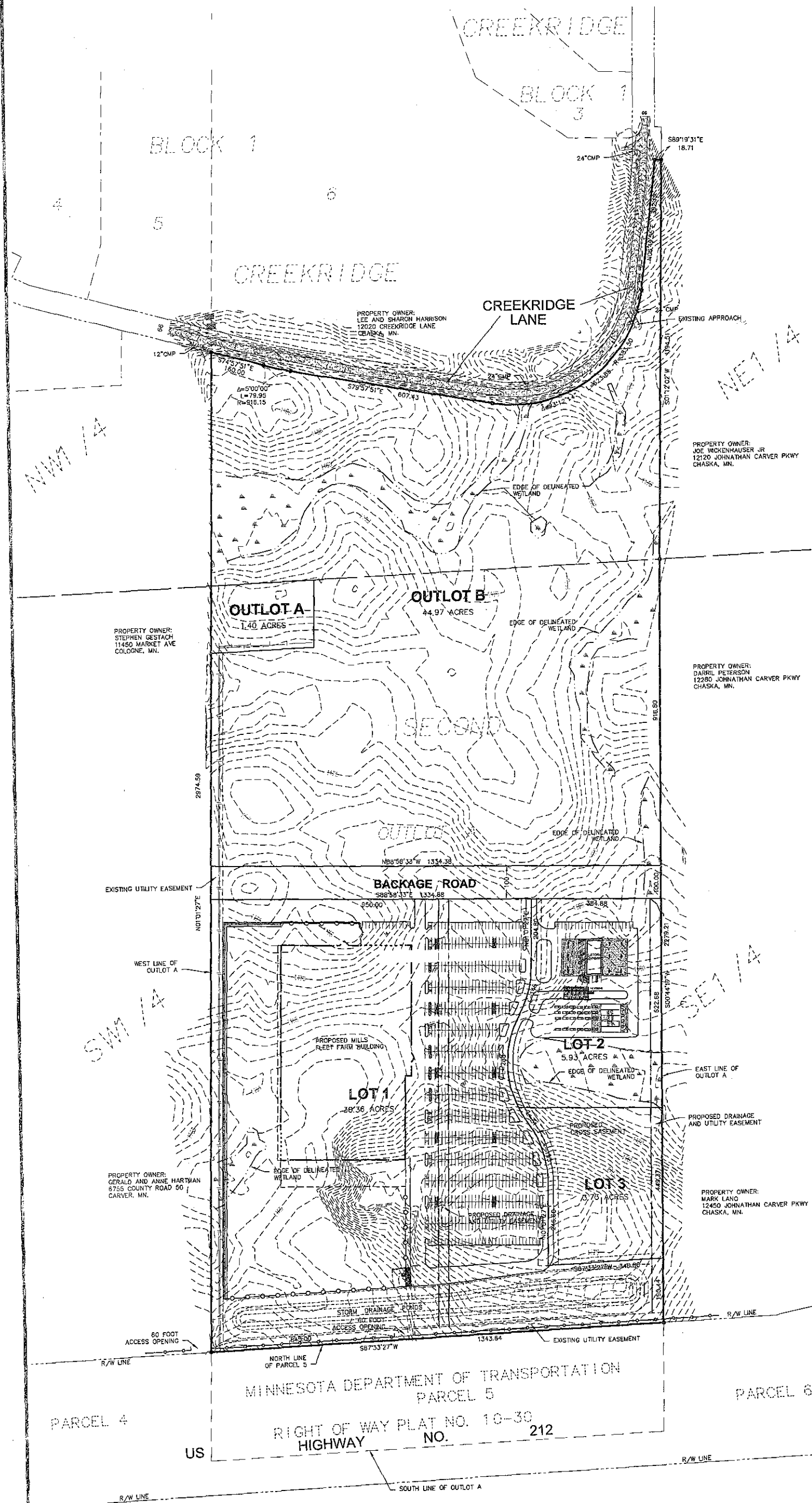
**EXHIBIT A**

Outlot A, Creekridge, Second Addition, according to the plat recorded in the office of the County Recorder for Carver County, less that portion deeded to the State of Minnesota for right of way for TH 212 and shown as Parcel 5 on Minnesota Department of Transportation Right of Way plat number 10-30.

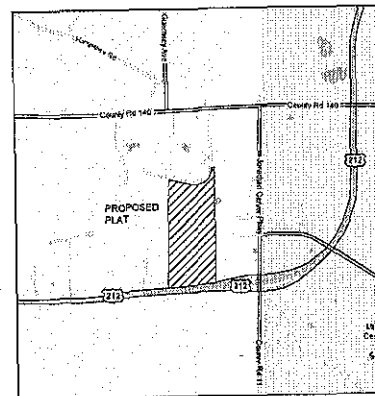
**EXHIBIT B**

**Preliminary Plat of Mills Addition to Carver prepared by Widseth Smith Nolting is on the following page.**

# PRELIMINARY PLAT OF MILLS ADDITION TO CARVER



VICINITY MAP



DESCRIPTION: PART OF OUTLOT A, CREEKRIDGE SECOND ADDITION SEC. 12, TOWNSHIP 115, RANGE CARVER COUNTY, MINNESOTA

OWNER/DEVELOPER: MILLS PROPERTIES INC. PO BOX 505 BRAINERD, MINNESOTA

SURVEYOR: WIDSETH SMITH NOLTING 7804 INDUSTRIAL PARK RD BAXTER, MINNESOTA (218) 829 5117

AREA: 86.7 ACRES, MORE OR LESS (NOT INCLUDING WATER TOWER ON OUTLOT A)

DATE: SEPTEMBER 24, 2010

SCHOOL DIST: 011



0 150 300  
SCALE (IN FEET)

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON AN ASSUMED DATUM  
• = DENOTES FOUND IRON MONUMENT