



**CITY OF CARVER  
CARVER COUNTY, MINNESOTA  
RESOLUTION NO. 124-17**

**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 April 12, 2017, in accordance with Section 8 of the Joint Agreement, the City received a petition for annexation from Westwood Professional Services, Inc. (“Westwood”). The petition was also signed by the following:

- Lorraine Olsen, as Personal Representative of Lyle F. Olsen, Deceased, and as Trustee of Vernon Olsen Trust and the Lorraine Olsen Trust
- Allen Morschen, as Trustee of the Vernon Olsen Trust and the Lorraine Olsen Trust
- Joyce Johnson as Trustee of the Vernon Olsen Trust and the Lorraine Olsen Trust

(collectively referred to herein as “Petitioner”);

**WHEREAS**, the petition requested immediate orderly annexation of the property designated in Exhibit A, which is known for ease of reference as the “Olsen Property”; and

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

**WHEREAS**, the Trustees of the Olsen Property propose to sell the property to a developer for residential purposes which require the extension of City utilities; and

**WHEREAS**, on April 14, 2017 in accordance with Section 8 of the Joint Agreement, the City provided a notice to the Township; and

**WHEREAS**, Westwood, a Minnesota business corporation, has paid the Township pursuant to Sections 6.A and 8 of the Joint Agreement the amount of \$500 per acre for 72.03 acres for a total of \$36,015 and the Township has provided evidence to the City to document the payment; and

**WHEREAS**, Westwood is providing development assistance related to the development of the Olsen Property; and

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

**WHEREAS**, the Olsen Property consists of two separate tax parcels (04.0131100 and 04.0241300); and

**WHEREAS**, the 2017 Property Tax Statements for these two tax parcels identify that Dahlgren Township will receive a total of \$396.43 in taxes in 2017; and

**WHEREAS**, there are not any outstanding special assessments levied by the Township on the Olsen 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**, the Olsen 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 Olsen 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 Olsen Property; and

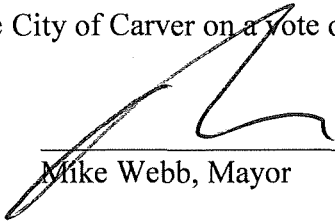
**WHEREAS**, in accordance with Section 4 of the Joint Agreement, annexation of the Olsen Property designated herein pursuant to the Joint Agreement does not require a hearing or any consideration by the Office of Administrative Hearings (“OAH”), except to the extent that the OAH may review and comment 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 Annexation Resolution hereby constitutes and shall be referred to as the “Annexation Resolution” as provided in Section 8 of the Joint Agreement.
3. The Olsen Property legally described in Exhibit A and designated as in need of immediate orderly annexation is 76.04 gross acres. Of that acreage, there is only 72.03 acres net of existing roads according to the GIS records of Carver County.
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 Olsen 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 Olsen Property after annexation if such taxes or charges were originally payable while the Olsen Property remained in the Township. Additionally, if the Olsen 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 Olsen 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 Olsen 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. In accordance with Section 10 of the Joint Agreement, the City will commence maintenance of that portion of Dahlgren Road annexed under this Annexation Resolution as of the effective date of the annexation.

9. The City shall file this Annexation Resolution with the required filing fee and such other documentation and information that City staff and consultants determine is appropriate or as requested by OAH with the Township and the OAH Municipal Boundary Adjustments Office.
10. 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 15<sup>th</sup> day of May, 2017.



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Mike Webb, Mayor

Attest:



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Vicky Sons-Eiden, City Clerk

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

The East Half of the Southeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota, except the North 828.77 feet thereof.

That part of the following described tract:

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

Beginning at the northeast corner of said Northwest Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 0 degrees 19 minutes 32 seconds West, along the east line of said Northwest Quarter of the Northeast Quarter, a distance of 293.49 feet to the centerline of Dahlgren Road, as now laid out and traveled; thence South 73 degrees 20 minutes 22 seconds West, along said centerline, a distance of 412.50 feet; thence North 0 degrees 19 minutes 32 seconds East, parallel with said east line of the Northwest Quarter of the Northeast Quarter, a distance of 326.38 feet; thence North 87 degrees 07 minutes 48 seconds West a distance of 19.83 feet; thence North 0 degrees 18 minutes 40 seconds East, a distance of 401.67 feet; thence North 6 degrees 46 minutes 10 seconds East a distance of 990.26 feet; thence North 0 degrees 24 minutes 34 seconds East a distance of 1113.46 feet; thence North 87 degrees 54 minutes 19 seconds East a distance of 271.51 feet; thence North 2 degrees 40 minutes 28 seconds East a distance of 361.87 feet to an intersection with a line drawn and parallel with the south line of the Southeast Quarter of the Northeast Quarter of said Section 13, Township 115, Range 24 from a point on the east line of said Southeast Quarter of the Northeast Quarter distant 148.50 feet from the southeast corner thereof; thence North 87 degrees 05 minutes 36 seconds East, along said parallel line, a distance of 15.81 feet to the east line of said Southwest Quarter of the Northeast Quarter of Section 13; thence South 0 degrees 40 minutes 18 seconds West, along said east line, a distance of 148.46 feet to the southeast corner of said Southwest Quarter of the Northeast Quarter; thence South 0 degrees 18 minutes 40 seconds West, along the east line of said West Half of the Southeast Quarter of Section 13, a distance of 2637.86 feet to the southeast corner of said West Half of the Southeast Quarter of Section 13 and the point of beginning.

That lies southerly of the south line of the North 828.77 feet of the Southeast Quarter of said Section 13.

That part of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, described as follows: Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 0 degrees 13 minutes 13 seconds West, along the east line thereof a distance of 143.17 feet; thence North 87 degrees 07 minutes 48 seconds West a distance of 1340.09 feet to the west line of said Northeast Quarter of the Northeast Quarter of Section 24; thence North 0 degrees 19 minutes 32 seconds East, along said west line, a distance of 22.07 feet to the northwest corner of said Northeast Quarter of the Northeast Quarter; thence North 87 degrees 41 minutes 25 seconds East, along the north line of said Northeast Quarter of the Northeast Quarter, a distance of 1339.92 feet to the point of beginning.

## ALTA/NSPS LAND TITLE SURVEY FOR HARTMAN COMMUNITIES, LLC.

[illegible]



# ALTA/NSPS LAND TITLE SURVEY FOR HARTMAN COMMUNITIES, LLC.

NOTES CORRESPONDING TO SCHEDULE B II EXCEPTIONS (Survey Related)  
FILE NO. 161280, COMMITMENT DATE, SEPTEMBER 1, 2016, AT 8:00 AM

19. Subject to an easement for public right of way purposes for Dahlgren Road.  
Comment: The centerline location of Dahlgren Road as traveled is shown on the survey and its location matches dimensional calls of the recorded description. This road is shown as a 66 foot easement on the Dahlgren Township Road Easement Map, Doc No. 134892.

20. Subject to an Electric Transmission Easement in favor of Northern States Power Company as recorded in Book 61 of Deeds, page 144.  
Comment: The 200 foot wide easement does cross the southerly end of the surveyed property and is shown on the survey.

21. Subject to a Permanent Trail Easement and Temporary Construction Easement dated April 27, 2016 and filed May 12, 2016 as Document No. T199029.  
Comment: Alignment, terms and conditions of a permanent Trail easement. A bituminous surfaced trail is constructed within the boundary of said easement and shown on the survey. According to said document, the temporary construction easement is to terminate as specified therein. This document also addresses access to the surveyed property and the present access is shown on this survey.

## SURVEYOR'S CERTIFICATE

PROPERTY DESCRIPTION  
(SCHEDULE A, File No. 161280, Commitment Date September 1, 2016 at 8:00 AM.)

The East Half of the Southeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota, except the North 828.77 feet thereof.

That part of the following described tract:  
That part of the Northwest Quarter of the Northeast Quarter of Section 24, Township 115, Range 24 and that part of the West Half of the Southeast Quarter and that part of the Southwest Quarter of the Northeast Quarter of Section 13, Township 115, Range 24, Carver County, Minnesota, described as follows:  
Beginning at the northeast corner of said Northwest Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 0 degrees 19 minutes 32 seconds West, along the east line of said Northwest Quarter of the Northeast Quarter, a distance of 293.49 feet to the centerline of Dahlgren Road, as now laid out and traveled; thence South 73 degrees 20 minutes 22 seconds West, along said centerline, a distance of 412.50 feet; thence North 0 degrees 19 minutes 32 seconds East, parallel with said east line of the Northwest Quarter of the Northeast Quarter, a distance of 326.38 feet; thence North 87 degrees 07 minutes 48 seconds West a distance of 13.83 feet; thence North 0 degrees 18 minutes 40 seconds East, a distance of 401.67 feet; thence North 6 degrees 46 minutes 10 seconds East a distance of 990.26 feet; thence North 0 degrees 24 minutes 34 seconds East a distance of 1113.46 feet; thence North 87 degrees 54 minutes 19 seconds East a distance of 271.51 feet; thence North 2 degrees 40 minutes 28 seconds East a distance of 361.87 feet to an intersection with a line drawn and parallel with the south line of the Southeast Quarter of the Northeast Quarter of said Section 13, Township 115, Range 24 from a point on the east line of said Southeast Quarter of the Northeast Quarter distant 148.50 feet from the southeast corner thereof; thence North 87 degrees 05 minutes 36 seconds East, along said parallel line, a distance of 15.81 feet to the east line of said Southwest Quarter of the Northeast Quarter of Section 13; thence South 0 degrees 40 minutes 18 seconds West, along said east line, a distance of 148.46 feet to the southeast corner of said Southwest Quarter of the Northeast Quarter; thence South 0 degrees 18 minutes 40 seconds West, along the east line of said West Half of the Southeast Quarter of Section 13, a distance of 2637.86 feet to the southeast corner of said West Half of the Southeast Quarter of Section 13 and the point of beginning.  
That lies southerly of the south line of the North 828.77 feet of the Southeast Quarter of said Section 13.

That part of the Northeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, described as follows: Beginning at the Northeast corner of said Northeast Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 0 degrees 13 minutes 13 seconds West, along the east line thereof a distance of 143.17 feet; thence North 87 degrees 07 minutes 48 seconds West a distance of 1340.09 feet to the west line of said Northeast Quarter of the Northeast Quarter of Section 24; thence North 0 degrees 19 minutes 32 seconds East, along said west line, a distance of 22.07 feet to the northwest corner of said Northeast Quarter of the Northeast Quarter; thence North 87 degrees 41 minutes 25 seconds East, along the north line of said Northeast Quarter of the Northeast Quarter, a distance of 1339.92 feet to the point of beginning.

Together with a 15.00 foot wide appurtenant easement for ingress and egress easement over and across the following described property:

The East 515.00 feet of the Northeast Quarter of the Northeast Quarter of Section 24, Township 115, Range 24, Carver County, Minnesota, lying southerly of the following described line:

Commencing at the Northeast corner of said Northeast Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 0 degrees 13 minutes 13 seconds West, along the east line thereof a distance of 143.17 feet; thence North 87 degrees 07 minutes 48 seconds West a distance of 1340.09 feet to the west line of said Northeast Quarter of the Northeast Quarter of Section 24 and said line there terminating.

Said 15.00 foot ingress and egress easement lies 7.50 feet on each side of the following described centerline:

Commencing at the Northeast corner of said Northeast Quarter of the Northeast Quarter of Section 24; thence on an assumed bearing of South 0 degrees 13 minutes 13 seconds West, along the east line thereof a distance of 143.17 feet; thence North 87 degrees 07 minutes 48 seconds West a distance of 440.44 feet to the point of beginning of said center-line to be described; thence South 6 degrees 24 minutes 41 seconds East a distance of 87.21 feet to the center of Dahlgren Road, as now laid out and traveled, and said centerline there terminating.

Torrens Property (Certificate No. 32729.0)

To: Hartman Communities, LLC and First American Title 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 2016 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, 7(a), 8 and 18 of Table A thereof. The field work was completed on December 14, 2016.

Date of Plat or Map: December 14, 2016

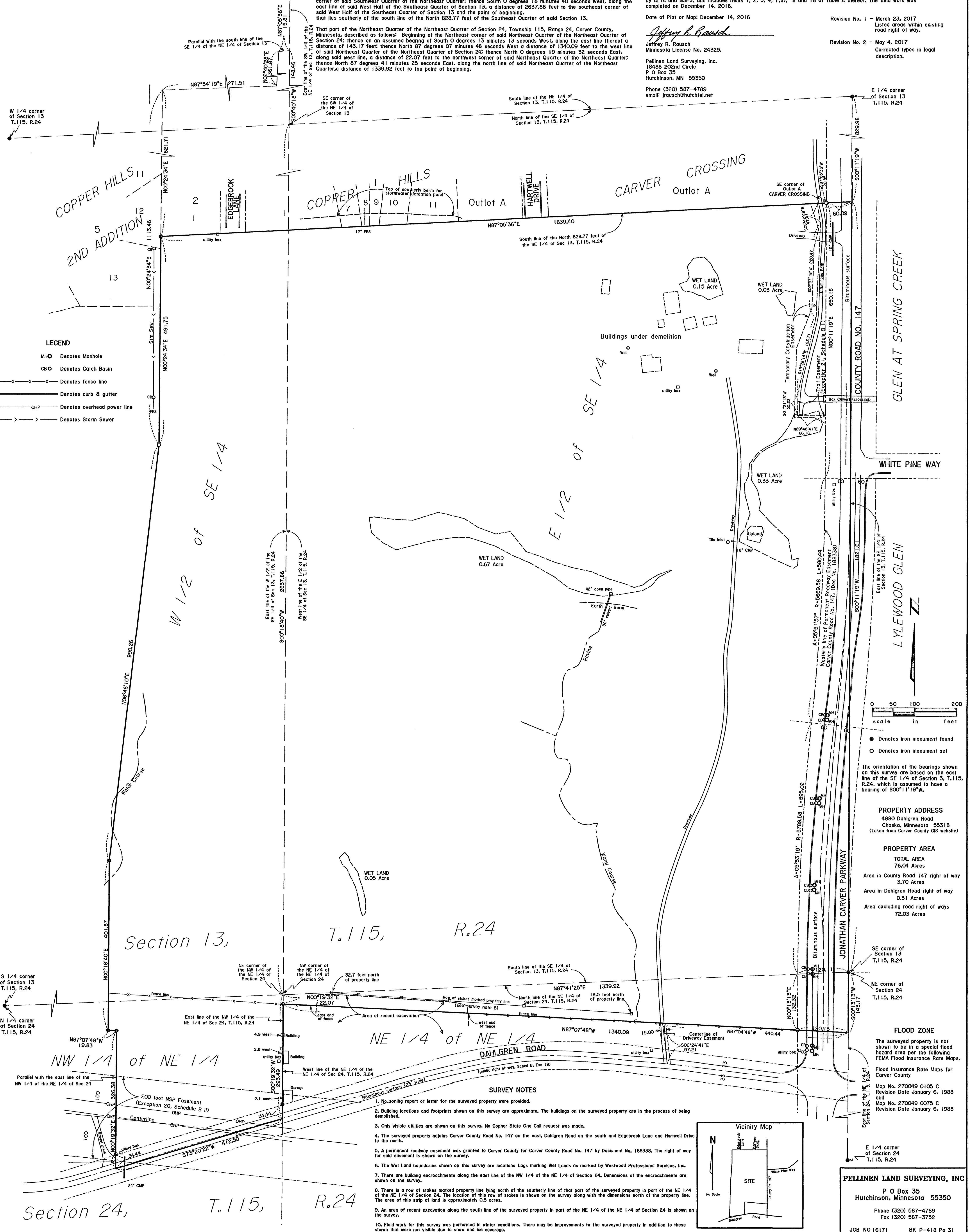
*Jeffrey R. Rausch*  
Jeffrey R. Rausch  
Minnesota License No. 24329.

Pellinen Land Surveying, Inc.  
18486 202nd Circle  
P O Box 35  
Hutchinson, MN 55350

Phone (320) 587-4789  
email: jrausch@hutchtel.net

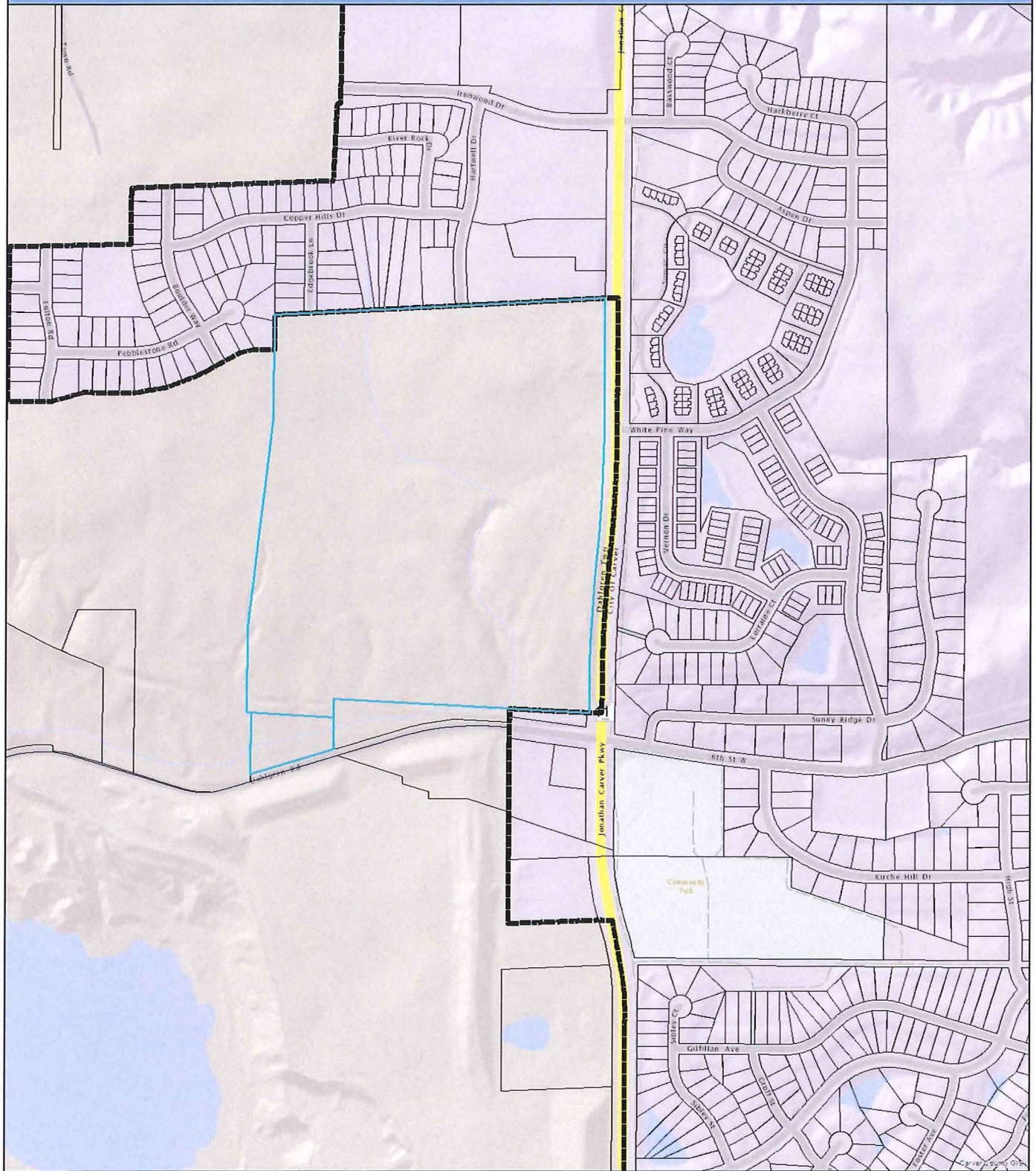
Revision No. 1 - March 23, 2017  
Listed areas within existing road right of way.

Revision No. 2 - May 4, 2017  
Corrected typos in legal description.





# Olsen General Location Map



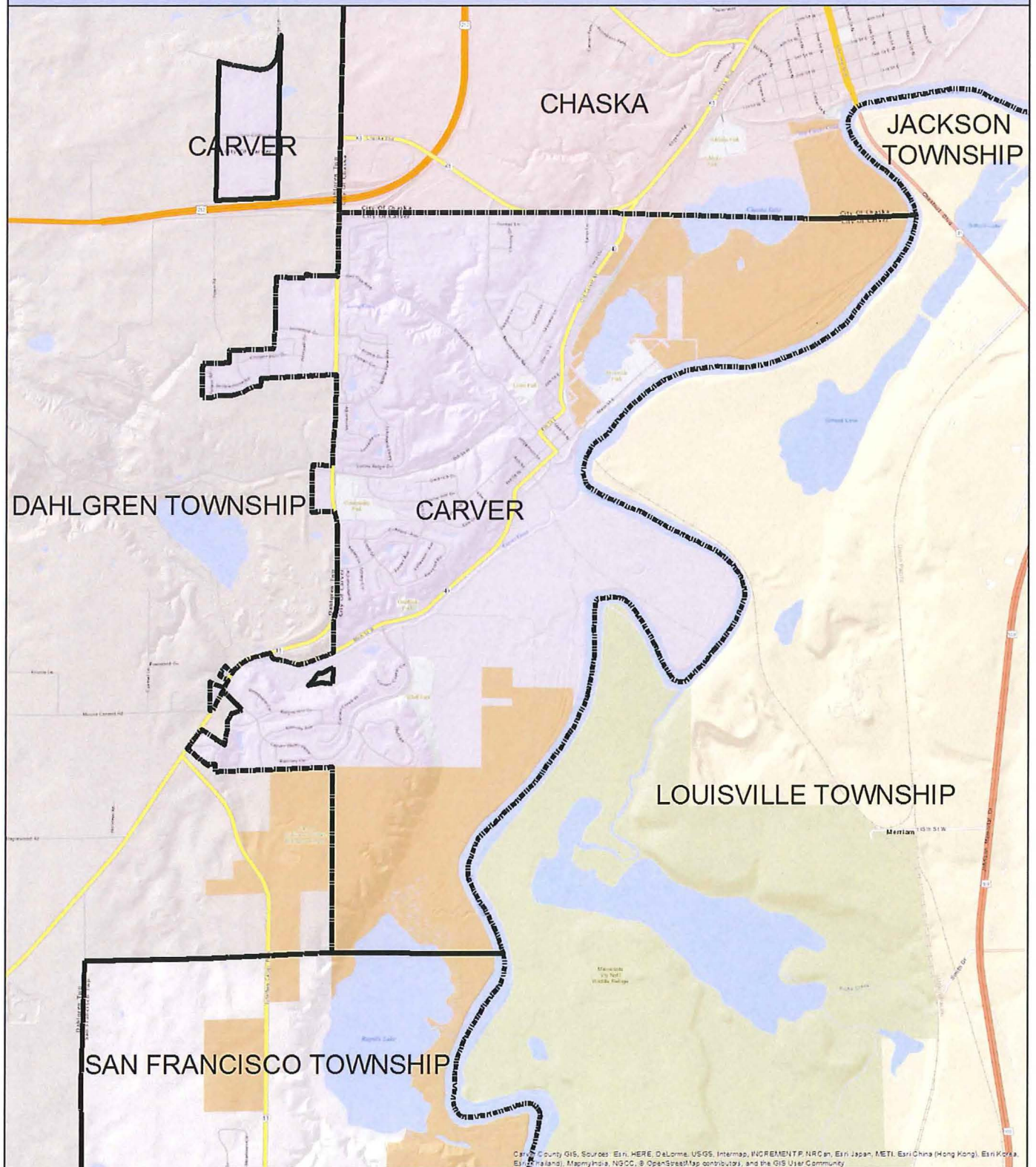
May 15, 2017



1:5,500



# Corporate Boundary Map



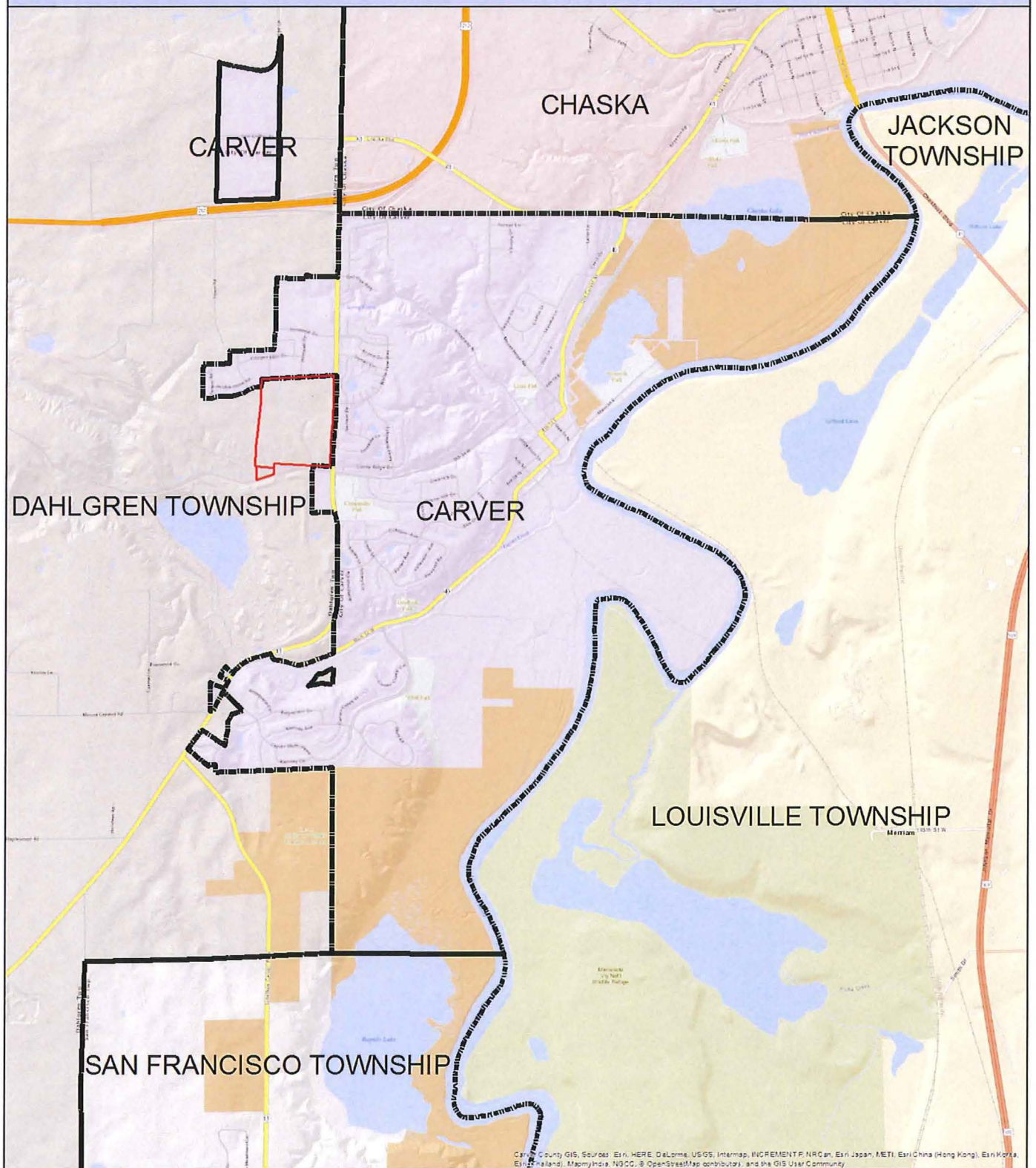
May 17, 2017

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# Boundary Adjustment



May 17, 2017

1:25,000

