

RECEIVED

by OAH on January 13, 2017

JOINT RESOLUTION OF THE CITY OF WACONIA AND THE TOWNSHIP OF WACONIA PURSUANT TO MINNESOTA STATUTES §414.0325, DESIGNATING AN UNINCORPORATED AREA IN NEED OF ORDERLY ANNEXATION, CONFERRING JURISDICTION OF THE AREA ON THE CHIEF ADMINISTRATOR LAW JUDGE OF THE MINNESOTA STATE OFFICE OF ADMINISTRATIVE HEARINGS, AND AGREEING TO IMMEDIATE ANNEXATION OF THE AREA TO THE CITY OF WACONIA.

City of Waconia Resolution No. 2017-22

Township of Waconia Resolution Date: 12/29/16

**TO: Chief Administrative Law Judge
State Office of Administrative Hearings
Municipal Boundary Adjustments Unit
P.O. Box 64620
St. Paul, MN 55164-0620**

WHEREAS, the City of Waconia (the "City") and the Township of Waconia (the "Township") desire to enter into this Joint Resolution for Orderly Annexation to designate areas of the Township in need of orderly and immediate annexation for the purpose of bringing such parcels into the city limits as all the parcels are either surrounded by the City or are roads serving property within the City, and

WHEREAS, the areas to be annexed adjoin or are surrounded by the City, are urban or suburban in character, and the City is capable of providing services, if any, required by the areas within a reasonable time, and

WHEREAS, it is deemed appropriate and in the best interests of both the City and the Township that said areas be designated as in need of orderly annexation and be immediately annexed to the City, and

WHEREAS, pursuant to Minnesota Statutes §414.0325, Subd. 1b., a Notice of Intent to include property in the orderly annexation area was published on December 8, 2016, in the *Waconia Patriot*, a newspaper with general circulation in both the City and Township, which was at least ten days before this Orderly Annexation Agreement was adopted.

NOW, THEREFORE, pursuant to Minnesota Statutes §414.0325, be it **JOINTLY RESOLVED** and agreed by the City Council of the City of Waconia and the Board of Supervisors of the Township of Waconia, Carver County, Minnesota, as follows:

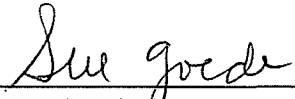
1. The area subject to this Joint Resolution and designated for orderly and immediate annexation is legally described on attached **Exhibit A** and depicted with cross-hatching on the map attached as **Exhibit B** (the "Land").

2. This Joint Resolution confers jurisdiction on the chief administrative law judge over the annexations in the designated areas and over the various provisions of this Joint Resolution.
3. This Joint Resolution provides for the conditions of annexation. No alteration of the stated boundaries are appropriate, and no consideration by the chief administrative law judge is necessary. The chief administrative law judge may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of this resolution.
4. There will be no change in the electric service or cost resulting from the annexation.
5. That for purposes of real estate taxation, if the annexation becomes effective on or before August 1 of a levy year, the City of Waconia may levy on the annexed area beginning with the same levy year. If the annexation becomes effective after August 1 of a levy year, Waconia Township may continue to levy on the annexed area for that levy year, and the City of Waconia may not levy on the annexation area until the following levy year.
6. Pursuant to Minnesota Statutes §414.036, the City and the Township agree that the road segments described on **Exhibit A** and depicted on **Exhibit B** are tax exempt and no tax reimbursement is due from the City to the Township.
7. There are no special assessments assigned by the Township to the Land and no debt incurred by the Township prior to the annexation and attributable to the Land need to be reimbursed.
8. To the extent that the annexation areas contain streets or roadways, the City shall be solely responsible for any maintenance or improvements after the annexation has been ordered.
9. The City and Township agree that in the event there are errors, omissions or any other problems with the legal descriptions provided in **Exhibit A** or mapping provided in **Exhibit B**, in the judgment of the Office of Administrative Hearings/Municipal Boundary Adjustments, the City and Township agree to make such corrections and file any additional documentation, including new exhibits making the corrections requested or required by the Office of Administrative Hearings/Municipal Boundary Adjustments as necessary to make effective the annexation of the Land in accordance with the terms of this Joint Resolution.
10. This Joint Resolution is effective upon approval and adoption by both the City Council of the City of Waconia and the Board of Supervisors of the Township of Waconia.

Passed and adopted by the **Board of Supervisors of the Township of Waconia** this 29 day of December, 2016.

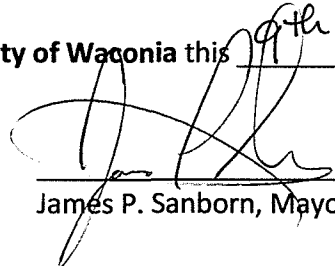


Tom Notch, Chairman


ATTEST: 

Sue Goede, Clerk

Passed and adopted by the **City Council of the City of Waconia** this 9th day of January, 2017.



James P. Sanborn, Mayor

ATTEST: 

Susan MH Arntz, City Administrator/City Clerk

EXHIBIT A

That part of the Southeast Quarter of the Northwest Quarter and South Half of the Northeast Quarter of Section 22, Township 116, Range 25, Carver County, Minnesota, lying 40.00 feet each side of the following described centerline:

Commencing at the northwest corner of the said Northeast Quarter of Section 22; thence on an assumed bearing of South 00 degrees 28 minutes 42 seconds West, a distance of 1815.92 feet along the west line of said Northeast Quarter to the POINT OF BEGINNING of said described centerline; thence southeasterly a measured distance of 1299.92 feet (1299.83 Record), along the arc of a tangential curve concave to the northeast, having a radius of 818.51 feet, a central angle of 90 degrees 59 minutes 40 seconds and chord bearing South 45 degrees 01 minutes 08 seconds East to a point on the south line of said Northeast Quarter; thence North 89 degrees 29 minutes 02 seconds East along said south line, tangent to last described curve, a measured distance of 1712.16 feet (1710.33 Record); thence easterly a distance of 186.70 feet along a tangential curve concave to the south, having a radius of 7639.44 feet and a central angle of 02 degrees 48 minutes 03 seconds to the south line of the Northwest Quarter of Section 23, Township 116, Range 25 and said centerline there terminating.

The sidelines of the above described tract of land are to be shortened or extended as necessary to terminate at the south line of the 50.00 foot-wide permanent roadway easements described in Document No. 220821 & Document No. 256059, Carver County Records, and the east line of said Northeast Quarter respectively.

Subject to easements and restrictions of record, if any.

That part of the South Half of the Northeast Quarter of Section 22, Township 116, Range 25, Carver County, Minnesota, lying 16.5 feet each side of the following described Line A:

Commencing at the northwest corner of the said Northeast Quarter of Section 22; thence on an assumed bearing of South 00 degrees 28 minutes 42 seconds West, a distance of 1815.92 feet along the west line of said Northeast Quarter; thence southeasterly a distance of 655.14 feet along the arc of a tangential curve concave to the northeast, the same being described in First Judicial District Court Document No. 16073 and Permanent Roadway Easement Document No. 220821, having a radius of 818.51 feet, a central angle of 90 degrees 59 minutes 40 seconds and chord bearing South 45 degrees 01 minutes 08 seconds East to the POINT OF BEGINNING of said Line A; thence South 45 degrees 49 minutes 52 seconds West a distance of 349.27 feet to the southwest corner of said Northeast Quarter and said Line A there terminating.

Excepting therefrom that portion of existing right-of-way lying 40.00 feet southwesterly of, as measured radially to and parallel with, the above described curve. The sidelines of described tract of land are to be shortened or extended as necessary to terminate at the south and west lines of said Northeast Quarter and said southwesterly right-of-way line, respectively.

Subject to easements and restrictions of record, if any.

C. 22, T.116, R.25

N 1/2 Sec. 22-116-25

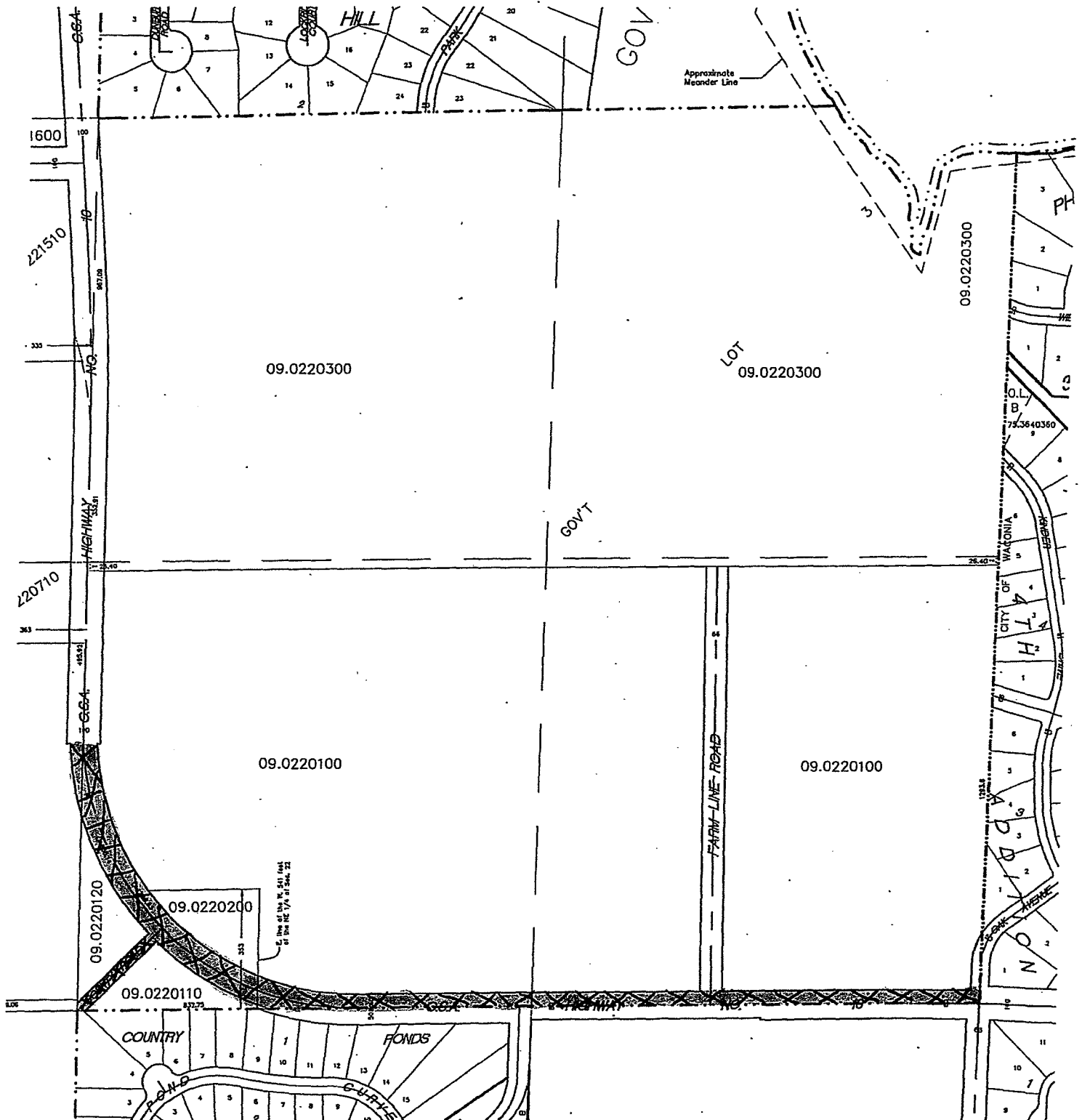
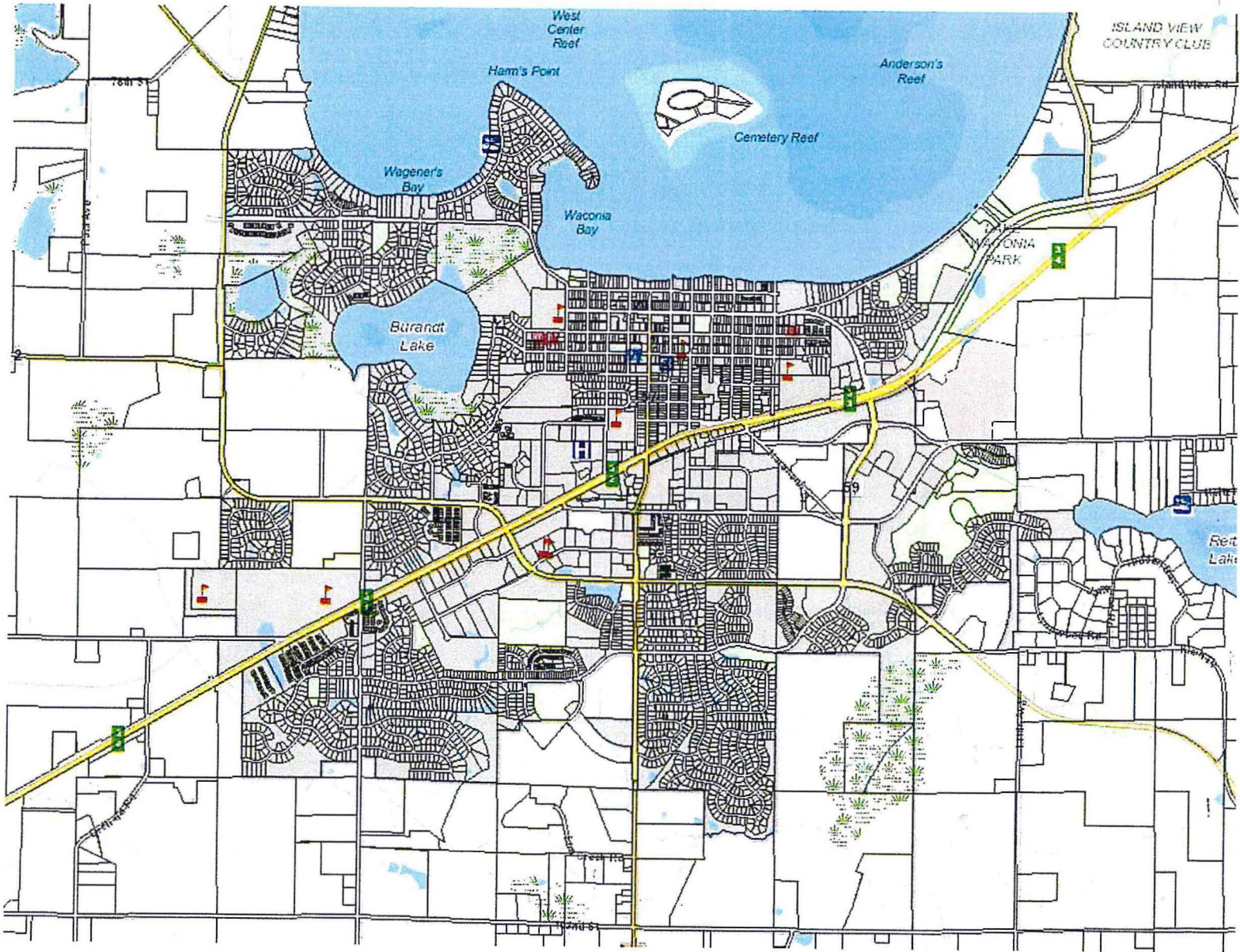


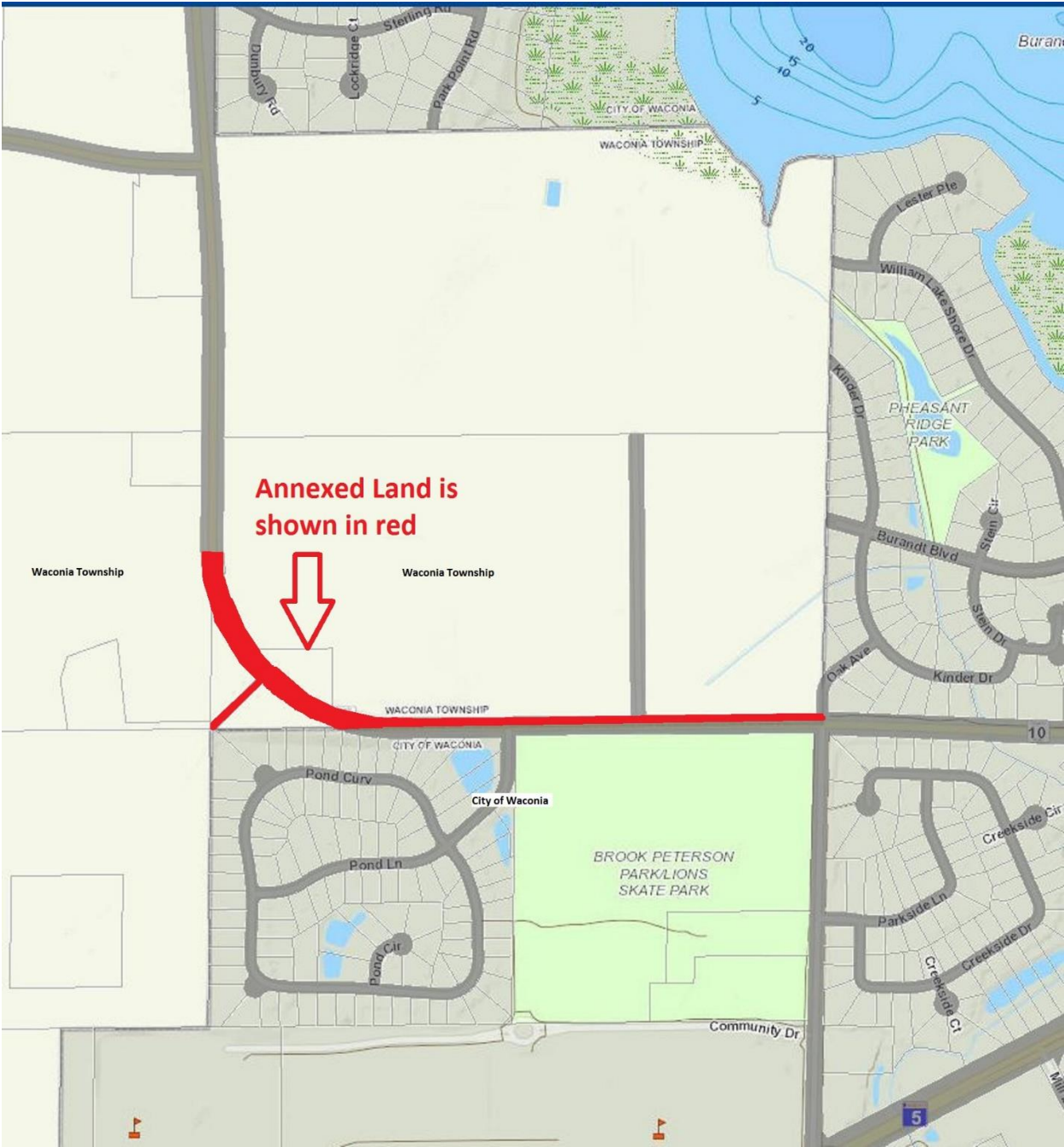
EXHIBIT B



Waconia City Map

Map Showing Annexed Land in Relation to Adjacent City Boundaries

CSHA 10 Road Segments
City Resolution No. 2017-22
Township Resolution Date: December 29, 2016



NW. CORNER, NE 1/4
SECTION 22,
T.116, R.25

PERMANENT ROADWAY
EASEMENT PER
DOC. NO. A256059

KLINGHUTZ FARMS LLC
PID: 09.0220720

SE 1/4 OF
THE NW 1/4

33' HIGHWAY EASEMENT
PER DISTRICT COURT DOC.
NO. 16073 & DOC. NO.
220821.

S.W. CORNER, N.E. 1/4
SECTION 22


PROPOSED DESCRIPTION - C.S.A.H. NO. 10 TURNBACK:

That part of the South Half of the Northeast Quarter of Section 22, Township 116, Range 25, Carver County, Minnesota, lying 16.5 feet each side of the following described Line A:

Commencing at the northwest corner of the said Northeast Quarter of Section 22; thence on an assumed bearing of South 00 degrees 28 minutes 42 seconds West, a distance of 1815.92 feet along the west line of said Northeast Quarter; thence southeasterly a distance of 655.14 feet along the arc of a tangential curve concave to the northeast, the same being described in First Judicial District Court Document No. 16073 and Permanent Roadway Easement Document No. 220821, having a radius of 818.51 feet, a central angle of 90 degrees 59 minutes 40 seconds and chord bearing South 45 degrees 01 minutes 08 seconds East to the POINT OF BEGINNING of said Line A; thence South 45 degrees 49 minutes 52 seconds West a distance of 349.27 feet to the southwest corner of said Northeast Quarter and said Line A there terminating.

Excepting therefrom that portion of existing right-of-way lying 40.00 feet southwesterly of, as measured radially to and parallel with, the above described curve. The sidelines of described tract of land are to be shortened or extended as necessary to terminate at the south and west lines of said Northeast Quarter and said southwesterly right-of-way line, respectively.

Subject to easements and restrictions of record, if any.

 = EXISTING R.O.W. TO BE TURNED BACK, C.S.A.H. NO. 10

PERMANENT ROADWAY
EASEMENT PER
DOC. NO. 220821

SOUTH LINE, PERMANENT ROADWAY
EASEMENT PER DOC. NO. A256059 &
DOC. NO. 220821

Q OF TANGENTIAL CURVE CONCAVE TO N.E., AS
DESCRIBED IN DISTRICT COURT DOC. NO. 16073
& DOC. NO. 220821

P.O.B.
LINE A

PID: 09.0220110


S 45°49'52" W 349.27

L=1299.92, R=818.51
CB=S 45°01'08" E CH=1167.55
Δ=90°59'40"
(RECORD=1299.83)

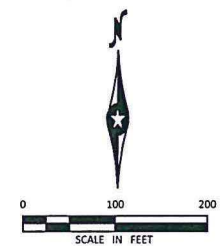
(f.k.a. C.S.A.H. NO. 32)
South Line, NE 1/4, Sec. 22

SURVEYOR'S CERTIFICATION

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


Edward J. Rock III
License Number 43810

11/9/2016
Date



SE. CORNER, NE 1/4
SECTION 22,
T.116, R.25

East Line, NE 1/4, Sec. 22

C.S.A.H. NO. 10 TURNBACK
DESCRIPTION EXHIBIT



2638 SHADOW LANE, SUITE 200
CHASKA, MINNESOTA 55318
(952) 448-8838

PART OF THE C.S.A.H. NO. 10 R.O.W. LOCATED
IN THE SOUTH 1/2 OF THE NE 1/4, SECTION 22
T.116, R.25, CARVER COUNTY, MN

FOR: CITY OF WACONIA
SHEET 2 OF 2

NW. CORNER, NE 1/4
SECTION 22,
T.116, R.25

PERMANENT ROADWAY
EASEMENT PER
DOC. NO. A256059

PROPOSED DESCRIPTION - C.S.A.H. NO. 10 TURNBACK:

That part of the Southeast Quarter of the Northwest Quarter and South Half of the Northeast Quarter of Section 22, Township 116, Range 25, Carver County, Minnesota, lying 40.00 feet each side of the following described centerline:

Commencing at the northwest corner of the said Northeast Quarter of Section 22; thence on an assumed bearing of South 00 degrees 28 minutes 42 seconds West, a distance of 1815.92 feet along the west line of said Northeast Quarter to the POINT OF BEGINNING of said described centerline; thence southeasterly a measured distance of 1299.92 feet (1299.83 Record), along the arc of a tangential curve concave to the northeast, having a radius of 818.51 feet, a central angle of 90 degrees 59 minutes 40 seconds and chord bearing South 45 degrees 01 minutes 08 seconds East to a point on the south line of said Northeast Quarter; thence North 89 degrees 29 minutes 02 seconds East along said south line, tangent to last described curve, a measured distance of 1712.16 feet (1710.33 Record); thence easterly a distance of 186.70 feet along a tangential curve concave to the south, having a radius of 7639.44 feet and a central angle of 02 degrees 48 minutes 03 seconds to the south line of the Northwest Quarter of Section 23, Township 116, Range 25 and said centerline there terminating.

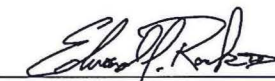
The sidelines of the above described tract of land are to be shortened or extended as necessary to terminate at the south line of the 50.00 foot-wide permanent roadway easements described in Document No. 220821 & Document No. 256059, Carver County Records, and the east line of said Northeast Quarter respectively.

Subject to easements and restrictions of record, if any.

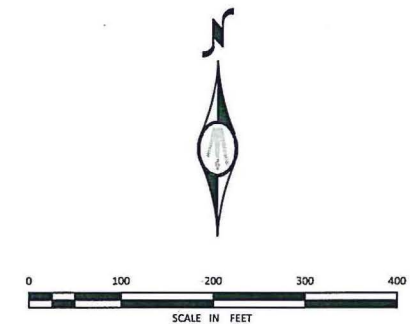
 = EXISTING R.O.W. TO BE TURNED BACK, C.S.A.H. NO. 10

SURVEYOR'S CERTIFICATION

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


Edward J. Rock III
License Number 43810

11/9/2016
Date



SOUTH 1/2 OF THE NE 1/4
SECTION 22
T. 116, R. 25

ROBERT & SHELAH BURANDT
PID: 09.0220100

PERMANENT ROADWAY
EASEMENT PER
DOC. NO. 220821

SOUTH LINE, PERMANENT ROADWAY
EASEMENT PER DOC. NO. A256059 &
DOC. NO. 220821

$L=1299.92$, $R=818.51$
 $CB=S\ 45^{\circ}01'08''\ E\ CH=1167.55$
 $\Delta=90^{\circ}59'40''$
(RECORD=1299.83)

W. WARREN
PID: 09.0220200

EXCEPTION
DOC #220821
TRACT 4

R. DUPONT
PID: 09.0220120

EXCEPTION
DOC #220821
TRACT 2

EXCEPTION
DOC #220821
TRACT 3
T. OSTILE
PID: 09.0220110

LINE A & C OF
33' EASEMENT FOR
HIGHWAY PURPOSES
PER DISTRICT COURT
DOC. NO. 16073
(SEE SHEET 2 OF 2)

S.W. CORNER, N.E. 1/4
SECTION 22

COUNTRY PONDS

C.S.A.H. NO. 10

N $89^{\circ}29'02''\ E\ 1712.16$ (RECORD = 1710.33)
(F.K.A. C.S.A.H. NO. 32)

South Line, NE 1/4, Sec. 22

SE CORNER, NE 1/4
SECTION 22

$L=186.70$ $R=7639.44$
 $\Delta=1^{\circ}24'01''$

$L=373.44$ $R=7639.44$
 $\Delta=2^{\circ}48'03''$

C.S.A.H. NO. 10 TURNBACK
DESCRIPTION EXHIBIT



2638 SHADOW LANE, SUITE 200
CHASKA, MINNESOTA 55318
(952) 448-6838

PART OF THE C.S.A.H. NO. 10 R.O.W. LOCATED
IN THE SE 1/4 OF THE NW 1/4 & SOUTH 1/2
OF THE NE 1/4, SECTION 22, T.116, R.25,
CARVER COUNTY, MN
FOR: CITY OF WACONIA
SHEET 1 OF 2