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By: OAH on November 27, 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. 2017-216

Township of Waconia Resolution Date: October 9, 2017

**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 September 7, 2017, 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 9th day of October, 2017.

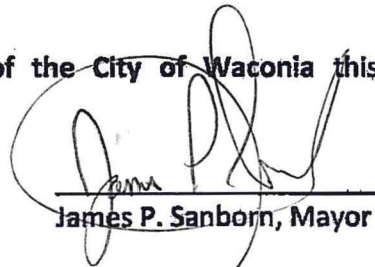


Tom Notch, Chairman

ATTEST: Sue Goede

Sue Goede, Clerk

Passed and adopted by the City Council of the City of Waconia this 20 day of November, 2017.



James P. Sanborn, Mayor

ATTEST: Susan MH Arntz

Susan MH Arntz, City Administrator/City Clerk

[https://mhslaw.sharepoint.com/sites/clients/1/38350/draftdocs/joint resolution2 - waconia parkway south.docx](https://mhslaw.sharepoint.com/sites/clients/1/38350/draftdocs/joint%20resolution2%20-%20waconia%20parkway%20south.docx)

EXHIBIT A
Legal Description

Parcel 1:

The South 33.00 feet of the following described property:

The South 256.00 feet of the West 256.00 feet of that part of the Northwest Quarter of Section 24, Township 116, Range 25, Carver County, Minnesota described as follows:

Beginning at the intersection of the South line of said Northwest Quarter and the southerly extension of the West line of VOLKENANT'S SECOND ADDITION TO THE VILLAGE OF WACONIA, according to the recorded plat thereof; thence North 89 degrees 52 minutes 26 seconds West, assumed bearing, along the South line of said Northwest Quarter a distance of 577.5 feet to the point of intersection of the West line of the East 1772.00 feet of said Northwest Quarter with the South line of said Northwest Quarter; thence on an assumed bearing of North along said West line of the East 1772 feet of the Northwest Quarter a distance of 455.90 feet to the South line of REGISTERED LAND SURVEY NUMBER 26; thence South 89 degrees 12 minutes 41 seconds East along the South line of REGISTERED LAND SURVEY NUMBER 26 a distance of 577.50 feet to the West line of VOLKENANT'S SECOND ADDITION TO THE VILLAGE OF WACONIA; thence South along the West line of VOLKENANT'S SECOND ADDITION TO THE VILLAGE OF WACONIA to the point of beginning.

Parcel 2:

City of Waconia Right-of-Way Plat No. 1. Excepting therefrom Hartman Way.

Map Showing Annexed Land in Relation to Adjacent City Boundaries

10th Street Segments

