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By: OAH on March 1, 2023

RESOLUTION R2023-010

A RESOLUTION ANNEXING PROPERTY FROM JACKSON TOWNSHIP PURSUANT TO AN EXISTING ORDERLY ANNEXATION AGREEMENT

WHEREAS, the City of Shakopee (“City”) and Jackson Township (“Town”) entered into a “Joint Resolution for Orderly Annexation between the Town of Jackson & the City of Shakopee”, that was filed with the Minnesota Municipal Board on March 6, 2018, accepted by the Municipal Board on March 12, 2018, and which is identified as Docket No. OA-1694 (“Orderly Annexation Agreement”);

WHEREAS, the entire Township was designated for future annexation under the Orderly Annexation Agreement and the City may annex property from the Township in accordance with the terms and conditions of the Orderly Annexation Agreement;

WHEREAS, D.R. Horton Inc. - Minnesota, applicant, and William & Jean Luers, LaTour Farms LP, David Brown, and Harriet Plekkenpol, property owners, have applied to annex property located south of County State Aid Highway 78 and East & West of Zumbro Avenue as identified on the attached legal descriptions;

WHEREAS, the City has notified the Township of the request for annexation;

WHEREAS, the City finds and determines as follows with respect to the requested annexation:

- a. Under Section II, paragraph 2 of the Orderly Annexation Agreement, “The following standards shall be used to determine adjacency when a property owner, or combination of multiple property owners with contiguous property, initiates annexation of property: A property, or combination of contiguous properties, shall be considered adjacent to the City when fifty (50) linear feet or more of the subject annexation area boundary is shared with the boundary of the City”;
- b. The Annexation Area shares approx. 1,320 linear feet of boundary with the City of Shakopee which more than satisfies the minimum 50 lineal feet or more of shared boundary required by the Orderly Annexation Agreement;
- c. Under Section II, paragraph 4 of the Orderly Annexation Agreement, “Any landowner, or combination of multiple landowners, with property adjacent to the municipal boundary of the City, may petition the City to annex their property in accordance with this Agreement”;

- d. The City determines that annexing the Annexation Area pursuant to this Resolution is consistent with the terms and conditions of the Orderly Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shakopee as follows:

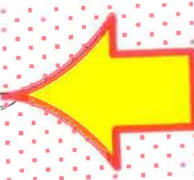
1. The recitals set out above and the exhibits attached hereto are incorporated in and made part of this Resolution.
2. The Annexation Area identified in the attached legal descriptions is hereby annexed into the municipal boundaries of the City of Shakopee effective upon the issuance of the Chief Administrative Law Judge's order.
3. Pursuant to Minn. Stat. § 414.0325, subd. 1(h) and Section I, paragraph 2 of the Orderly Annexation Agreement, the Chief Administrative Law Judge may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Resolution.
4. The Annexation Area is subject to local property taxes and, pursuant to the Orderly Annexation Agreement, the City is required to make tax reimbursement payments to the Town related to this annexation.
5. City staff is authorized and directed to file this Resolution with the Office of Administrative Hearings - Municipal Boundary Adjustments Office ("Boundary Adjustments Office").
6. In the event the Boundary Adjustments Office identifies any errors, omissions, or other problems with the attached map or legal description, City staff is hereby authorized to make such corrections as may be needed to accomplish the purpose of this Resolution.

Adopted in adjourned regular session of the City Council of the City of Shakopee, Minnesota, held this 21st day of February, 2023.



Mayor of the City of Shakopee

ATTEST:


Lori Hensen, City Clerk



LEGAL DESCRIPTION

LATOUR PROPERTY (60.00 ACRES):

The North Sixty (60) Acres of the East Half of the Northwest Quarter (E1/2 of NW1/4), Section Twenty-three Township One Hundred Fifteen (115), Range Twenty-three (23), Scott County, Minnesota.

PLEKKENPOL PROPERTY (11.24 ACRES):

The North 11 acres of the South 20 acres of the E 1/2 of the NW 1/4 of Section 23, Township 115, Range 23, Scott County, Minnesota.

LUERS PROPERTY (69.00 ACRES):

The South 9 acres of the East half of Northwest Quarter and the North 60 acres of the East Half of Southwest Quarter, all in Section 23, Township 115, Range 23, Scott County, Minnesota.

BROWN PROPERTY (96.65 ACRES):

Parcel No. 1:
The North 20 acres of the South 35 acres of the Southwest Quarter of the Northeast Quarter (SW1/4 of NE1/4) of Section Twenty-three (23), Township One Hundred Fifteen (115), Range Twenty-three (23), Scott County, Minnesota, EXCEPT that part described as follows:

That part of the Southwest Quarter of the Northeast Quarter of Section 23, Township 115, Range 23, Scott County, Minnesota, described as follows:

Commencing at the southwest corner of said Southwest Quarter of the Northeast Quarter; thence North 01 degrees 18 minutes 21 seconds East, assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter, a distance of 1144.39 feet to the point of beginning; thence continuing North 01 degrees 18 minutes 21 seconds East, along said west line a distance of 18.06 feet to the north line of the South 35 acres of said Southwest Quarter of the Northeast Quarter; thence North 88 degrees 55 minutes 19 seconds East, along said north line a distance of 903.53 feet to the south line of the North 45 acres of the West Half of said Northeast Quarter; thence South 87 degrees 46 minutes 43 seconds West, along said south line a distance of 904.46 feet to the point of beginning.

AND

Parcel No. 2:
The South 15 acres of the Southwest Quarter of the Northeast Quarter, Section 23, Township 115, Range 23, Scott County, Minnesota.

AND

Parcel No. 3:
North Half of Southeast Quarter (N1/2 of SE1/4), Section Twenty-three (23), Township One Hundred Fifteen Range Twenty-three (23), Scott County, Minnesota.

Excepting: (1)
The North 121 feet of the East 360 feet of the North Half of the Southeast Quarter of Section 23, Township 115, Range 23, Scott County, Minnesota.

Excepting: (2)
The South 571.58 feet of the West 571.58 feet of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE1/4), Section Twenty-three (23), Township One Hundred Fifteen (115), Range Twenty-three (23), Scott County, Minnesota.

Excepting: (3)
The South 660.20 feet of the East 660.20 feet of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 23, Township 115, Range 23, Scott County, Minnesota.

AREA TO BE ANNEXED



1" = 150'

NOT FOR CONSTRUCTION

DESIGNED:
CHECKED:
DRAWN: SRM
HORIZONTAL SCALE: 1SP
VERTICAL SCALE:

INITIAL ISSUE: 11/18/2022
REVISIONS:

PREPARED FOR:
D.R. HORTON, INC. - MINNESOTA
20860 KENBRIDGE COURT, SUITE 100
LAKEVILLE, MINNESOTA 55044

**ZUMBRO AVENUE
PROPERTIES**
SHAKOPEE, MINNESOTA

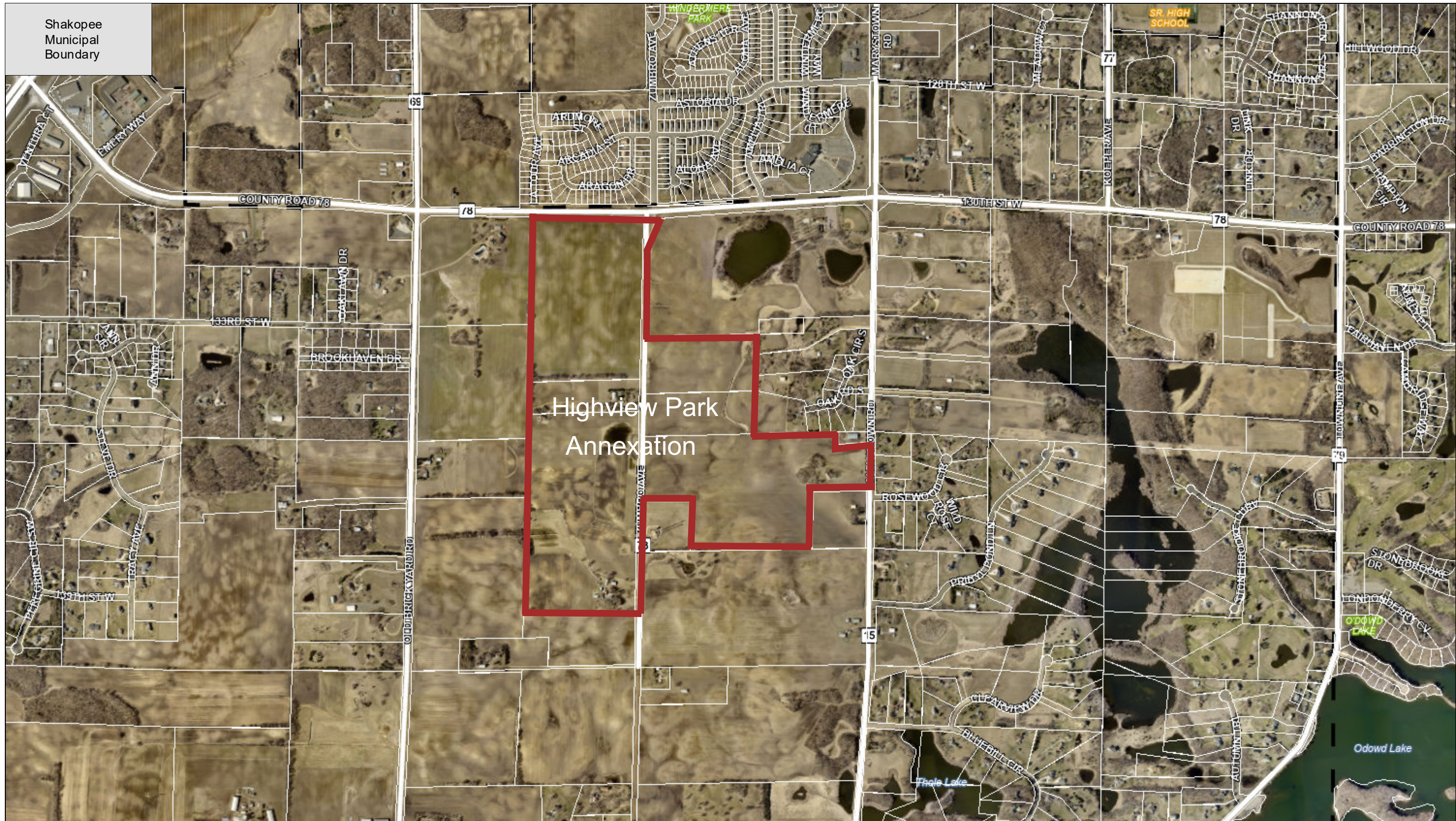
Westwood
Phone (855) 837-6100 12701 Whitecloud Drive, Suite #300
Fax (855) 837-6822 Minneapolis, MN 55443
Toll Free (888) 837-6150 westwoodps.com
Westwood Professional Services, Inc.

ANNEXATION EXHIBIT

PROJECT NUMBER: 0033370.00 DATE: 11/18/2022

SHEET NUMBER:
1 OF 1

Shakopee
Municipal
Boundary



Highview Park Annexation



Shakopee
Municipal
Boundary

