

**RECEIVED**

By: OAH on August 20, 2021

**RESOLUTION NO. R2021-093**

**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 Town was designated for future annexation under the Orderly Annexation Agreement and the City may annex property from the Town in accordance with the terms and conditions of the Orderly Annexation Agreement;

**WHEREAS**, Palmer Shakopee Holdings, LLC, property owners, & Brian Lynch, applicant, requested the annexation of 22.57 acres of land (PID 06-915034-0) as identified on the attached legal description;

**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. 2,000 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 description 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 15th day of June, 2021.



Mayor of the City of Shakopee

ATTEST:

  
Lori Hensen, City Clerk

### **Legal Description**

That part of the North half of Southwest Quarter, Section 15, Township 115, Range 23, lying southeasterly of the centerline of the North bound lane of State Highway No. 169, excepting therefrom the following described parcel:

#### **"EXCEPTION 1"**

Beginning at the intersection of said center line of the North bound lane of State Highway No. 169 and the South line of said North half of Southwest Quarter; thence East along said South line a distance of 360.00 feet; thence deflecting to the left at an angle of 35 degrees 26 minutes 30 seconds a distance of 192.60 feet; thence deflecting to the left at an angle of 104 degrees 03 minutes 30 seconds a distance of 334.13 feet to the center line of said North bound lane; thence southwesterly along said center line to the point of beginning:

#### **"EXCEPTION 2"**

less that part of the Southeast Quarter of the Southwest Quarter, Section 15, Township 115, Range 23, platted as Severson Addition and more particularly described as follows: Commencing at the intersection of the West line of said Southeast Quarter of Southwest Quarter and the centerline of County Road No. 78 according to Highway Document No. 323066, which is recorded; thence North 01 degrees 55 minutes 53 seconds West along said West line, a distance of 112.56 feet to the northerly line of said County Road No. 78, said line being parallel with and 75 feet northeasterly of said centerline of County Road No. 78; thence South 43 degrees 42 minutes 52 seconds East along said northerly line of County Road No. 78, a distance of 388.74 feet to its intersection with a line that is parallel with and distant 259.02 feet easterly of said West line of the Southeast Quarter of Southwest Quarter, and the actual point of beginning; thence continuing South 43 degrees 42 minutes 52 seconds East along said northerly line a distance of 122.70 feet; thence deflecting to the left along said northerly line on a tangential curve concave to the Northeast, having a central angle of 00 degrees 05 minutes 00 seconds, a radius of 1357.40 feet and a length of 2.30 feet; thence North 46 degrees 17 minutes 08 seconds East a distance of 384.30 feet; thence North 43 degrees 42 minutes 52 Seconds West a distance of 555.07 feet to the line that is parallel with and distant 259.02 feet easterly of said West line of the Southeast Quarter of Southwest Quarter; thence South 01 degrees 55 minutes 53 seconds East, along said parallel line a distance of 576.76 feet to the point of beginning:

#### **"EXCEPTION 3"**

and less that part thereof conveyed to the County of Scott by the deed recorded as Document No. 323066, more particularly described on Exhibit B attached to and made a part hereof:

#### **"EXCEPTION 4"**

and less that part thereof described as follows, to-wit: That part of the Southeast quarter of the Southeast quarter of Section 15, Township 115, Range 23, Scott County, Minnesota, described as follows: Beginning at the southeast corner of Lot 1, Block 1, Severson Addition; thence North 46 degrees 17 minutes 08 seconds East, along the southeast line of said Lot 1, Block 1, a distance of 384.30 feet to the northeast corner of said Lot 1, Block 1; thence South 43 degrees 42 minutes 52 seconds East

a distance of 66.00 feet; thence South 46 degrees 17 minutes 08 seconds West a distance of 382.58 feet to the north line of County Road No. 78 according to Highway Document No. 323066; thence northwesterly, along said north line of County Road No. 78, to the point of beginning:

"EXCEPTION 5"

and less that part platted as Peiffer Second Addition, more particularly described as follows: Lot 1, Block 1, Peiffer Addition, according to the plat thereof: also that part of the Northeast quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter, Section 15, Township 115, Range 23 described as follows: Beginning at the most easterly corner of said Lot 1, Block 1 Peiffer Addition, thence North 43 degrees 42 minutes 52 seconds West, along the northeasterly line of said Lot 1, Block 1, a distance of 655.10 feet; thence North 46 degrees 17 minutes 08 seconds East a distance of 133.00 feet; thence South 43 degrees 42 minutes 52 seconds East a distance of 721.10 feet; thence South 46 degrees 17 minutes 08 seconds West a distance of 133.00 feet; thence North 43 degrees 42 minutes 52 seconds West a distance of 66.00 feet to the point of beginning:

"EXCEPTION 6"

and less that part conveyed to R & R Investments by the deed recorded as Document No. 319424, more particularly described on Exhibit C attached to and made a part hereof.

**Exhibit B - (EXCEPTION 3 described)**

**EXCEPTION 3A**

All that part of the Southeast Quarter of the Southwest Quarter of Section 15, Township 115, Range 23 Scott County, Minnesota

Which lies 75.00 feet each side of the following described centerline:

Commencing at a point on the South line of Section 14, Township 115, Range 23, Scott County, Minnesota, said point being 500.00 feet West of the South Quarter corner of said Section 14; thence North 86 degrees 27 minutes 21 seconds East assumed bearing along the South line of said Section 14 a distance of 500.00 feet; thence South 11 degrees 58 minutes 09 seconds East 74.34 feet; thence South 88 degrees 02 minutes 23 seconds West 2,368.51 feet to the point of beginning; thence westerly along a tangential curve concave to the North, central angle of 04 degrees 22 minutes 44 seconds, radius of 7,639.44 feet, an arc length of 583.85 feet; thence North 87 degrees 34 minutes 53 seconds West 884.95 feet; thence westerly along a tangential curve concave to the South, central angle of 03 degrees 12 minutes 44 seconds, radius of 5,729.58 feet, an arc length of 321.22 feet; thence South 89 degrees 12 minutes 23 seconds West 1,184.29 feet; thence northwesterly along a tangential curve concave to the Northeast, central angle of 47 degrees 04 minutes 45 seconds, radius of 1,432.40 feet, an arc length of 1,176.98 feet; thence North 43 degrees 42 minutes 52 seconds west 1,300.00 feet and there terminating.

**EXCEPTION 3B**

And all that part of the North Half of the Southwest Quarter of Section 15, Township 115, Range 23, Scott County, Minnesota, described as follows:

Beginning at the intersection of the South line of said North Half of the Southwest Quarter and the centerline of the northbound lane of Trunk Highway 169; thence on an assumed bearing of North 88 degrees 54 minutes 25 seconds East a distance of 511.48 feet to the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 15; thence continuing along said bearing of North 88 degrees 54 minutes 25 seconds East, a distance of 135.74 feet; thence North 72 degrees 09 minutes 58 seconds East, a distance of 111.60 feet; thence North 59 degrees 50 minutes 33 seconds East a distance of 186.16 feet; thence North 40 degrees 57 minutes 51 seconds East, a distance of 139.15 feet; thence North 14 degrees 45 minutes 56 seconds East, a distance of 46.31 feet; thence North 10 degrees 41 minutes 33 seconds West, a distance of 55.20 feet; thence North 49 degrees 02 minutes 09 seconds West, a distance of 561.26 feet more or less to the said centerline of the northbound lane of Trunk Highway 169; thence southwesterly along said centerline 920 feet more or less to the point of beginning.

Excepting therefrom the following described tract:

Commencing at the intersection with the South line of said North Half of the Southwest Quarter and the centerline of the northbound lane of Trunk Highway 169 and running thence East along said South line a distance of 360.0 feet; thence northeasterly and deflecting left at an angle of 35 degrees 26 minutes 30 seconds a distance of 192.6 feet; thence deflecting to the left at an angle of 104 degrees 03 minutes 30 seconds a distance of 334.3 feet more or less to the centerline of said northbound lane; thence

southwesterly along said centerline a distance of 420.8 feet more or less to the point of beginning.  
Subject to the Highway right-of-way over the northerly 75 feet thereof.

**Exhibit C - (EXCEPTION 6 DESCRIBED)**

That part of the West 259.02 feet of the Southeast Quarter of the Southwest Quarter of Section 15, Township 115, Range 23, Scott County, Minnesota, that lies northerly of a line which is 75.00 feet northeasterly of, as measured at right angles to and parallel with the centerline of County Road No. 78 according to the District Court File No. 93-04386 and described as follows:

Commencing at a point on the South line of Section 14, Township 115, Range 23, Scott County, Minnesota, said point being 500.00 feet West of the South Quarter Corner of said Section 14; thence North 86 degrees 27 minutes 21 seconds East, assumed bearing along the South line of said Section 14, a distance of 500.00 feet; thence South 11 degrees 58 minutes 09 seconds East 74.34 feet; thence South 82 degrees 02 minutes 23 seconds West 2,368.51 feet to the point of beginning; thence westerly along a tangential curve concave to the North, central angle of 04 degrees 22 minutes 44 seconds, radius of 7,639.44 feet, and arc length of 583.85 feet; thence North 87 degrees 34 minutes 53 seconds West 884.95 feet; thence westerly along a tangential curve concave to the South, central angle of 03 degrees 12 minutes 44 seconds, radius of 5,729.58 feet, an arc length of 321.22 feet; thence South 89 degrees 12 minutes 23 seconds West 1,184.29 feet; thence northwesterly along a tangential curve concave to the Northeast, central angle of 47 degrees 04 minutes 45 seconds, radius of 1,432.40 feet, an arc length of 1,176.98 feet; thence North 43 degrees 42 minutes 52 seconds West 1,300.00 feet and there terminating.



DESCRIPTION OF PROPERTY SURVEYED  
(Per Schedule A of the herein referenced Title Commitment)

The land referred to in this Commitment is Abstract Property situated in the County of Scott, State of Minnesota, and is described as follows:

Also that part of the North half of Southwest Quarter, Section 15, Township 115, Range 23, lying southeasterly of the centerline of the North bound lane of State Highway No. 169, excepting therefrom the following described parcel:

"EXCEPTION 1"  
Beginning at the intersection of said center line of the North bound lane of State Highway No. 169 and the South line of said North half of Southwest Quarter; thence East along said South line a distance of 360.00 feet; thence deflecting to the left at an angle of 35 degrees 26 minutes 30 seconds a distance of 192.60 feet; thence deflecting to the left at an angle of 104 degrees 03 minutes 30 seconds a distance of 334.13 feet to the center line of said North bound lane; thence southwesterly along said center line to the point of beginning;

"EXCEPTION 2"  
less that part of the Southeast Quarter of the Southwest Quarter, Section 15, Township 115, Range 23, platted as Severson Addition and more particularly described as follows: Commencing at the intersection of the West line of said Southwest Quarter of Southwest Quarter and the centerline of County Road No. 78 according to Highway Document No. 323066, which is recorded; thence North 01 degrees 55 minutes 53 seconds West along said West line, a distance of 112.56 feet to the northerly line of said County Road No. 78, said line being parallel with and 75 feet northeasterly of said centerline of County Road No. 78; thence South 43 degrees 42 minutes 52 seconds East along said northerly line of County Road No. 78, a distance of 388.74 feet to its intersection with a line that is parallel with and distant 239.02 feet easterly of said West line of the Southeast Quarter of Southwest Quarter, and the actual point of beginning; thence continuing South 43 degrees 42 minutes 52 seconds East along said northerly line a distance of 122.70 feet; thence deflecting to the left along said northerly line on a tangential curve concave to the Northeast, having a central angle of 00 degrees 05 minutes 00 seconds, a radius of 1357.40 feet and a length of 2.30 feet; thence North 46 degrees 17 minutes 08 seconds East a distance of 384.30 feet; thence North 43 degrees 42 minutes 52 seconds West a distance of 555.07 feet to the line that is parallel with and distant 259.02 feet easterly of said West line of the Southeast Quarter of Southwest Quarter; thence South 01 degrees 55 minutes 53 seconds East, along said parallel line a distance of 576.76 feet to the point of beginning;

"EXCEPTION 3"  
and less that part thereof conveyed to the County of Scott by the deed recorded as Document No. 323066, more particularly described on Exhibit B attached to and made a part hereof:

"EXCEPTION 4"  
and less that part thereof described as follows, to-wit: That part of the Southeast quarter of the Southeast quarter of Section 15, Township 115, Range 23, Scott County, Minnesota, described as follows: Beginning at the southeast corner of Lot 1, Block 1, Severson Addition; thence North 46 degrees 17 minutes 08 seconds East, along the southeast line of said Lot 1, Block 1, a distance of 384.30 feet to the northeast corner of said Lot 1, Block 1; thence South 43 degrees 42 minutes 52 seconds East a distance of 66.00 feet; thence South 46 degrees 17 minutes 08 seconds West a distance of 382.58 feet to the north line of County Road No. 78 according to Highway Document No. 323066; thence northwesterly, along said north line of County Road No. 78, to the point of beginning;

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and less that part platted as Peiffer Second Addition, more particularly described as follows: Lot 1, Block 1, Peiffer Addition, according to the plat thereof: also that part of the Northeast quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter, Section 15, Township 115, Range 23 described as follows: Beginning at the most easterly corner of said Lot 1, Block 1 Peiffer Addition, thence North 43 degrees 42 minutes 52 seconds West, along the northeasterly line of said Lot 1, Block 1, a distance of 655.10 feet; thence North 46 degrees 17 minutes 08 seconds East a distance of 133.00 feet; thence South 43 degrees 42 minutes 52 seconds East a distance of 721.10 feet; thence South 46 degrees 17 minutes 08 seconds West a distance of 139.00 feet; thence North 43 degrees 42 minutes 52 seconds West a distance of 66.00 feet to the point of beginning;

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And all that part of the North Half of the Southwest Quarter of Section 15, Township 115, Range 23, Scott County, Minnesota, described as follows:

Beginning at the intersection of the South line of said North Half of the Southwest Quarter and the centerline of the northbound land of Trunk Highway 169; thence on an assumed bearing of North 88 degrees 54 minutes 25 seconds East a distance of 511.48 feet to the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 15; thence continuing along said bearing of North 88 degrees 54 minutes 25 seconds East, a distance of 135.74 feet; thence North 72 degrees 09 minutes 58 seconds East, a distance of 111.60 feet; thence North 59 degrees 50 minutes 33 seconds East a distance of 186.16 feet; thence North 40 degrees 57 minutes 51 seconds East, a distance of 139.15 feet; thence North 14 degrees 45 minutes 56 seconds East, a distance of 46.31 feet; thence North 10 degrees 41 minutes 33 seconds West, a distance of 53.20 feet; thence North 49 degrees 02 minutes 09 seconds West, a distance of 561.26 feet more or less to the said centerline of the northbound lane of Trunk Highway 169; thence southwesterly along said centerline 920 feet more or less to the point of beginning.

Excepting therefrom the following described tract:

Commencing at the intersection with the South line of said North Half of the Southwest Quarter and the centerline of the northbound land of Trunk Highway 169 and running thence East along said South line a distance of 360.0 feet; thence northeasterly and deflecting left at an angle of 35 degrees 26 minutes 30 seconds a distance of 192.6 feet; thence deflecting to the left at an angle of 104 degrees 03 minutes 30 seconds a distance of 334.3 feet more or less to the centerline of said northbound lane; thence southwesterly along said centerline a distance of 420.8 feet more or less to the point of beginning. Subject to the Highway right-of-way over the northerly 75 feet thereof.

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ALTA/NSPS OPTIONAL TABLE A NOTES

(The following items reference Table A optional survey responsibilities and specifications)

2) Site Address: XXX Emery Way, Shakopee, MN 55379

3) Flood Zone Information: This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Firm Panel No. 2704280010C.

4) Parcel Area Information:  
Gross Area: 1,121,786 s.f. ~ 25.75 acres  
R/W Area: 134,060 s.f. ~ 3.08 acres  
Net Area: 987,726 s.f. ~ 22.67 acres.

6) Zoning Information: The current Zoning for the subject property is UBR (Urban Business Reserve) per the County of Scott's zoning map dated August 18, 2020. The setback, height, and floor space area restrictions for said zoning designation are as follows:

Principal Structure Setbacks - Street(s): 100 feet (or 150 feet from centerline whichever is greater) public road right of way

Side: 30 feet  
Rear: 60 feet  
Height: 35 feet  
Hardcover: 30 percent of lot area

Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.

We have not received the current zoning classification and building setback requirements from the insurer.

11) Utilities: We have shown the location of utilities to the best of our ability based on observed evidence together with evidence from the following sources: plans obtained from utility companies and markings provided by utility companies and other appropriate sources. We have used this information to develop a view of the underground utilities for this site. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. A Gopher State One Call was submitted for this survey. Please reference Ticket No. 202525313 for a list of utility operators in this area.

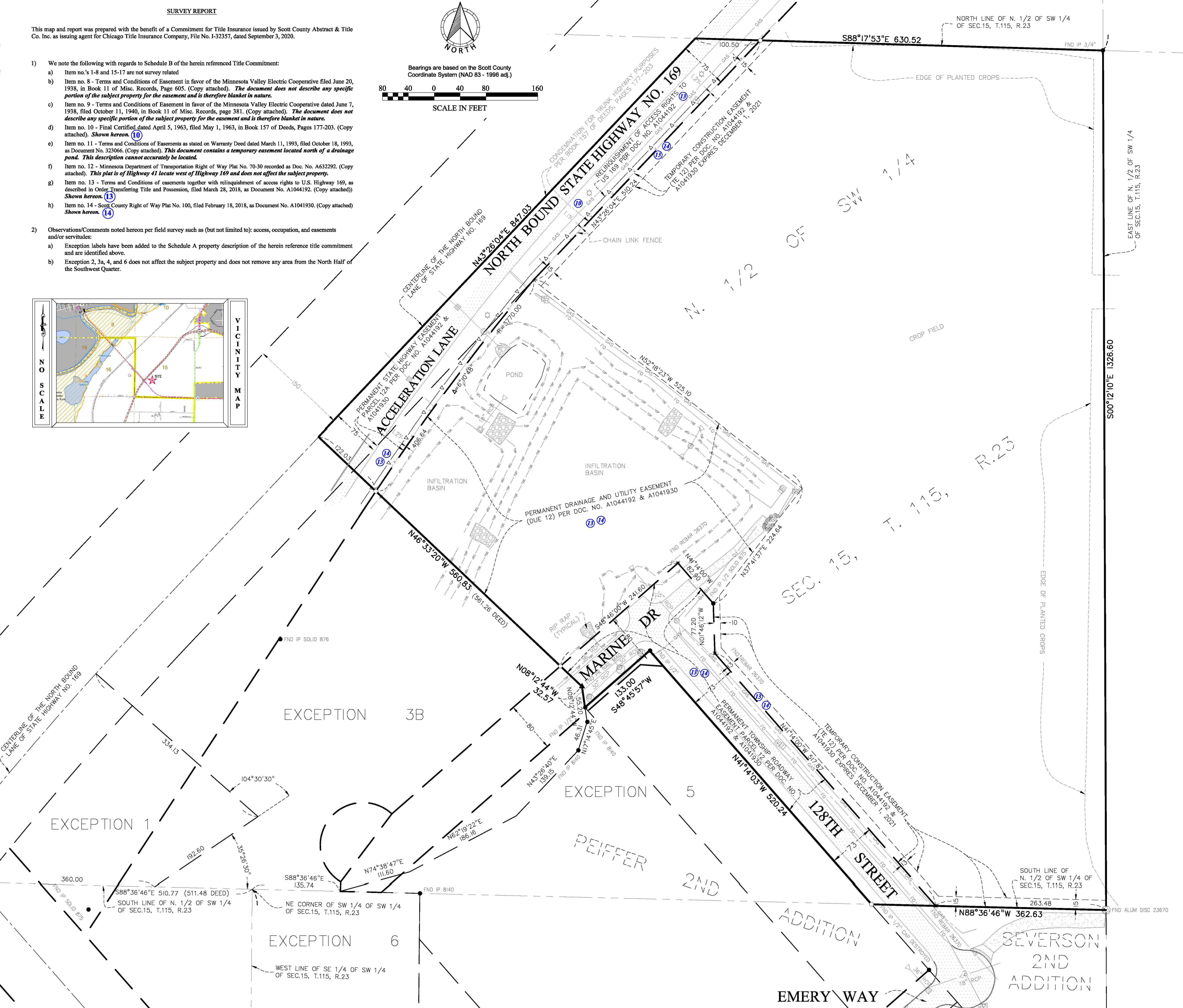
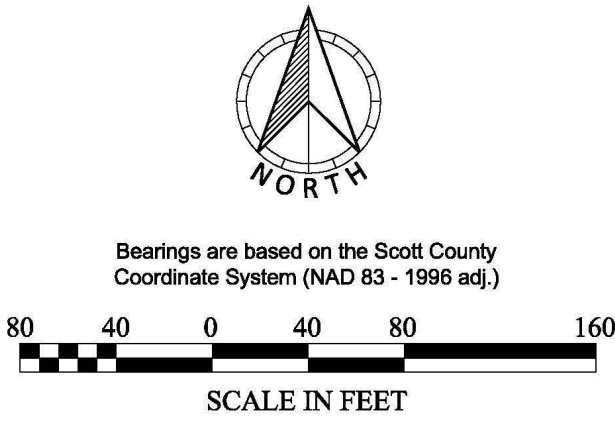
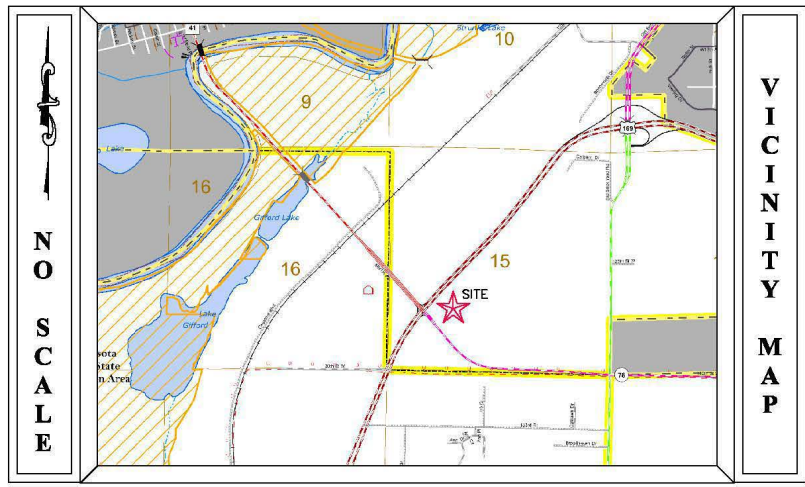
SURVEY LEGEND

⊙ CAST IRON MONUMENT	⊠ GAS VALVE	▨ CONCRETE
○ IRON PIPE MONUMENT SET	⊕ GUARD POST	▩ BITUMINOUS
● IRON PIPE MONUMENT FOUND	⊖ POWER POLE	▩ GRAVEL
✱ REBAR MONUMENT FOUND	⊗ STORM DRAIN	—X—X— FENCE
▲ PK NAIL MONUMENT SET	⊠ CATCH BASIN	—FD— FIBER OPTIC UNDERGROUND
▲ PK NAIL MONUMENT FOUND	◁ FLARED END SECTION	—GAS— GAS UNDERGROUND
⊙ LIGHT POLE	⊖ SIGN	—SS— STORM SEWER
⊠ TELEPHONE PEDESTAL	⊖ SOIL BORING	—TEL— TELEPHONE UNDERGROUND

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by Scott County Abstract & Title Co. Inc. as issuing agent for Chicago Title Insurance Company, File No. I-32357, dated September 3, 2020.

- We note the following with regards to Schedule B of the herein referenced Title Commitment:
  - Item no.'s 1-8 and 15-17 are not survey related
  - Item no. 8 - Terms and Conditions of Easement in favor of the Minnesota Valley Electric Cooperative filed June 20, 1938, in Book 11 of Misc. Records, Page 605. (Copy attached). *The document does not describe any specific portion of the subject property for the easement and is therefore blanket in nature.*
  - Item no. 9 - Terms and Conditions of Easement in favor of the Minnesota Valley Electric Cooperative dated June 7, 1938, filed October 11, 1940, in Book 11 of Misc. Records, page 381. (Copy attached). *The document does not describe any specific portion of the subject property for the easement and is therefore blanket in nature.*
  - Item no. 10 - Final Certified dated April 5, 1963, filed May 1, 1963, in Book 157 of Deeds, Pages 177-203. (Copy attached). *Shown hereon. (10)*
  - Item no. 11 - Terms and Conditions of Easements as stated on Warranty Deed dated March 11, 1993, filed October 18, 1993, as Document No. 323066. (Copy attached). *This document contains a temporary easement located north of a drainage pond. This description cannot accurately be located.*
  - Item no. 12 - Minnesota Department of Transportation Right of Way Plat No. 70-30 recorded as Doc. No. A632292. (Copy attached). *This plat is of Highway 41 locate west of Highway 169 and does not affect the subject property.*
  - Item no. 13 - Terms and Conditions of easements together with relinquishment of access rights to U.S. Highway 169, as described in Order Transferring Title and Possession, filed March 28, 2018, as Document No. A104192. (Copy attached) *Shown hereon. (13)*
  - Item no. 14 - Scott County Right of Way Plat No. 100, filed February 18, 2018, as Document No. A1041930. (Copy attached) *Shown hereon. (14)*
- Observations/Comments noted hereon per field survey such as (but not limited to): access, occupation, and easements and/or servitudes:
  - Exception labels have been added to the Schedule A property description of the herein reference title commitment and are identified above.
  - Exception 2, 3a, 4, and 6 does not affect the subject property and does not remove any area from the North Half of the Southwest Quarter.



FIELD CREW	NO.	BY	DATE	REVISION
CL, DH				
DRAWN				
CT, JA				
CHECKED				
JA				
DATE				
10/27/2020				

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To: Kermit Severson; Palmer Shakopee Holdings, LLC; Scott County Abstract & Title Co., Inc; and Chicago 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 - 4, 8, 9 and 11 of Table A thereof. The field work was completed on October 26, 2020.

Date of Plat or Map: October 28, 2020

Janet J. Averbeck, PLS  
Minnesota License No. 53642



**SATHRE-BERGQUIST, INC.**  
150 SOUTH BROADWAY WAYZATA, MN. 55391 (952) 476-6000  
WWW.SATHRE.COM

TWP:115-RGE:23-SEC:15 Scott County
JACKSON TOWNSHIP, MINNESOTA

ALTA/NSPS LAND TITLE SURVEY

PREPARED FOR:  
KERMIT SEVERSON

FILE NO.  
80772-001

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