

**CITY OF LAKEVILLE  
(Resolution No. 19-135)**

**EUREKA TOWNSHIP  
(Resolution No. 2019-09)**

**JOINT RESOLUTION ESTABLISHING AN ORDERLY ANNEXATION  
AGREEMENT BETWEEN THE CITY OF LAKEVILLE AND EUREKA TOWNSHIP  
PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325 TO PROVIDE FOR THE  
IMMEDIATE ANNEXATION OF CERTAIN PROPERTY**

**WHEREAS**, the City of Lakeville, Dakota County, Minnesota ("City") and Eureka Township, Dakota County, Minnesota ("Township") both desire to accommodate growth in a cooperative, planned, and orderly fashion; and

**WHEREAS**, the City and Township are in agreement as to the orderly annexation of the unincorporated land described herein, and both determine such annexation will be to their benefit and to the benefit of their respective residents; and

**WHEREAS**, Minnesota Statutes, section 414.0325 provides a procedure whereby the City and the Township may agree on a process of orderly annexation of a designated area; and

**WHEREAS**, the City and the Township are in agreement as to the immediate annexation of the designated area in accordance with the provisions of this orderly annexation agreement ("Agreement") in order to promote orderly and planned growth at Airlake Airport; and

**WHEREAS**, since the City is capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area; and

**WHEREAS**, the owners of the property have waived the electric utility service notice under Minnesota Statutes, section 414.0325, subdivision 1a as the provider of such service will not change as a result of the annexation; and

**WHEREAS**, the notice requirements prescribed by Minnesota Statutes, section 414.0325, subdivision 1b do not apply because the Agreement provides for the immediate annexation of the designated property and all of the owners of the property have petitioned for the annexation; and

**WHEREAS**, this Agreement sets out all of the terms and conditions for the annexation of the property described within this document and the signatories hereto agree that no consideration by the Chief Administrative Law Judge of the Office of Administrative Hearings is necessary.

**NOW, THEREFORE**, the City Council of the City of Lakeville and the Town Board of Eureka Township hereby resolve and agree to the immediate annexation into the City of the property herein described upon the following terms and conditions:

1. **Designated Area.** The unincorporated property designated for orderly annexation by this Agreement consists of the land legally described in the attached Exhibit A and shown on map attached hereto as Exhibit B ("Property").
2. **Immediate Annexation.** It is agreed that the Property be immediately annexed to the City. Upon its adoption by both the City and the Township, the City shall file this Agreement with the Chief Administrative Law Judge for processing and an order providing for the immediate annexation of the Property pursuant to its terms. This City shall be responsible for providing any additional information that may be required to accomplish the annexation provided for herein.
3. **Acreage/Population/Usage/Zoning.**
  - a. The Property consists of approximately 165.38 acres.
  - b. The population of the Property is currently 0.
  - c. The Property is owned by Metropolitan Airports Commission, a public corporation of the State of Minnesota, which signed a petition for this annexation as part of a desire to provide city utility services to the Property.
  - d. The Property abuts the south boundary line of the main City limits and is not included within any other municipality.
  - e. Upon annexation, the Property will be included in the City's rural/agricultural (RA) zoning district, subject to an anticipated rezoning request by the petitioners.
4. **Roads.** This annexation will include annexation of a portion of an abutting Township road. The City will be responsible for one-half of the width of that portion of 225<sup>th</sup> Street immediately abutting the Property to be annexed. The City and Township will enter into a Joint Powers Agreement for maintenance of 225<sup>th</sup> Street abutting the Property and property previously annexed to the City in 2018.
5. **Jurisdiction.** Pursuant to Minnesota Statutes, section 414.0325, the Township and the City, upon passage of this joint resolution, confer jurisdiction upon the Chief

Administrative Law Judge so as to accomplish orderly annexation in accordance with the terms of this Agreement.

6. **Taxation.** The Township may continue to levy on the annexed area for 2019 and the City may not levy in the annexed area until the following year. Differential taxation under M.S. §414.035, or special assessment or debt reimbursement under M.S. §414.036 is not required.

The City and Township hereby agree that the Order effecting the annexation shall reference the obligation of the City to reimburse the Township for the lost taxes from the Property as required by Minnesota Statutes § 414.036 as detailed in Exhibit C and that there are no special assessments assigned by the Township to the Property, nor is there any debt incurred by the Township attributable to the Property. City reimbursement to the Township for each year shall occur on or before July 1<sup>st</sup> of the year in which the payment is due.

7. **Review and Comment.** The City and the Township agree that upon receipt of this Agreement, as passed and adopted by each party, the Chief Administrative Law Judge may review and comment but shall, within 30 days, order the annexation in accordance with the terms of this Agreement. The City and Township agree that no alteration of the stated boundaries of the orderly annexation area as shown and described in the attached exhibits is appropriate, that no consideration by the Chief Administrative Law Judge is necessary, that all terms and conditions for annexation are provided for in this Agreement, and that no alteration of the terms and conditions of this Agreement by the Chief Administrative Law Judge is appropriate.
8. **Costs Associated with the Orderly Annexation Agreement.** Each party shall pay its own costs incurred in the negotiation, development and implementation of this Agreement, with the exception that the City shall pay for the recording and filing fees, and costs incurred to make any needed corrections.
9. **Entire Agreement.** The terms, covenants, conditions, and provisions of this Agreement, including Exhibits A and B, which are attached hereto and incorporated herein by reference, shall constitute the entire agreement between the parties. No amendment to this Agreement shall be effective unless mutually agreed to by the City and Township. Any prior joint resolutions or agreements regarding all or any portion of the Property are superseded by, and shall not interfere with or otherwise control, the terms of this Agreement.
10. **Effective Date/Applicability.** This Agreement is effective upon its adoption by the respective governing bodies of both the Township and the City. The annexation of the

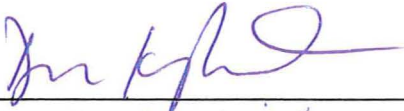
Property shall be effective upon the issuance of the order by the Chief Administrative Law Judge. This Agreement is only meant to apply to the Property and not to any other property or area within the Township.

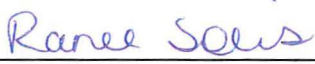
11. **Adopt and Enforce Regulations.** The City's zoning and subdivisions regulations shall apply to the Property annexed pursuant to this Agreement upon the effective date of the Chief Administrative Law Judge's order approving the annexation. Until such time as the annexation is effective, the Property shall remain subject to the Township's ordinances and regulations.
12. **Authorization.** The appropriate officers of the City and the Township are hereby authorized to carry the terms of this Agreement into effect.
13. **Governing Law.** This Agreement is made pursuant to, and shall be construed in accordance with, the laws of the State of Minnesota.

[signature pages to follow]

Adopted by affirmative vote of the Eureka Town Board this 15<sup>th</sup> day of October, 2019.


**EUREKA TOWNSHIP**


By:   
DONOVAN PALMQUIST, Town Board Chair

Attest:   
RANEEL SOLIS, Town Board Clerk

Adopted by affirmative vote of the City Council of the City of Lakeville, this 21st day of  
October, 2019.

**CITY OF LAKEVILLE**

By:   
Douglas P. Anderson, Its Mayor

And:   
Charlene Friedges, Its City Clerk

**EXHIBIT A**  
**Legal Description of the Property**

**Parcel 1**

Beginning in the northwest corner of the NW¼ of Section 4, Township 113, Range 20; thence east along the north line for a distance of 1090.27 feet to the point of beginning of the parcel to be described; thence S. 63° 09' 55" E. for a distance of 779 feet, more or less; thence N. 26° 50' 05" E. for a distance of 404.79 feet to the intersecting north section line; thence west along the north line back to the point of beginning.

Dakota County Parcel IDs affected:

13-00400-25-012  
13-00400-25-018  
13-00400-25-014  
13-00400-25-016  
13-00400-27-010  
13-00400-27-020

AND

**Parcel 2**

Beginning in the northeast corner of the NW¼ of Section 4, Township 113, Range 20; thence, south along the east quarter line for a distance of 620 feet to the point of beginning of the parcel to be described; thence west for a distance of 600 feet; thence north for a distance of 220 feet; thence east for a distance of 156 feet more or less; thence on a line going S. 63°01'01" E. back to the point of beginning;

Dakota County Parcel IDs affected:

13-00400-26-021  
13-00400-26-011

AND

**Parcel 3**

The NE¼ of Section 4, Township 113, Range 20, Dakota County, Minnesota except for the following described parcel:

Beginning in the northwest corner of the NE¼ of Section 4, Township 113, Range 20; thence east on the section line for 50 feet; thence south for 400.22 feet; thence N. 59°38'58" E. for a distance of .42 feet more or less; thence S. 39°47'54" E. for a distance of 48.88 feet; thence S. 61°30'50" E. for a distance of 22.14 feet; thence south for 224.48 feet; thence N. 63°01'01" W. to the west line of the NE¼; thence north on the west line of the NE¼ back to the northwest corner of the NE¼.

Dakota County Parcel IDs affected:

13-00400-03-011

13-00400-02-011

13-00400-01-010



**EXHIBIT B**  
**Map of the Property**



## EXHIBIT "C"

### City Reimbursement to Township Pursuant to M.S. § 414.036

The City and Township agree that upon annexation of the Property legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule: 1) in the first year following the year the City could first levy on the annexed area, an amount equal to ninety (90) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township; 2) in the second year, an amount equal to seventy (70) percent; 3) in the third year, an amount equal to fifty (50) percent; 4) in the fourth year, an amount equal to thirty (30) percent, and; 5) in the fifth and final year, an amount equal to ten (10) percent/ Thereafter, the City will no longer reimburse the Township.

| Year   | 2019 Tax Amount | X | %   | = | Amount      | Date Paid | Check Number |
|--------|-----------------|---|-----|---|-------------|-----------|--------------|
| Year 1 | \$13,844.96     | x | 90% | = | \$12,460.46 |           |              |
| Year 2 | \$13,844.96     | x | 70% | = | \$ 9,591.47 |           |              |
| Year 3 | \$13,844.96     | x | 50% | = | \$ 6,922.48 |           |              |
| Year 4 | \$13,844.96     | x | 30% | = | \$ 4,153.49 |           |              |
| Year 5 | \$13,844.96     | x | 10% | = | \$ 1,384.50 |           |              |

Special Assessments—None.

Bonded Indebtedness-None.

# Airlake Airport Annexation Site Map





