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By: OAH on October 5, 2023

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. 2023-203

Township of Waconia Resolution Date: 8/28/23

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 an area of the Township in need of orderly and immediate annexation for the purpose of bringing such area into the city limits; and

WHEREAS, a request from all of the property owners of the area proposed for designation and immediate annexation was received; and

WHEREAS, the area to be annexed is approximately 0.6 acres and adjoins the City; is urban or suburban in character, and the City is capable of providing services, if any, required by the area within a reasonable time; and

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

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 hatching on the map attached as Exhibit B (the "Land").

2. The orderly annexation area consists of approximately 0.6 acres, the population of the area is 1, and the land use type is residential.
3. The area is in need of orderly annexation and is for the purpose of providing municipal utility services to the Land.
4. This Joint Resolution confers jurisdiction on the chief administrative law judge over the annexation area and over the various provisions of this Joint Resolution.
5. 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.
6. There will be no change in the electric service or cost resulting from the annexation.
7. 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.
8. 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.
9. To the extent, if any, that the annexation area contains streets or roadways, the City shall be solely responsible for any maintenance or improvements after the annexation has been ordered.
10. Tax Reimbursement. Pursuant to Minnesota Statutes §414.036, the City and the Township acknowledge that the reimbursement for taxable property has been satisfied. The owner of the Land and the Township have agreed that a single payment of \$ 300 will be made to the Township for the taxable property annexed by this Joint Resolution. The payment has already been made and a copy of the Township's receipt acknowledging payment is attached as **Exhibit C** (the "Receipt").
11. If the Minnesota Department of Transportation or the Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments requests technical corrections to the legal description attached as **Exhibit A** or the map attached as **Exhibit B**, then: i) City staff may make the requested corrections and attach revised exhibits to this Joint Resolution without further action of the City or Township; and ii) the Joint Resolution, with corrected exhibits, shall remain effective, valid, and enforceable.

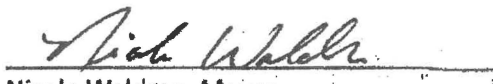
12. This Joint Resolution is effective upon approval and adoption by both the City Council of the City of Waconia and the Board of Supervisors of the Township of Waconia.

Passed and adopted by the Board of Supervisors of the Township of Waconia this 28 day of August, 2023.


John M. Zimmerman, Chairman

ATTEST: Sue Goede - Clerk
Sue Goede, Clerk

Passed and adopted by the City Council of the City of Waconia this 18 day of September, 2023.


Nicole Waldron, Mayor

ATTEST: Jackie Schulze
Jackie Schulze, City Clerk

EXHIBIT A
Property Description

That part of the following described property:

That part of Lot 18, Volkenant's Second Addition to Waconia, described as: Beginning at a point on the east line of said Lot 18 distant 45.50 feet north of the southeast corner of said Lot 18; thence West, parallel with the south line of said Lot 18, a distance of 210.00 feet; thence North, parallel with the east line of said Lot 18, to the intersection with the northwesterly line of said Lot 18; thence Northeasterly along said northwesterly line to the northeast corner of said Lot 18; thence South, along the east line of said Lot 18 to the point of beginning.

AND

That part of Lot 3, Block 2, HIGHWAY FIVE BUSINESS PLAZA, embraced within the following described land:

That part of Lot 18, Volkenant's Second Addition to Waconia, described as: Beginning at a point on the east line of said Lot 18 distant 45.50 feet north of the southeast corner of said Lot 18; thence West, parallel with the south line of said Lot 18, a distance of 210.00 feet; thence North, parallel with the east line of said Lot 18; to the intersection with the northwesterly line of said Lot 18; thence Northeasterly along said northwesterly line to the northeast corner of said Lot 18; thence South, along the east line of said Lot 18 to the point of beginning.

PROPOSED ANNEXATION AREA: 0.60 acres.

EXHIBIT B

Map

EXHIBIT B-1

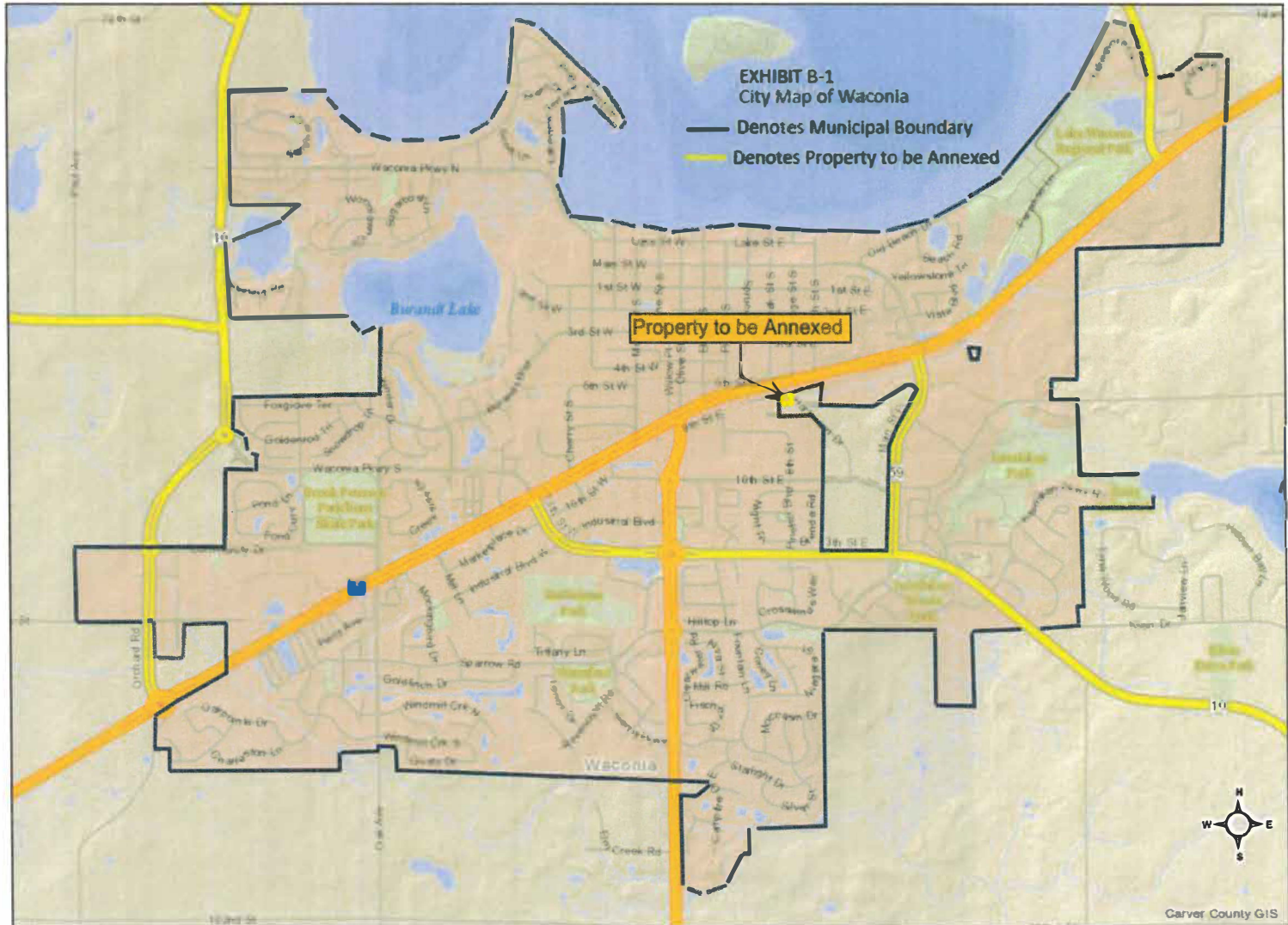


EXHIBIT B-2

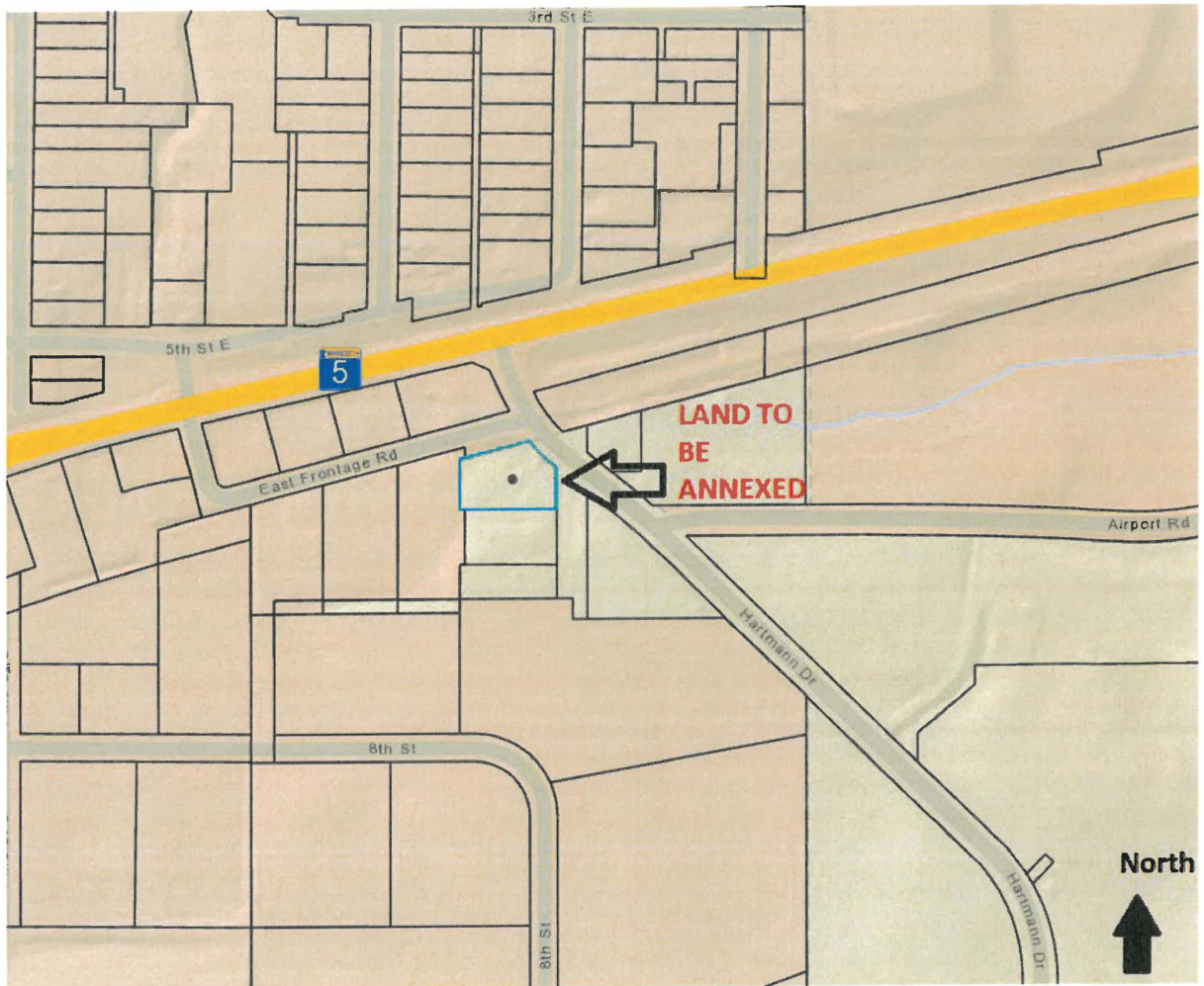


EXHIBIT C

Form of Receipt

WACONIA TOWNSHIP

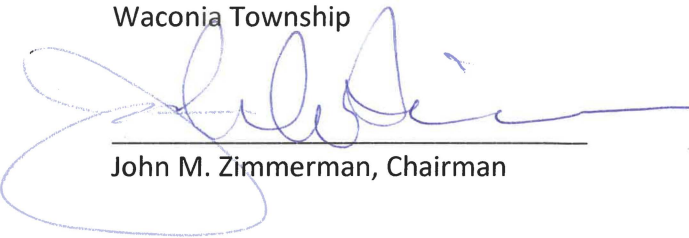
RECEIPT FOR REIMBURSEMENT TO TOWNSHIP

FOR ANNEXATION OF TAXABLE PROPERTY

Sept 11, 2023

Pursuant to Minnesota Statutes Section 414.036, the Town of Waconia hereby acknowledges the receipt of a single payment of \$ 300 as reimbursement for all the taxable property being annexed to the City of Waconia as described on Exhibit A and depicted on Exhibit B attached hereto and approves the annexation of such land. There are no special assessments assigned by Waconia Township to the annexed property and no debt incurred by the Township prior to the annexation attributable to the property annexed.

Waconia Township



John M. Zimmerman, Chairman