

RESOLUTION NO. 7758

**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 October 11, 2002, accepted by the Municipal Board on November 8, 2002, and which is identified as Docket No. OA-882 (“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, Scott County requested that the City annex approximately 79.27 acres of public right-of-way within the Town as shown on the map attached hereto as Exhibit A and as legally described in the attached Exhibit B (“Annexation Area”);

WHEREAS, the Annexation Area encompasses portions of State Highway 169 and County Road 15, and no one lives within the Annexation Area;

WHEREAS, the City has notified the Town of the request it received from Scott County to annex the Annexation Area;

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

- a. Under Section II, paragraph 7 of the Orderly Annexation Agreement, the “City may at any time, without a petition of the property owners, annex undeveloped property, or multiple properties, within the Township which are at least fifty (50) percent surrounded by the municipal boundary of the City, based on the perimeter of the entire area to be annexed.”;
- b. The Annexation Area is almost entirely surrounded by the City’s boundary and more than satisfies the minimum 50% required by the Orderly Annexation Agreement;

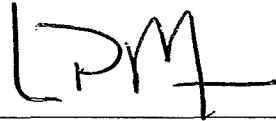
- c. Section II, paragraph 7 of the Orderly Annexation Agreement also indicates that “[l]and which is tax exempt, publicly owned, utilized for utility or transportation purposes, or other similar property shall be considered undeveloped.”;
- d. Because the Annexation Area is tax exempt public right-of-way used for transportation purposes, it is considered “undeveloped property” for the purposes of the Orderly Annexation Agreement and is subject to annexation by the City without an owner petition;
- e. Under Section III, paragraph 2 of the Orderly Annexation Agreement, “[w]here property is annexed that is publicly owned or is currently exempt from local property taxes, the exemption shall be maintained and no reimbursement shall be required from the City to the Township”;
- f. Because the Annexation Area is not subject to local property taxes, the City is not required to make a payment to the Town as reimbursement for lost property taxes;
- g. Annexation of the Annexation Area will not cause the City to exceed the 250 acre annual area limit set out in Section IV, paragraph 1 of the Orderly Annexation Agreement;
- h. Because this annexation is initiated by the City under the Orderly Annexation Agreement and not by owner petition, the utility service notice requirement under Minn. Stat. § 414.0325, subd. 1a does not apply; and
- i. 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 shown on the attached Exhibit A, and legally described in the attached Exhibit B, 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 not subject to local property taxes and, pursuant to the Orderly Annexation Agreement, the City is not required to make any tax reimbursement payment to the Town related to this annexation.

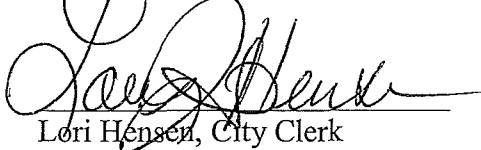
5. City staff is authorized and directed to file this Resolution with the Office of Administrative Hearings - Municipal Boundary Adjustments Office ("Boundary Adjustments Office").
6. In the event the Boundary Adjustments Office identifies any errors, omissions, or other problems with the attached map 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 16th day of August, 2016.



Mayor of the City of Shakopee

ATTEST:



Lori Hensen, City Clerk

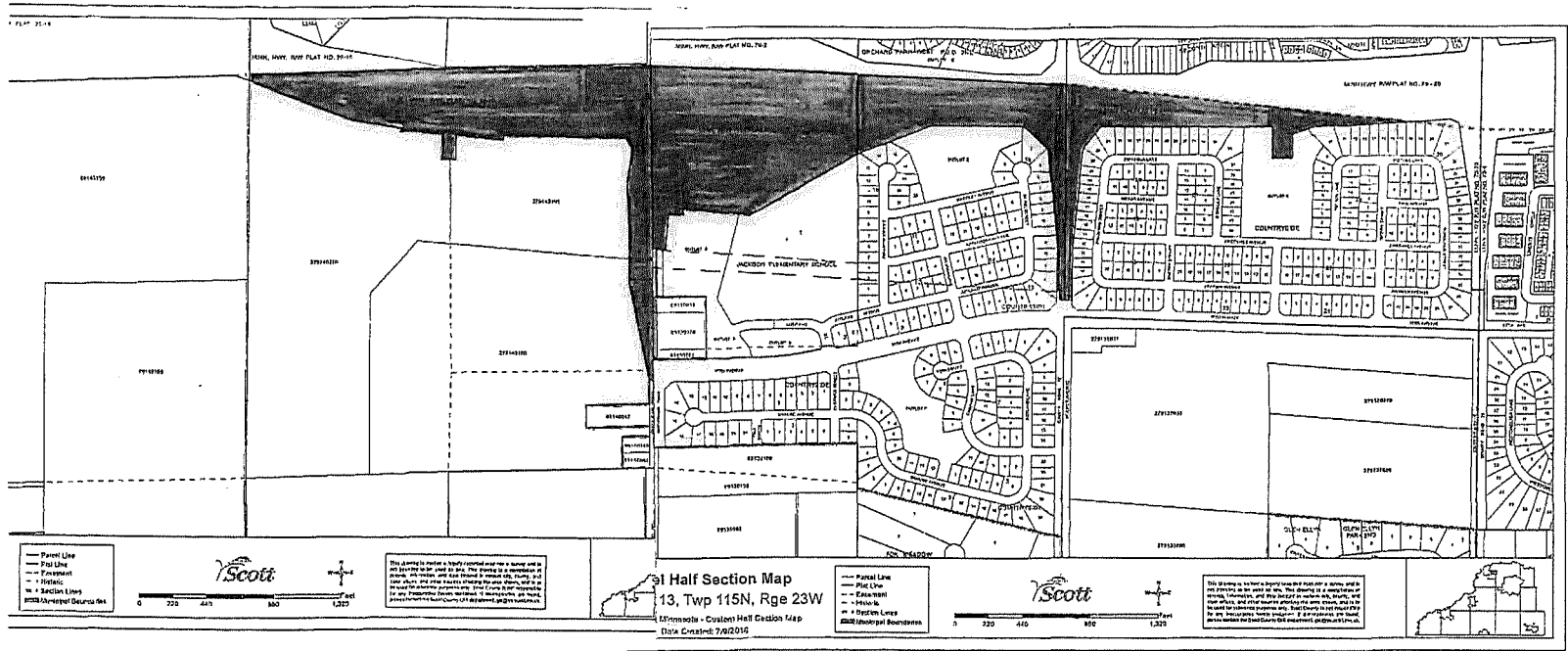
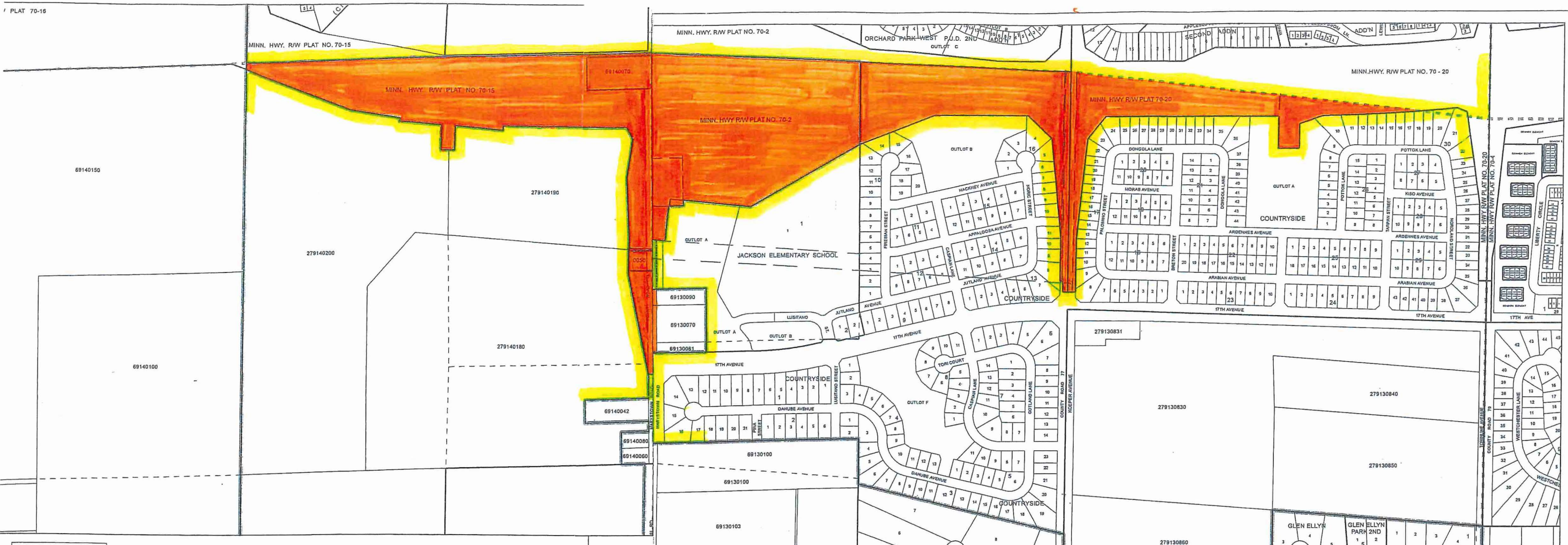


EXHIBIT A
Map of Annexation Area



- Parcel Line
- Plat Line
- - Easement
- - Historic
- Section Lines
- ▭ Municipal Boundaries



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County GIS department: gis@co.scot.mn.us.

Half Section Map
 13, Twp 115N, Rge 23W
 Minnesota - Custom Half Section Map
 Date Created: 7/9/2016

- Parcel Line
- Plat Line
- - Easement
- - Historic
- Section Lines
- ▭ Municipal Boundaries



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Scott County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Scott County GIS department: gis@co.scot.mn.us.

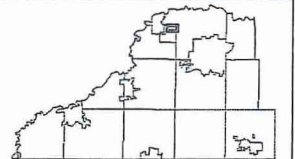


EXHIBIT B
Legal Description of Annexation Area

That part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 115 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at the northeast corner of said Section 14; thence due south along the east line of said Section 14, a distance of 16.5 feet to the point of beginning of Tract A to be described; thence due west parallel to the north line of said Section 14, a distance of 416 feet; thence due south parallel to the east line of said section, a distance of 208 feet; thence due east parallel to the north line of said section, a distance of 416 feet to a point on the east line of said section; thence due north along the east line of said section, a distance of 208 feet to the point of beginning.

TOGETHER WITH

That part of the Northeast Quarter, Section 14, Township 115 North, Range 23 West, Scott County, Minnesota, which is denoted and shown as Parcel 49 on Minnesota Department of Transportation Right of Way Plat No. 70-15, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota.

TOGETHER WITH

The East Half of the Northeast Quarter of Section 14, Township 115 North, Range 23 West, Scott County, Minnesota, described as follows: Beginning at a point on the east line of said Section 14, distant 1254 feet north of the east quarter corner thereof; thence West at right angles 150 feet; thence North at right angles 146 feet; thence East at right angles 150 feet to the east line of said Section 14; thence South to the point of beginning; excepting therefrom the east 33 feet thereof.

TOGETHER WITH

That part of the East 33.00 feet of the Northeast Quarter, Section 14, Township 115 North, Range 23 West, Scott County, Minnesota, which lies north of the following described line:

Beginning at Right of Way Boundary Corner B513 as shown on Minnesota Department of Transportation Right of Way Plat No. 70-15, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota; thence on an azimuth of 268 degrees 29 minutes 48 seconds, along the boundary of said plat, a distance of 33.00 feet to Right of Way Boundary Corner B14, and said line there terminating.

EXCEPT that part of the Northeast Quarter of the Northeast Quarter of Section 14, Township 115 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at the northeast corner of said Section 14; thence due south along the east line of said Section 14, a distance of 16.5 feet to the point of beginning of Tract A to be described; thence due west parallel to the north line of said Section 14, a distance of 416 feet; thence due south parallel to the east line of said section, a distance of 208 feet; thence due east parallel to the north line of said section, a distance of 416 feet to a point on the east line of said section; thence due north along the east line of said section, a distance of 208 feet to the point of beginning.

TOGETHER WITH

The Northwest Quarter of the Northwest Quarter of Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, excepting therefrom the south 7 rods thereof; also excepting therefrom that part described as follows: Beginning at a point on the west line of said Section 13, distant 685.6 feet south of the northwest corner thereof; thence run south along said west section line for 320 feet; thence east at right angles to said west line for 207.65 feet; thence north at right angles for 320 feet; thence west at right angles for 207.65 feet to the point of beginning; and also excepting therefrom that part of the Northwest Quarter of the Northwest Quarter of Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, described as follows: Beginning at Right of Way Boundary Corner B27 as shown on Minnesota Department of Transportation Right of Way Plat Numbered 70-2 as the same is on file and of record in the Office of the County Recorder in and for said county; thence southerly on an azimuth of 179 degrees 05 minutes 21 seconds along the boundary of said Plat No. 70-2 for 702.84 feet to Right of Way Boundary Corner B28; thence on an azimuth of 273 degrees 02 minutes 06 seconds along the boundary of said plat for 1259.46 feet; thence northerly for 163.12 feet on a non-tangential curve, concave to the east, having a radius of 2764.80 feet, a delta angle of 03 degrees 22 minutes 49 seconds and a chord azimuth of 04 degrees 15 minutes 44 seconds; thence on tangent to said curve on an azimuth of 05 degrees 57 minutes 09 seconds for 114.91 feet; thence on an azimuth of 95 degrees 57 minutes 10 seconds for 526.36 feet; thence on an azimuth of 59 degrees 22 minutes 42 seconds for 812.22 feet to the point of beginning.

TOGETHER WITH

That part contained within the following described tract: Beginning at a point on the west line of said Section 13, distant 685.6 feet south of the northwest corner thereof; thence run south along said west section line for 320 feet; thence east at right angles to said west line for 207.65 feet; thence north at right angles for 320 feet; thence west at right angles for 207.65 feet to the point of beginning.

TOGETHER WITH

That part of the Northeast Quarter of the Northwest Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which is denoted and shown as Parcel 51B on Minnesota Department of Transportation Right of Way Plat No. 70-2, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota.

TOGETHER WITH

That part of the Northeast Quarter of the Northwest Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which is denoted and shown as Parcel 52 on Minnesota Department of Transportation Right of Way Plat No. 70-2, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota.

TOGETHER WITH

That part of the East Half of the Northwest Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which is denoted and shown as Parcel 52A on Minnesota Department of Transportation Right of Way Plat No. 70-2, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota.

TOGETHER WITH

The East 33.00 feet of the Northeast Quarter of the Northwest Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota.

TOGETHER WITH

That part of the East 33.00 feet of the Southeast Quarter of the Northwest Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which lies north of the following described line:

Beginning at Right of Way Boundary Corner B219 as shown on Minnesota Department of Transportation Right of Way Plat No. 70-2, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota; thence on an azimuth of 269 degrees 39 minutes 52 seconds, along the boundary of said plat, a distance of 33.00 feet to Right of Way Boundary Corner B20, and said line there terminating.

TOGETHER WITH

That part of the Northwest Quarter of the Northeast Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which is denoted and shown as Parcel 51B on Minnesota Department of Transportation Right of Way Plat No. 70-3, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota.

TOGETHER WITH

That part of the Southwest Quarter of the Northeast Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which is denoted and shown as Parcel 49 on Minnesota Department of Transportation Right of Way Plat No. 70-20, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota.

TOGETHER WITH

The West 33.00 feet of the Northwest Quarter of the Northeast Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota.

TOGETHER WITH

That part of the West 33.00 feet of the Southwest Quarter of the Northeast Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which lies north of the following described line:

Beginning at Right of Way Boundary Corner B219 as shown on Minnesota Department of Transportation Right of Way Plat No. 70-20, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota; thence on an azimuth of 89 degrees 39 minutes 52 seconds, along the boundary of said plat, a distance of 50.00 feet to Right of Way Boundary Corner B28, and said line there terminating.

TOGETHER WITH

That part of the Northeast Quarter of the Northeast Quarter, Section 13, Township 115 North, Range 23 West, Scott County, Minnesota, which is denoted and shown as Parcel 49 on Minnesota Department of Transportation Right of Way Plat No. 70-20, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota, and which lies northerly, westerly, and northerly of the following described line:

Beginning at Right of Way Boundary Corner B23 as shown on Minnesota Department of Transportation Right of Way Plat No. 70-20, according to the record plat thereof, on file in the Office of the County Recorder, Scott County, Minnesota; thence westerly a distance of 861.14 feet along the boundary of said plat being a non-tangential curve concave to the north, having a radius of 11609.16 feet, a delta angle of 04 degrees 15 minutes 00 seconds and a chord azimuth of 266 degrees 11 minutes 52 seconds to Right of Way Boundary Corner B64; thence on an azimuth of 250 degrees 31 minutes 19 seconds, along the boundary of said plat, a distance of 160.29 feet to Right of Way Boundary Corner B65; thence on an azimuth of 179 degrees 04 minutes 22 seconds, along the boundary of said plat, a distance of 160.00 feet to Right of Way Boundary Corner B66; thence on an azimuth of 269 degrees 24 minutes 02 seconds, along the boundary of said plat, a distance of 135.24 feet to Right of Way Boundary Corner B67 and said line there terminating.

TOGETHER WITH

The West 33.00 feet of the following described property:

That part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 115, Range 23, Scott County, Minnesota described as follows; Commencing at the Northwest corner of said Southwest Quarter of the Northwest Quarter, thence southerly along the west line thereof a distance of 207.26 feet to the point of beginning, thence easterly at right angles a distance of 350.00 feet; thence southerly at right angles a distance of 350.00 feet; thence westerly at right angles a distance of 350.00 feet to said west line; thence northerly along said west line a distance of 350.00 feet to the point of beginning.

TOGETHER WITH

The West 33.00 feet of the following described property:

That part of the Southwest Quarter of the Northwest Quarter of Section 13, Township 115, Range 23, Scott County, Minnesota described as follows; Beginning at a point on the west line of said Southwest Quarter of the Northwest Quarter 719.36 feet north of the southwest corner thereof; thence North 1 degree 1 minute 25 seconds West, assumed basis for bearings, along said West line, 63.64 feet; thence North 88 degrees 58 minutes 35 seconds East a distance of 350.00 feet; thence South 1 degree 1 minute 25 seconds East, parallel with said West line a distance of 65.54 feet; thence South 89 degrees 17 minutes 12 seconds West a distance of 350.01 feet to said West line.