

RESOLUTION NO. 2005 - 31

**A RESOLUTION ANNEXING PROPERTY (DEBBIE DUKE AND DAVID
ELROD) FROM THE TOWN OF HASSAN INTO THE CITY OF ROGERS
(MBA DOCKET OA-992)**

WHEREAS, the City of Rogers ("City") and the Town of Hassan ("Hassan"), have entered into an orderly annexation agreement entitled, "Agreement between the Town of Hassan and the City of Rogers for Growth Management, Orderly Annexation and the Exercise of Joint Powers for the Extension of Municipal Services and Transportation Improvements" identified as MBA Docket No. OA-992; and ,

WHEREAS, said Agreement constitutes a "Joint Resolution" between the City and the Town authorized by Minn. Statutes §414.0325; and

WHEREAS, said Agreement designates the land shown on the attached map and legally described in Exhibit A as Phase II property and which may be annexed only in a contiguous manner to the City during the period of January 1, 2004 and August 15, 2010 (said described land is so contiguous) and provides for annexation of said land; and

WHEREAS, pursuant to said Annexation Agreement between the City and the Township (Docket No. OA-992), the City of Rogers states:

1. That the following described property in Hassan Township is subject to annexation pursuant to Minnesota State Statutes 414.0325 and the said "Joint Resolution" and hereby requests annexation of the following described properties to wit:

SEE ATTACHED EXHIBIT A

2. That the annexation as contemplated herein pursuant to subparagraph 4.02(c) of the Joint Resolution has been triggered by all the landowner(s) filing a petition with the City for annexation and connection with the City municipal sewer and water services and the City filing this Resolution with the Department of Administration and Municipal Boundary Adjustments following receipt of such Petition.
3. Said Joint Resolution provides that the City may execute a resolution for annexation of property and file the same with the Department of Administration, Municipal Boundary Adjustments, or its successors upon the occurrence of any event triggering annexation as provided in said Joint Resolution.

4. Upon receipt of this Resolution from the City providing for annexation of a designated area and a copy of the initial Joint Resolution, the Department of Administration and Municipal Boundary Adjustments pursuant to Minnesota Statutes 414.0235, may review and comment, but shall, within 30 days of receipt of this Resolution order the annexation of the area designated therein in accordance with the terms and conditions of the Joint Resolution.
5. The City acknowledges that after annexation of any portion of Phase II, pursuant to the terms of the Joint Resolution, the City shall provide municipal governmental services to such area, and the parcels therein shall then be required to connect to municipal sewer and water services as directed by the City from time to time.
6. Pursuant to paragraph 5.01 of the Joint Resolution, the City of Rogers' portion of the property taxes for these properties is phased over a five year period.

NOW, THEREFORE, be it resolved by the City Council of the City of Rogers, that:

- A. The recitals set forth above are incorporated herein.
- B. The City of Rogers has approved the proposed annexation of the aforementioned property of Hassan Township in the City of Rogers.
- C. The staff is hereby directed to forward this Resolution to Minnesota Municipal Boundary Adjustments for review and comment.

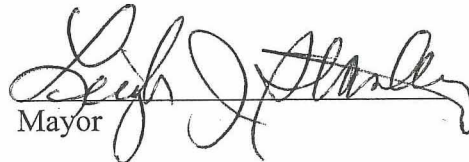
Moved by Councilmember Jakel, seconded by Councilmember Adams

The following voted on favor of said Resolution: Grimm, Jakel, Adams, Stanley

The following voted against the same: None

Whereupon said Resolution was declared carried.

Dated this 12th day of April, 2005.


Mayor

ATTEST:


City Clerk

(SEAL)

EXHIBIT ALEGAL DESCRIPTION

That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27 and of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, all in Township 120 North, Range 23, West of the 5th Principal Meridian, Hennepin County, Minnesota, described as follows: Beginning at the Northeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 27; thence South along the East line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 496.1 feet to its intersection with the center line of Co. Rd. No. 116; thence deflecting to the right 111 degrees 31 minutes along said center line a distance of 677.00 feet; thence deflecting to the right 71 degrees 00 minutes a distance of 580.4 feet; thence East parallel with the North line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 603.1 feet to the East line of said Section 22; thence South along said East line a distance of 331.5 feet to the point of beginning except that part described as follows:

That part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 27 and of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 22, all in Township 120, Range 23 described as follows: Commencing at the Northeast corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 27; thence South along the East line of said Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ a distance of 496.1 feet to its intersection with the center line of Co. Rd. 116; thence deflecting to the right 111 degrees 31 minutes along said center line a distance of 677.00 feet; thence deflecting to the right 71 degrees a distance of 580.4 feet; thence East parallel with the North line of said Section 27 a distance of 423.1 feet to the actual point of beginning of the tract to be excepted; thence continuing along the last described course a distance of 180.0 feet, more or less, to the East line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 22; thence South along said East line and of the East line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 27 to its intersection with the center line of Co. Rd. 116; thence deflecting to the right 111 degrees 31 minutes along said center line a distance of 194.5 feet; thence North a distance of 755.5 feet, more or less, to the point of beginning, all in Henn. Co., Minnesota, according to the recorded plat thereof.

PID #22-120-23 34 0002

RECT IV
RECT IV
RECT IV

JUN 28 2005

Duke/Elrod property – 6.5 acres

