

RESOLUTION NO. 2009 – 10

**A RESOLUTION ANNEXING PROPERTY (HASSAN MAIN STREET, LLC - STONES THROW) 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 *Rauenhorst*, seconded by Councilmember *Bunting*

The following voted on favor of said Resolution: *Bell, Bunting, Davis and Rauenhorst.*

The following voted against the same: *None.*

Whereupon said Resolution was declared carried.
Dated this 24th day of March, 2009.



Mayor

ATTEST:



Asst. City Administrator/City Clerk

(SEAL)

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-1 (Wicht III Tract)

Legal Description:

The Southwest Quarter of the Southwest Quarter of Section 36, Township 120, Range 23, except that part thereof which lies West of a line drawn parallel with and distant 40.0 feet Easterly of the West line of said Section 36.

Hennepin County, Minnesota
Abstract Property

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-2 (Wicht, Jr. Tract)

Legal Description:

The East Half of the Southeast Quarter; the Northwest Quarter of the Southeast Quarter; and the Southeast Quarter of the Northeast Quarter, all in Section 36, Township 120, Range 23, Except that part of said Southeast Quarter of the Northeast Quarter described as follows: Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence Northerly along the East line thereof a distance of 465.0 feet to the actual point of beginning of the tract to be described; thence continue Northerly along said East line a distance of 210.0 feet; thence Westerly deflecting to the left 90 degrees a distance of 265.0 feet; thence Southerly deflecting to the left 90 degrees a distance of 210.0 feet; thence Easterly deflecting to the left 90 degrees a distance of 265.0 feet to the point of beginning, and also Except that part thereof acquired by the State of Minnesota in the Final Certificate dated April 12, 1974, recorded May 28, 1976 in the office of the Hennepin County Recorder as Doc. No. 4209521.

Together with

The Northeast Quarter of the Southwest Quarter; the South Half of the Southwest Quarter of the Northeast Quarter; and the Southeast Quarter of the Northwest Quarter, all in Section 36, Township 120, Range 23.

Abstract Property
Hennepin County, Minnesota

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-3 (Stieg Tract)

Legal Description:

The West Half of the Southwest Quarter of the Southeast Quarter of Section 36, Township 120, Range 23.

Together with

The Southeast Quarter of the Southwest Quarter of Section 36, Township 120, Range 23.

Hennepin County, Minnesota

Torrens Property

Torrens Certificate No. 1027976 (includes additional land)

EXHIBIT A: LEGAL DESCRIPTION
[Stone's Throw Development, Hassan Township, Minnesota]
EXHIBIT A-4 (RTE Limited Partnership Tract)

Legal Description:

Parcel 1:

The North half of the Southwest Quarter of the Northeast Quarter of Section 36, Township 120, Range 23;

Parcel 2:

That part of the Northwest Quarter of the Northeast Quarter of said Section 36 described as commencing at a point on the East line of said Northwest Quarter distant 163 feet Southerly from the Northeast corner of said Northwest Quarter; thence Westerly parallel with the North line of said Northwest Quarter 200 feet; thence Southerly, deflecting to the left 81 degrees 46.01 feet to the actual point of beginning; thence Westerly parallel with said North line 225 feet; thence Northerly, deflecting to the right 99 degrees 46.01 feet; thence Easterly parallel with said North line 225 feet; thence Northeasterly 57.98 feet along a tangential curve to the left, having a radius of 83.06 feet and a central angle of 40 degrees; thence Northeasterly tangent to said curve to the South line of the North 130 feet of said Northwest Quarter of the Northeast Quarter; thence Westerly along said South line to the West line of the East 715.96 feet of said Northwest Quarter; thence Northerly along said West line to the North line of said Northwest Quarter; thence Westerly along said North line to the Northwest corner of said Northwest Quarter; thence Southerly along the West line of said Northwest Quarter to the Southwest corner of said Northwest Quarter; thence Easterly along the South line of said Northwest Quarter to the Southeast corner of said Northwest Quarter; thence Northerly along the East line of said Northwest Quarter to its intersection with a line drawn Easterly parallel with said North line of the Northwest Quarter from the point of beginning; thence Westerly parallel with said North line to the point of beginning.

Together with a non-exclusive easement for egress and ingress over and across that part of the Northwest Quarter of the Northeast Quarter of Section 36, Township 120, Range 23, not included within the above described property and lying Southwesterly of Interstate Highway No. 94, which lies within a strip of land 66 feet in width, the centerline of said strip is described as beginning at a point on the North line of said Section 36 distant 33 feet Westerly from the Northeast corner of said Northwest Quarter; thence Southwesterly 89.03 feet along a curve concave to the Northwest having a radius of 102.88 feet and a central angle of 49 degrees 35 minutes, the chord of said curve deflect 64 degrees 47 minutes 30 seconds, measured West to South, from the North line of said Section 36; thence Southwesterly tangent to said curve 101.89 feet; thence Southwesterly 57.98 feet along a tangential curve concave to the Northwest, having a radius of 83.06 feet and a central angle of 40 degrees; thence Westerly parallel with the North line of said Northwest Quarter 516 feet and there terminating. (See order doc. no. 3434858)

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-5 (Peterson Tract)

Legal Description:

The East Half of the Southwest Quarter of the Southeast Quarter of Section 36, Township 120 North, Range 23 West of the Fifth Principal Meridian, Hennepin County, Minnesota.

Abstract Property

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-6 (Fricke Tracts)

PAGE 1 OF 2 PAGES

Legal Description:

Parcel 1:

The East Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 120 North, Range 23 West, Hennepin County, Minnesota.

The West Half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 120 North, Range 23 West, Hennepin County, Minnesota, except that part thereof which lies West of a line drawn parallel with and distant 40.0 feet Easterly of the west line of said Section 36.

Parcel 2:

The South 324.80 feet of the West Half of the Southwest Quarter of the Northwest Quarter of Section 36, Township 120, Range 23, Hennepin County, Minnesota, except the West 40 feet thereof.

AND

The East Half of the Southwest Quarter of the Northwest Quarter of Section 36, Township 120, Range 23, Hennepin County, Minnesota.

Parcel 3:

The East Half of the Southwest Quarter, except a strip of land 2 rods wide extending from the center of the so called Territory Road North to the Northwest corner of the East Half of the Southwest Quarter of Section 25; also the West Half of the Northeast Quarter of the Northwest Quarter of Section 36; all in Township 120, Range 23, Hennepin County, Minnesota.

EXCEPT that part described as follows:

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-6 (Fricke Tracts)

PAGE 2 OF 2 PAGES

That part of the East half of the Southwest Quarter of Section 25, Township 120, Range 23, Hennepin County, Minnesota described as follows:

Beginning at a point on the West line of said East half of the Southwest Quarter distant 703.55 feet northerly along said West line from the Southwest Corner thereof thence North 89 degrees 50 minutes 48 seconds East, assumed bearing, perpendicular to said West line, 257.88 feet; thence North 27 degrees 16 minutes 07 seconds East 491.87 feet, to the centerline of Territorial Road as the same is laid out and constructed; thence North 64 degrees 44 minutes 00 seconds West, along said centerline, 536.33 feet to said West line; thence South 0 degrees 09 minutes 12 seconds East along said West line 666.82 feet to the point of beginning.

AND ALSO EXCEPT

That part of the East half of the Southwest Quarter of Section 25, Township 120, Range 23, Hennepin County, Minnesota described as follows:

Beginning at a point on the West line of said East Half of the Southwest Quarter distant 703.55 feet northerly along said West line from the Southwest corner thereof; thence North 89 degrees 50 minutes 48 seconds East, assumed bearing, perpendicular to said West line 257.88 feet; thence North 27 degrees 16 minutes 07 seconds East 494.42 feet to the centerline of Territorial Road as the same is laid out and constructed; thence South 64 degrees 41 minutes 02 seconds East along said centerline 358.21 feet; thence South 27 degrees 16 minutes 07 seconds West a distance of 724.20 feet; thence South 89 degrees 50 minutes 48 seconds West a distance of 475.45 feet to the West line of said East Half of the Southwest Quarter; thence North 00 degrees 09 minutes 12 seconds West along said West line a distance of 358.00 feet to the point of beginning.

Parcel 4:

The East Half of the Northeast Quarter of the Northwest Quarter of Section 36, Township 120, Range 23, Hennepin County, Minnesota.

Abstract Property

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-7 (Helius Tracts)

Legal Description:

Parcel A

The North half of the Southwest Quarter of the Southwest Quarter of Section 25, Township 120, Range 23, except the West 40 feet thereof, Hennepin County, Minnesota.

Abstract Property

Parcel B

Tract 1

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 120, Range 23, described as follows: Beginning at the Southeast corner of said Northwest Quarter of the Southwest Quarter; thence West along the South line of said Northwest Quarter of the Southwest Quarter a distance of 330 feet; thence North, parallel with the East line of said Northwest Quarter of the Southwest Quarter, to the Southerly right-of-way line of Territorial Road; thence Southeasterly along said Southerly right-of-way line to the East line of said Northwest Quarter of the Southwest Quarter; thence South along said East line to the point of beginning.

Tract 2

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 120, Range 23, described as follows: Beginning at a point on the South line of said Northwest Quarter of the Southwest Quarter distant 330 feet West from the Southeast corner of said Northwest Quarter of the Southwest Quarter; thence West along said South line a distance of 192.41 feet, thence Northeasterly deflecting 105 degrees 54 minutes 56 seconds to the right, to the Southerly right-of-way line of Territorial Road; thence Southeasterly along said Southerly right-of-way line to a line drawn North, parallel with the East line of said Northwest Quarter of the Southwest Quarter, from the point of beginning; thence South along said parallel line to the point of beginning.

Hennepin County, Minnesota

Torrens Property

Torrens Certificate No. 1178126

EXHIBIT A: LEGAL DESCRIPTION

[Stone's Throw Development, Hassan Township, Minnesota]

EXHIBIT A-8 (Robinson Tract)

Legal Description:

That part of the East Half of the Northwest Quarter ($E\frac{1}{2}$ of the $NW\frac{1}{4}$), Section 25, Township 120, Range 23, Hennepin County, Minnesota, lying South of the Southwesterly line of the Burlington Northern Railroad, and

The West 2 rods of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of the $SW\frac{1}{4}$) of Section 25, Township 120, Range 23, all in Hennepin County, Minnesota

EXHIBIT A: MAP

[Stone's Throw Development, Hassan Township, Minnesota]

