

RESOLUTION NO. 2005 - 43

**A RESOLUTION ANNEXING PROPERTY (DALE & MARLENE SCHERBER)
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 Grimm, seconded by Councilmember Adams

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

The following voted against the same: None

Whereupon said Resolution was declared carried.
Dated this 24th day of May, 2005.


Mayor

ATTEST:


City Clerk

(SEAL)

REC'D BY
MMB

JUN 16 2005

EXHIBIT A

LEGAL DESCRIPTION

Title Commitment No. 1425A
Scherber Parcel
P.I.D. No. 16-120-23-13-0003

That part of the North $\frac{3}{4}$ of the NE $\frac{1}{4}$ of Section 16, Township 120, Range 23, Hennepin County, Minnesota described as follows: Beginning at the intersection of the West line of the Northeast $\frac{1}{4}$ of Section 16 and the center line of Hennepin County State Aid Highway No. 144, Plat 52; thence Northeasterly along said center line 141.87 feet; thence South 29 degrees 07 minutes 27 seconds East 1243.44 feet to the South line of said North $\frac{3}{4}$; thence South 89 degrees 27 minutes 17 seconds West along said South line 715.00 feet to the Southwest corner of said North $\frac{3}{4}$; thence North 0 degrees 25 minutes 30 seconds West along the West line of said North $\frac{3}{4}$ a distance of 1013.45 feet to the point of beginning. For the purposes of this description the North line of said NE $\frac{1}{4}$ is assumed to bear North 89 degrees 31 minutes 14 seconds East.

Title Commitment No. 1428A
Scherber Parcel
P.I.D. No. 16-120-23-24-0006

That part of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 16, Township 120, Range 23, that lies southerly of the centerline County Road Number 144.

Title Commitment No. 1427A
Scherber Parcel
P.I.D. No. 16-120-23-14-0001

Parcel #1: The South $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 16, Township 120, Range 23.
Parcel #2: The South $\frac{1}{4}$ of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ and the North 2 rods of Government Lots 2 and 3, all in Section 16, Township 120, Range 23.

Title Commitment No. 1076
Scherber Parcel
P.I.D. 16-120-23-41-0001

Parcel #1: The Northeast Quarter of the Southeast Quarter of Section 16, Township 120, Range 23, Hennepin County, Minnesota;

EXHIBIT A

REC'D BY
MMB

JUN 16 2005

LEGAL DESCRIPTION

Part of Title Commitment No. 1426A
Scherber Parcel
P.I.D. No. 21-120-23-24-0005

That part of Government Lot 3, Section 21, Township 120, Range 23, described as follows: Beginning at a point on the East line of said Government Lot 3, distant 525 feet North of the Southeast corner of said Government Lot 3; thence South 89 degrees 44 minutes 7 seconds West. Parallel with the South line thereof a distance of 553.53 feet; thence South 0 degrees 21 minutes East to the centerline of County Road; thence Northwesterly along said centerline to the West line thereof; thence Northerly to the Northwest corner thereof; thence along the Northerly line thereof to the Northeast corner thereof; thence Southerly to the point of beginning; and

That part of Government Lot 2, Section 21, Township 120, Range 23, lying northerly of the South 53 rods thereof and westerly of the following described line:

Commencing at the southwest corner of said Government Lot 2; thence South 89 degrees 48 minutes 24 seconds East, assumed bearing, along the south line of said Government Lot 2, a distance of 438.00 feet; thence North 0 degrees 13 minutes 06 seconds East, parallel with the west line of said Government Lot 2, a distance of 874.50 feet; thence South 89 degrees 48 minutes 24 seconds East, a distance of 57.00 feet to the point of beginning of the line to be described; thence North 0 degrees 13 minutes 06 seconds East, a distance of 891 feet, more or less, to the shoreline of Cowley Lake and said line there terminating.

Scherber Parcels
Part of P.I.D. No. 16-120-23-42-0001

That part of Government Lot 2, Section 16, Township 120, Range 23, Hennepin County, Minnesota, which lies southerly of the northerly 33.00 feet thereof;

Together with:

The easterly 314.97 feet of Government Lot 3, said Section 16, which lies southerly of the northerly 33.00 feet thereof.

The northerly 33.00 feet of Government Lot 2 and the northerly 33.00 feet of Government Lot 3, Section 16, Township 120, Range 23, Hennepin County, Minnesota.

REC'D BY
MMB

JUN 16 2005

