

**DAHLGREN TOWNSHIP RESOLUTION NO. 84-17**

**CITY OF CARVER RESOLUTION NO. 145-17**

**JOINT RESOLUTION**

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN  
THE CITY OF CARVER AND DAHLGREN TOWNSHIP  
PURSUANT TO MINNESOTA STATUTES § 414.0325**

**WHEREAS**, the City of Carver ("City") and Dahlgren Township ("Township") previously entered into a Joint Resolution for Orderly Annexation, dated March 19, 2009, describing the procedures and process for immediate and future orderly annexations of certain designated areas of the Township, referred to as the Orderly Annexation Area for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

**WHEREAS**, the above-referenced OAA between the city and Township was previously filled with the Office of Administrative Hearings Municipal Boundary Adjustment Office and is referenced as Office of Administrative Hearings File No. OA-1428 Carver/Dahlgren Township Joint Agreement (hereinafter referred to as the "Joint Agreement"); and

**WHEREAS**, the above referenced Joint Agreement between the City and Township provides that any land within the orderly annexation area designated therein may be annexed by the City at any time during the term of the Joint Agreement provided that the conditions in Section 8 of the Joint Agreement have been fulfilled; and

**WHEREAS**, the City and Township wish to depart from the strict compliance with Section 8 of the Joint Agreement as to the immediate annexation of the land legally described on attached Exhibit A and graphically depicted on attached Exhibit B into the City (collectively the "Property"). This deviation from the strict compliance with Section 8 of the Joint Resolution shall only apply to the annexation of the land legally described on Exhibit A and graphically depicted on attached Exhibit B; and

**WHEREAS**, the City and Township are in agreement as to the orderly annexation of the unincorporated lands described; that both believe it will be to their benefit and to the benefit of their respective residents; and

**WHEREAS**, Minnesota Statutes § 414.0325 provides a procedure whereby the City and Township may agree on a process of orderly annexation of a designated area.

**NOW, THEREFORE, BE IT RESOLVED**, jointly by the City Council of the City of Carver and the Township Board of Dahlgren Township as follows:

- 1. Property.** It is therefore agreed that the Property is to be immediately annexed to the City.

**2. Acreage/Population/Usage.** That the designated areas consists of one parcel being approximately .74 acres with a population of 2.

**3. Jurisdiction.** That Township and the City by submission of this Joint Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this Joint Resolution.

**4. Need.** That the above-described property is urban or suburban or about to become so, and since the City is capable of providing sewer services to this property within a reasonable time, the annexation would be in the best interest of the property owners.

**5. No Alteration.** The City and Township have agreed to all the terms and conditions for the immediate annexation of the above-described land within this document and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary.

**6. Review and Comment.** The City and Township agree that upon receipt of this resolution, passed and adopted by each party, 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 Joint Resolution.

**7. Reimbursement to Towns for lost taxes on annexed property.** There shall be no tax reimbursement to the Township as a result of the annexation of the Property. Further, there are no outstanding special assessments or bonded indebtedness on the Property.

**8. Severability.** In the event that any portion of this Joint Resolution is declared null and void or unenforceable by a court of law, the validity of the remaining terms and provisions shall not be affected and the Joint Resolution shall be construed and enforced as if the Joint Resolution did not contain the particular term or provision held to be invalid. The City and Township agree to implement the procedures under Paragraph 11 to correct any such provision that was stricken.

**9. Responsibility for Costs.** The City and Township shall pay their own respective attorney and planner fees and any other costs related to the review of this document. The City shall pay all filing fees required by the Office of Administrative Hearings ("OAH") in order to file and give full effect to this Orderly Annexation Agreement. Further, the City shall pay any other expenses OAH attributes to either the City or the Township as a result of the filing and processing of this Orderly Annexation Agreement, including, but not limited to, Administrative Law Judge fees and OAH staff attorney fees.

**10. Resolution of Disputes.** If there is a disagreement as to the interpretation or implementation of this Joint Resolution, the City and Township shall implement the following dispute resolution procedures in the sequence provided:



**A. Negotiation:** Representatives of the City and Township will meet a minimum of one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

**B. Mediation:** If negotiation is not successful, parties shall participate in a minimum of one (1) mediation session with a mutually agreed upon mediator to resolve the dispute.

**C. Binding Arbitration/Adjudication:** If mediation is not successful, the parties may agree to submit their respective grievances to binding arbitration or may seek relief through initiation of an action in a court of competent jurisdiction, which may include, but not be limited to specific performance to compel the performance as outlined in this Joint Resolution. In addition to the remedies afforded to the parties through law and equity, the Court shall have the authority to award reasonable attorney fees, costs and expenses to a party found to be in violation of the terms of this agreement.

**11. Amendment.** The parties may amend this Joint Resolution by mutual written consent at any time. In the event that there are errors, omissions or any other problems with the legal description, mapping, or tax reimbursement provided in the attached Exhibits the parties agree to make such corrections and file any additional documentation, including new Exhibits making the corrections requested or required by the Office of Administrative Hearings, Municipal Boundary Adjustments as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution, without the necessity of re-adopting this Joint Resolution.

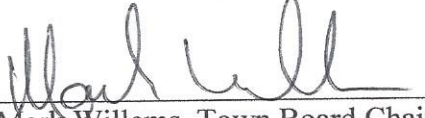
**12. Heading and Captions:** Headings and Captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution for orderly annexation.

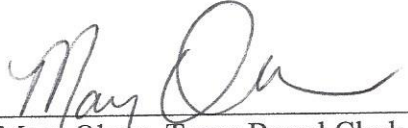
**13. Joint Resolution Controls.** This Joint Resolution amends the 2009 Orderly Annexation Agreement with respect to the annexation of the properties legally described in attached Exhibit A and graphically depicted on attached Exhibit B only such that the 2009 Orderly Annexation Agreement and this Joint Resolution are consistent in all respects. In the event of any inconsistent provision or requirement, the terms of this Joint Resolution shall supersede and control over the 2009 Orderly Annexation Agreement with respect only to the properties legally described in attached Exhibit A and graphically depicted on attached Exhibit B. Further, this Joint Resolution shall not affect or alter the respective parties' rights as set forth in any portion of the 2009 Orderly Annexation Agreement, except as provided herein with regard only to the properties legally described in attached Exhibit A and graphically depicted on attached Exhibit B.

*[Signature page to follow]*

**DAHLGREN TOWNSHIP**

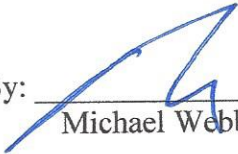
Passed and adopted by the Town Board of Dahlgren Township on this the 23 day of Aug., 2017.

By:   
Mark Willems, Town Board Chair

Attest:   
Mary Olson, Town Board Clerk

**CITY OF CARVER**

Passed and adopted by the City Council of the City of Carver on this the 16<sup>th</sup> day of October, 2017.

By:   
Michael Webb, Mayor

Attest:   
~~Brent Mareck~~, City Clerk