RESOLUTION R2023-092

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 March 6, 2018, accepted by the Municipal Board on March 12, 2018, and which is identified as Docket No. OA-1694 ("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, The City of Shakopee has applied to annex property east of Zumbro Avenue and south of Jackson Park; and MNDOT and DNR owned property located north of Mobile Manor Drive and west of Old Brick Yard Road (north & south of U.S. Highway 169);

WHEREAS, the City has notified the Township of the request for annexation;

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

a. Under Section II, paragraph 2 of the Orderly Annexation Agreement, "The following standards shall be used to determine adjacency when a property owner, or combination of multiple property owners with contiguous property, initiates annexation of property: A property, or combination of contiguous properties, shall be considered adjacent to the City when fifty (50) linear feet or more of the subject annexation area boundary is shared with the boundary of the City";
b. The Annexation Areas share approx. 1,200 & 1,320 linear feet of boundary with the City of Shakopee, which more than satisfies the minimum 50 lineal feet or more of shared boundary required by the Orderly Annexation Agreement;
c. Under Section II, paragraph 9 of the Orderly Annexation Agreement, "Attached to this Agreement as Exhibit A is an Annexation Staging Area Map. If all of the other requirements for annexation contained in this Agreement are met, property within the Annexation Staging Area is eligible for City-initiated annexation in accordance with the following schedule:";

DRAFT

d. The City determines that annexing the Annexation Areas 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 Areas identified in the attached legal descriptions are 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 subject to local property taxes and, pursuant to the Orderly Annexation Agreement, the City is required to make tax reimbursement payments 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 19th day of September, 2023.

_____
Mayor of the City of Shakopee

ATTEST:

_____
Lori Hensen, City Clerk

DRAFT