



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT
DIRECTOR
SUBJECT: JOINT RESOLUTION WITH HELENA TOWNSHIP ANNEXING ROBERT
YOST PROPERTY AT 1536 W. 280TH STREET
DATE: 5/21/24

On April 15, 2024, the City received an annexation petition from Robert Yost to annex 1.12 acres of land from Helena Township into the City. The reason for the annexation request is to allow Mr. Yost to connect to the City's sanitary sewer due to his septic system failing. Per City Code, connection to city utilities is not allowed unless annexed. City Staff and the City Attorney drafted a joint resolution for orderly annexation under Minnesota Statutes 414.0325.

Helena Township met on May 15, 2024 to consider the Joint Resolution and approved said resolution as attached and executed the joint resolution at the meeting.

In order to continue the annexation process, the City Council needs to approve the joint resolution. Once it is executed by the City Council it will be filed with the state along with the required filing fee and the annexation order should be completed in no more than one month by the office of Municipal Boundary Adjustments.

Recommendation

I recommend that the City Council approve the attached joint resolution with Helena Township to annex the 1.12 acre parcel to allow Mr. Yost's property to be annexed and subsequently connect to city utilities.

CITY OF NEW PRAGUE
(Resolution No. _____)

HELENA TOWNSHIP
(Resolution No. 05152029)

JOINT RESOLUTION OF
THE CITY OF NEW PRAGUE, MINNESOTA
AND
TOWN BOARD OF HELENA, SCOTT COUNTY, MINNESOTA
IN THE MATTER OF ORDERLY ANNEXATION
UNDER MINNESOTA STATUTES SECTION 414.0325

WHEREAS, the Township of Helena (the "Township") and the City of New Prague (the "City") by joint resolution and agreement each dated June 19, 1978 (and amended on 12/20/2010) have established an orderly annexation area and the conditions for annexation within such area pursuant to Minnesota Statutes Section 414.0325; and

WHEREAS, all of Section 35, Township 113 North, Range 23 West is within the orderly annexation area; and

WHEREAS, the City and Township agree to provide for the immediate annexation of the proposed annexation area (as described in Exhibit A and hereinafter referred to as "Immediate Annexation Area") into the City pursuant to this resolution; and

WHEREAS, the parties find the Immediate Annexation Area is now or is about to become urban or suburban in character, is guided as future B-2 Community Commercial Zoning but is currently a single family home with a need to connect to municipal sanitary sewer due to a failing septic system, and is appropriate for orderly annexation immediately to allow the home to connect to city utilities; and

NOW THEREFORE IT IS JOINTLY RESOLVED by the City of New Prague, Minnesota and the Town of Helena, County of Scott, Minnesota:

1. **Conferring Jurisdiction.** Upon approval by the respective governing bodies of the City and Township, this Resolution shall confer jurisdiction upon the Chief Administrative Law Judge, as defined in Minnesota Statutes, section 414.011, subdivision 12 ("Chief Judge"), to accomplish the immediate annexation of the Immediate Annexation Area as provided in this Resolution.
2. **Review and Comment by the Chief Judge.** City and Township mutually agree and state that this Resolution sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary to accomplish the immediate annexation of the Immediate Annexation Area. Additionally, no alteration of the boundaries of the Immediate Annexation Area by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within 30 days, order the annexation to the City of the property within the Immediate Annexation Area.

3. **Immediate Annexation.** The City and Town agree that all property within the Immediate Annexation Area, as described in Exhibit A and shown in Exhibit B and Exhibit C, shall immediately be annexed to the City pursuant to this Resolution. The Immediate Annexation Area consists of approximately 1.12 acres, the population is 1 and the current land use type is single family residential. The Immediate Annexation Area is now or about to become urban or suburban in character to allow the existing single family home to be annexed to allow it to connect to the City's sanitary sewer system due to a failing septic system and the city has sanitary sewer available at the NW property line, and the annexation would be in the best interest of the area.
4. **Tax Reimbursement.** Taxes payable to the Town in 2024 on the Property total \$389.84 and those taxes shall be paid to the Town. Pursuant to Minnesota Statutes, section 414.036, the City and the Town agree that upon annexation of the Property, the City shall reimburse the Town for additional property tax revenues according to the following schedule which is based on the 2024 taxes:
 1. 2024 taxes (100%) - \$389.84
 2. 2025 taxes (80%) - \$311.87
 3. 2026 taxes (60%) - \$233.90
 4. 2027 taxes (40%) - \$155.94
 5. 2028 taxes (20%) - \$77.97

For taxes payable in years 2024 through 2028, the City shall make a direct reimbursement payment to the Town no later than January 31 of each year and in accordance with the above schedule. There are no special assessments assigned by the Town to the Property, nor is there any debt incurred by the Town attributable to the Property. The City shall not be obligated to make any tax reimbursement payments for taxes payable in 2029 or thereafter, and all taxes collected shall be paid to the City.

5. **Effect of Annexation on Easements.** The City and Town agree, under Minnesota Statutes, section 414.039, that the Township's interest in all public easements annexed within the Immediate Annexation Area are transferred to and shall be held by the City.
6. **Complete Agreement.** This Resolution shall constitute the entire agreement between the City and Township with respect to immediate designation of the Immediate Annexation Area pursuant to Minnesota Statutes, section 414.0325 and shall amend, supersede and control over any other resolutions, agreements or understandings as may be needed in order to accomplish the annexation as provided herein. The exhibits attached hereto are incorporated in and made part of this Resolution.
7. **Filing.** That the City Administrator of the City is authorized and directed to submit this Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings together with the applicable fees, which shall be paid by the City.

CITY OF NEW PRAGUE

The resolution offered by Council member _____ and moved for its adoption. Council member _____ seconded said resolution and upon roll call the following vote was recorded.

	Ayes	Nays
Jirik	_____	_____
Ryan	_____	_____
Bass	_____	_____
Wolf	_____	_____
Seiler	_____	_____

Thereupon Mayor Jirik declared said resolution adopted the ____ day of _____, 2024.

Duane J. Jirik
Mayor

Attest:

Joshua M. Tetzlaff
City Administrator

TOWN OF HELENA

The resolution offered by Board member John Wermeshtich and moved for its adoption. Board member Edward Pyles seconded said resolution and upon roll call the following vote was recorded.

Ayes	Nays
<u>1</u>	<u>0</u>
<u>1</u>	<u>0</u>
<u>N/A</u>	<u>N/A</u>

Thereupon ^{Acting} Chairperson Edward Pyles declared said resolution adopted the 15th day of May, 2024.

Edward Pyles
Chairperson

Attest:


Heather Taylor DuCharme
Clerk

EXHIBIT A

Legal Description of Proposed Annexation Area

All that part of the East Half of the East Half of the Southwest Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 35, Township 113 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at a point one hundred eighty-six and one-half ($186\frac{1}{2}$) feet west of the southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of Section Thirty-five (35), Township one hundred thirteen (113), Range Twenty-three (23), west, and running thence north three hundred seventy-five (375) feet, thence west one hundred thirty (130) feet, thence south three hundred seventy-five (375) feet, thence east one hundred thirty (130) feet to point of beginning.

Contains 1.12 acres of land.

LEGEND

3/4" IRON MONUMENT SET
MARKED BY REG. NO. 26748

MONUMENT FOUND

UTILITY POLE

WELL

Horizontal Datum: Scott County Coordinate System
NAD83, 1996 Adjustment

DESCRIPTION OF RECORD

All that part of the East Half of the East Half of the Southwest Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section 35, Township 113 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at a point one hundred eighty-six and one-half (186 $\frac{1}{2}$) feet west of the southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-five (35), Township one hundred thirteen (113), Range Twenty-three (23), west, and running thence north three hundred seventy-five (375) feet, thence west one hundred thirty (130) feet, thence south three hundred seventy-five (375) feet, thence east one hundred thirty (130) feet to point of beginning.

Contains 1.12 acres of land.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Janelle Fowles
License Number 26748

7/03/2012
Date

CERTIFICATE OF SURVEY
SCOTT COUNTY, MINNESOTA

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
1960 PREMIER DRIVE, MANICATO, MN 55001 (507) 625-4171
MANICATO, MN - PARMENT, MN - SLEEPER ETC, MN - BURNSVILLE, MN
WILLMAR, MN - CHASKA, MN - RAINSET, MN - DRAIN, IA

JOB NUMBER: M34-105069 FIELD BOOK: 84-L PG 6

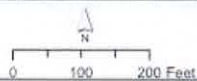
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EXHIBIT C

Proposed Annexation Area - 1.12 Acres in E1/2 of E1/2 of SW1/4 of Sect. 35, T113, R23, Scott County, Minnesota.



Prepared by:
City of New Prague
Planning Department
Date: 5/5/24
For Reference Purposes Only.



Disclaimer: This map was prepared using the best available data and is intended for informational purposes only. The City of New Prague does not warrant the accuracy or completeness of the information shown on this map. The City of New Prague is not responsible for any errors or omissions on this map. The City of New Prague is not responsible for any damages or losses resulting from the use of this map. The City of New Prague is not responsible for any damages or losses resulting from the use of this map.