

A-7214 Winona
A-7215 Winona

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE PETITIONS FOR)	<u>NOTICE OF</u>
THE ANNEXATION OF CERTAIN LAND TO)	<u>HEARING CANCELLATION</u>
THE CITY OF WINONA PURSUANT TO)	<u>AND</u>
MINNESOTA STATUTES 414)	<u>ORDER TO DISMISS</u>

WHEREAS, two petitions requesting the annexation of certain property from the Town of Wilson to the City of Winona were filed with the Department of Administration pursuant to Minnesota Statutes 414.031, Subd. 1(a)(1) on December 23, 2004. The Municipal Boundary Adjustment (hereinafter "MBA") docket numbers for these matters are Docket A-7214 (Sweetwater Property) and Docket A-7215 (Phillips Property); and

WHEREAS, on January 11, 2005, the Director consolidated these files for purposes of hearing pursuant to Minnesota Statutes Section 414.01 subd. 5. The Director also denied the request of the City of Winona to proceed directly to mediation and ordered the City and the Town of Wilson to meet at least three times over a period of sixty days to address resolution of issues pursuant to Minnesota Statutes Section 414.01, subd. 16; and

WHEREAS, pursuant to statutory requirements a first hearing was convened on these petitions on February 18, 2005, after due and appropriate legal notice, and was continued to an indefinite date to allow the parties time to complete the directed meetings; and

WHEREAS, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge;

WHEREAS, Wilson Township, through its legal counsel, requested and was granted a continuance of the local discussion period until May 6, 2005. The City did not object; and

WHEREAS, following the continued period, the Town of Wilson requested to proceed to mediation and the City of Winona requested to proceed directly to hearing; and

WHEREAS, on May 12, 2005, the Director reviewed the files and all pertinent correspondence to date and determined that these matters should be referred for hearing and final decision. Accordingly, the authority and responsibility under Minnesota Statutes Sec. 414.01 to 414.09 to conduct hearings and issue orders, including the final decision in these matters is delegated to an administrative law judge in the Office of Administrative Hearings' Administrative Law Division, pursuant to Minnesota Statutes Sec. 414.12 Subd.2 (a); and

WHEREAS, on May 24, 2005, the Executive Director of MBA at the Office of Administrative Hearings received an Orderly Annexation Agreement between the City of Winona and the Town of Wilson representing settlement of the underlying dispute. The agreement designates approximately 2,062.74 acres for orderly annexation and requests the immediate annexation of approximately 313.73 acres; and

WHEREAS, as a result of said agreement, the City of Winona requested that the petitions for annexation pursuant to Minnesota Statutes 414.031, Subd. 1(a)(1) be withdrawn and that the MBA Dockets A-7214 and A-7215 be closed. The City also requested that the continued hearing be canceled pursuant to the terms of the Orderly Annexation Agreement as executed between the parties; and

WHEREAS, on June 9, 2005, the Director granted the City's request to withdraw the petitions; canceled the continued hearing; and closed MBA Dockets A-7214 Winona and A-7215 Winona.

IT IS HEREBY ORDERED: That the petitions for annexation of certain property to the City of Winona described as:

A-7214 Winona/Wilson Township (Sweetwater Property)

Property Description (Dave Pruksa to Dave McNally)

The South Half of the Southeast Quarter of the Northwest Quarter of Section 5, Township 106 North, Range 7 West of the Fifth Principal Meridian, Winona County, Minnesota. Containing 19.97 acres.

Also,

The South Half of the South Half of the Northeast Quarter of Section 5, Township 106 North, Range 7 West of the Fifth Principal Meridian, Winona County, Minnesota, lying westerly of the centerline of County State Aid Highway 44. Containing 22.10 acres being subject to the right-of-way of County State Aid Highway 44 along the easterly side thereof.

Except,

That part of the South Half of the Northeast Quarter (S 1/2 of NE 1/4) of Section Five (5), Township One hundred six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the southeast corner of the Northeast Quarter (NE 1/4) of said Section Five (5);
thence west along the south line of the Northeast Quarter (NE 1/4) of said Section Five (5) a distance of 1268.5 feet to the center of County State Aid Highway No. 107 and the point of beginning of the parcel to be described;
thence at a deflection angle to the right of 94° 56' and northerly along the center of County State Aid Highway No. 107 a distance of 200 feet;
thence at a deflection angle to the left of 94° 56' a distance of 486 feet;
thence at a deflection angle to the left of 85° 04' a distance of 200 feet to the south line of the Northeast Quarter (NE 1/4) of said Section Five (5);
thence at a deflection angle to the left of 94° 56' and easterly along the south line of the Northeast Quarter (NE 1/4) of said Section Five (5) a distance of 486 feet to the center of County State Aid Highway No. 107 and the point of beginning.

And Also – Property Description (George Pruksa to Dave McNally)

That part of the South Half of the Northeast Quarter (S 1/2 of NE 1/4) of Section Five (5), Township One hundred six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the southeast corner of the Northeast Quarter (NE 1/4) of said Section Five (5);
thence west along the south line of the Northeast Quarter (NE 1/4) of said Section Five

(5) a distance of 1268.5 feet to the center of County State Aid Highway No. 107 and the point of beginning of the parcel to be described;
thence at a deflection angle to the right of 94° 56' and northerly along the center of County State Aid Highway No. 107 a distance of 200 feet;
thence at a deflection angle to the left of 94° 56' a distance of 486 feet;
thence at a deflection angle to the left of 85° 04' a distance of 200 feet to the south line of the Northeast Quarter (NE 1/4) of said Section Five (5);
thence at a deflection angle to the left of 94° 56' and easterly along the south line of the Northeast Quarter (NE 1/4) of said Section Five (5) a distance of 486 feet to the center of County State Aid Highway No. 107 and the point of beginning.

And Also – Property Description (Stanley Bowman to Dave McNally)

That part of the North Half of the Southeast Quarter and that part of the Northeast Quarter of the Southwest Quarter of Section 5, Township 106 North, Range 7 West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the northeast corner of said North Half of the Southeast Quarter;
thence South 01 degrees 26 minutes 34 seconds East, assumed bearing, along the east line of said North Half of the Southeast Quarter 156.00 feet;
thence North 87 degrees 20 minutes 31 seconds West 1265.41 feet to the point of beginning of the land to be described;
thence continue North 87 degrees 20 minutes 31 seconds West 2725.32 feet to the west line of said Northeast Quarter of the Southwest Quarter;
thence North 01 degrees 04 minutes 33 seconds West 4.80 feet to the northwest corner of said Northeast Quarter of the Southwest Quarter;
thence South 89 degrees 30 minutes 44 seconds East along the north line of said Northeast Quarter of the Southwest Quarter and the north line of said North Half of the Southeast Quarter 2736.88 feet;
thence South 07 degrees 33 minutes 04 seconds West 108.82 feet to the point of beginning.

Containing 3.54 acres being subject to the right-of-way of County State Aid Highway 44 along the easterly side thereof.

And Also Winona County State Aid Highway No. 44

All of that part of the Winona County State Aid Highway No. 44 right-of-way, Winona County Minnesota, approximately 66 feet in width and extending generally southerly from the existing City of Winona municipal limits line at the north section line of Section 5, Township 106 North, Range 7 West (Wilson Township), Winona County, Minnesota to the half section line that divides the north half and the south half of Section 5, Township 106 North, Range 7 West, Winona County, Minnesota.

A-7215 Winona/Wilson Township (Phillips Property)

Parcel A

Outlot L; Spring Brook Subdivision Number 2, according to the recorded plat thereof, Winona County, Minnesota.

Also that part of the Southeast Quarter of the Southeast Quarter of Section 12, and that part of the North Half of the Northeast Quarter of Section 13, all in Township 106, Range 7, Winona County, Minnesota, described as follows:

Beginning at the northeasterly corner of said Outlot L; thence North 63 degrees 00 minutes 00 seconds East, along the southerly line of Block 1, Spring Brook Subdivision, according to the recorded plat thereof, said Winona County, 380.00 feet to the southeasterly corner of Lot 4, said Block 1; thence North 73 degrees 30 minutes 00 seconds East, along said southerly line of Block 1, a distance of 255.00 feet to the southeasterly corner of Lot 2, said Block 1; thence continue North 73 degrees 30 minutes 00 seconds East, 71.23 feet, more or less, to the westerly line of the property described in Book 163 of Deeds, Page 533, said Winona County; thence southerly along said westerly line of the property described in Book 163 of Deeds, Page 533 to the southwesterly corner thereof; thence easterly along the southerly line of said property described in Book 163 of Deeds, Page 533 and its easterly extension, 379.50 feet, more or less, to the east line of said Southeast Quarter of the Southeast Quarter of Section 12; thence southerly along said east line of the Southeast Quarter of the Southeast Quarter, 33.00 feet, more or less, to the southeast corner thereof; thence southerly along the east line of said North Half of the Northeast Quarter of Section 13, a distance of 221.49 feet to the center line of Wilson Township Road No. 1; thence southwestly along said center line to the south line of said North Half of the Northeast Quarter of Section 13; thence westerly along said south line of the North Half of the Northeast Quarter to the intersection of the southerly extension of the easterly Line of Block 4, said Spring Brook Subdivision Number 2; thence North 14 degrees 22 minutes 53 seconds East, along Said southerly extension and along said easterly line of Block 4 to the northeasterly corner of Lot 5, said Block 4; thence North 53 degrees 01 minutes 59 seconds East, along said easterly line of Block 4, a distance of 456.82 feet to the northeasterly corner of Lot 3, said Block 4; thence North 04 degrees 02 minutes 52 seconds East, along said easterly line of Block 4, a distance of 310.63 feet to the southeasterly corner of said Outlot L; thence North 10 degrees 53 minutes 51 seconds East, along the easterly line of said Outlot L, 399.51 feet to the point of beginning.

Subject to the right of way of Winona County State Aid Highway No. 17, and subject to the right of way of said Wilson Township Road No. 1

And Also Parcel B

The South Half of the Northeast Quarter (S ½ of NE ¼), the North Half of the Southeast Quarter

(N½ of SE ¼), the Northeast Quarter of the Southwest Quarter (NE¼ of SW¼), the Southwest Quarter of the Southeast Quarter (SW¼ of SE¼) of Section Thirteen (13), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

And Also Parcel C

That part of Parcel A lying Northerly of the following described line:

Beginning at the northwesterly corner of said Outlot L; thence South 87 degrees 50 minutes 30 seconds East, along the northerly line of said Outlot L, 211.22 feet to the southeasterly corner of Lot 4, Block 2, said Spring Brook Subdivision Number 2; thence South 80 degrees 31 minutes 50 seconds East, 469.25 feet; thence North 85 degrees 44 minutes 40 seconds East, 90.11 feet; thence North 52 degrees 39 minutes 45 seconds East, 487.19 feet; thence North 88 degrees 13 minutes 57 seconds East, 223.01 feet, more or less to the southwesterly corner of the property described in Book 163 of Deeds, Page 533, said Winona County.

And Also Winona County State Aid Highway No. 17

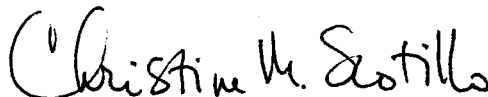
All of that part of the Winona County State Aid Highway No. 17 right-of-way, Winona County Minnesota, approximately 66 feet in width and extending generally southerly from the existing City of Winona municipal limits line in the Northwest Quarter (NW ¼) of Section 1, Township 106 North, Range 7 West (Wilson Township), Winona County, Minnesota to the east section line in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 12, Township 106 North, Range 7 West, Winona County, Minnesota, and to the east section line in the Northeast Quarter (NE1/4) of the Northeast Quarter (NE ¼) of section 13, Township 106 North, Range 7 West, Winona County, Minnesota.

are withdrawn, the continued hearing in these matters is canceled, and MBA Docket A-7214

Winona and A-7215 Winona are closed without prejudice.

Dated this 9th day of June, 2005.

For the Chief Administrative Law Judge
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments