

RESOLUTION NO. 2004 – 165RESOLUTION OF THE CITY OF WINONA PETITIONING THE  
MINNESOTA DEPARTMENT OF ADMINISTRATION FOR ANNEXATION  
OF CERTAIN PORTIONS OF WILSON TOWNSHIP TO THE CITY OF WINONA  
PURSUANT TO MINNESOTA STATUTES, SECTION 414.031

WHEREAS, the City of Winona (the "City"), Winona County, Minnesota, abuts and is bordered on the City's southerly boundary by Wilson Township (the "Township"), Winona County, Minnesota; and

WHEREAS, another group of property owners, the Sweetwater Partners, with property located within the Township and legally described herein have approached and petitioned the City requesting annexation to the City and extension of City services; and

WHEREAS, the above-mentioned property owners seeks to develop this property, generally described herein for ease of reference as the "Sweetwater Property", for urban or suburban residential purposes needing municipal services; and

WHEREAS, the Sweetwater Property does not currently abut the City but is in close proximity to the City and is in need of municipal services only available from the City; and

WHEREAS, a county road, Winona County State Aid Highway (CSAH) No. 44, currently abuts and serves the Sweetwater Property and a strip of land constituting the CSAH No. 44 right-of-way is proposed to be annexed making the Sweetwater Property contiguous to the City; and

WHEREAS, the City has the professional personnel and the capacity to provide services to the above-mentioned property proposed to be annexed (hereinafter referred to as the "Subject Area"); and

WHEREAS, the Subject Area legally described herein and proposed to be annexed is urban or suburban in character or about to become so based on proposed development to the area and the need for municipal services to support such development; and

WHEREAS, extension of municipal services from the City to the Subject Area legally described herein and proposed to be annexed is in the best interest of the property owners within the Subject Area; and

WHEREAS, extension of municipal services from the City to the Subject Area legally described herein and proposed to be annexed is required to protect the public health, safety, and welfare of the community; and

WHEREAS, the City has attempted to resolve these annexation issues with the Township over the past several months by requesting that the Township adopt a joint resolution for orderly annexation, which the Township to date has refused to adopt; and

WHEREAS, it is the intent and desire of the City to finally resolve the above-mentioned annexation and service issues with the Township for the betterment of the community and property owners by initiating a legal proceeding under state law for the annexation of the Subject Area legally described herein and proposed to be annexed with the Minnesota Department of Administration Municipal Boundary Adjustments Office; and

WHEREAS, the City Council of City of Winona hereby supports the filing of this Resolution with above-mentioned state agency for a hearing regarding the annexation of the Subject Area legally described herein to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona, Winona County, Minnesota, that:

1. The Minnesota Department of Administration Municipal Boundary Adjustments Office, is hereby requested to hold a public hearing pursuant to Minnesota Statutes, Section 414.09, on the question of annexation of certain portions of Wilson Township, Winona County, Minnesota, legally described herein (the "Subject Area"), to the City of Winona, Winona County, Minnesota, pursuant to Minnesota Statutes, Section 414.031.
2. The Subject Area of the Township proposed for annexation to the City is legally described in Exhibit A, which is attached hereto and incorporated herein by reference. A map showing the Subject Area is attached hereto as Exhibit B and incorporated herein by reference.
3. The Subject Area is unincorporated and none of the Subject Area is presently a part of any incorporated city.
4. The total acreage of the Subject Area is approximately 43 acres.
5. The following parties are entitled to notice pursuant to Minnesota Statutes, section 414.09;
  - a) Wilson Township, as the township presently governing the Subject Area proposed to be annexed.
  - b) Winona County, as the county in which the Subject Area proposed to be annexed is located
  - c) The Winona County Planning Commission and Wilson Township Planning Commission, as planning agencies with jurisdiction over the Subject Area proposed to be annexed.

6. City staff is hereby directed to file this Resolution with the Minnesota Department of Administration Municipal Boundary Adjustments Office for annexation of the Subject Area pursuant to Minnesota Statutes, Section 414.031. City staff is further directed to mail a copy of this Resolution/petition to Wilson Township.

Passed, adopted, and approved by the City Council of the City of Winona, Winona County, Minnesota, this 6<sup>th</sup> day of December, 2004.

Attest:

Approved

  
\_\_\_\_\_  
Monica Hennessy Mohan, City Clerk

  
\_\_\_\_\_  
Jerry Miller, Mayor



**EXHIBIT A**  
**Legal Description**

The Subject Area of Wilson Township proposed to be annexed to the City of Winona is legally described as follows:

**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 Pruka 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.

**EXHIBIT B**  
**Boundary Map**

The municipal boundary map referenced in the attached Resolution, showing the current City of Winona and its relation to the Subject Area of Wilson Township proposed to be annexed, legally described in Exhibit A, is attached hereto.



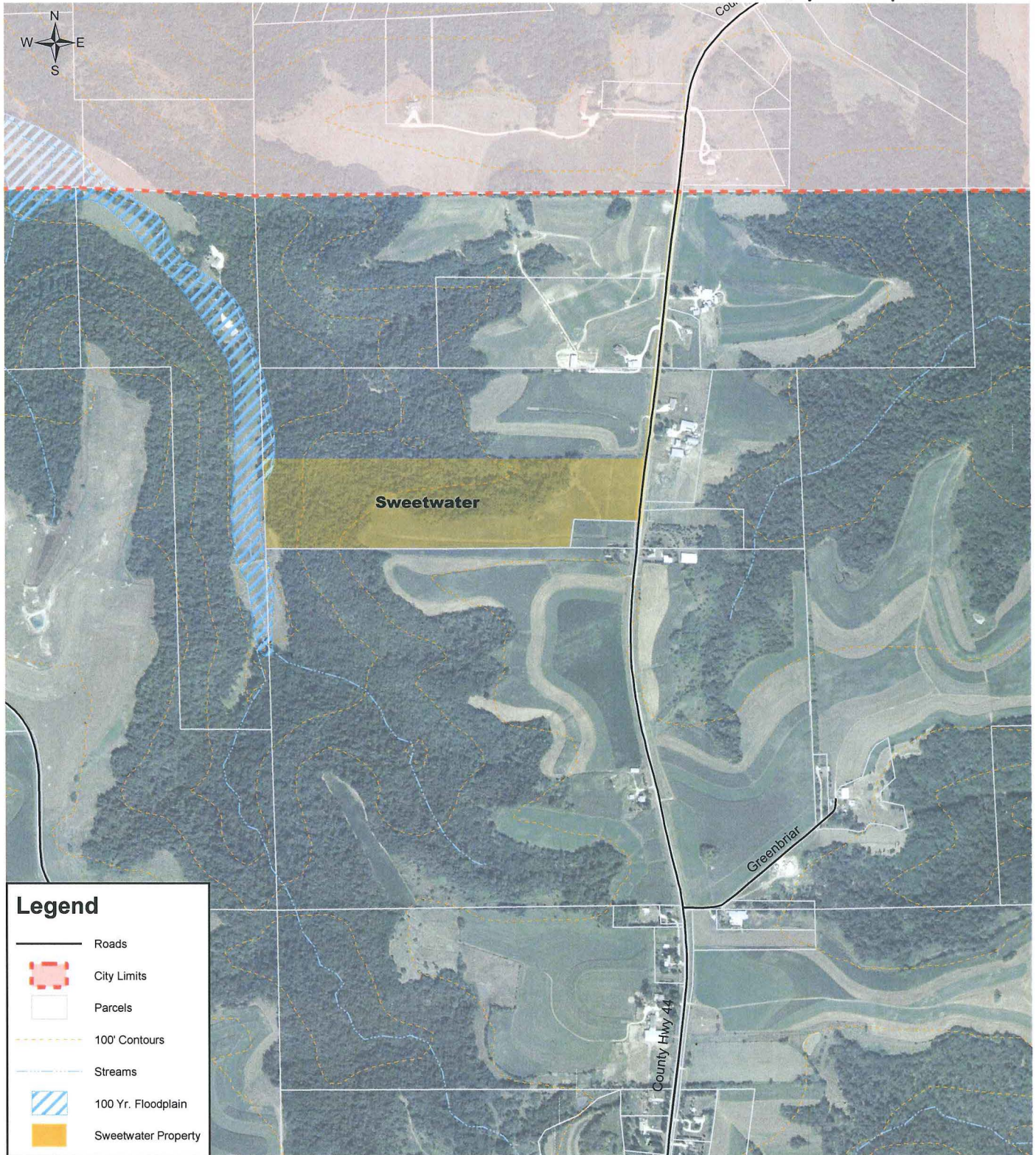
# Exhibit B

REC'D BY  
MMB

DEC 23 2004

## City of Winona Proposed Annexation Request 2005 Sweetwater Property

A-7214



0 600 1,200 2,400 Feet



November 2004