

2004 - 164

RESOLUTION NO. \_\_\_\_\_

RESOLUTION 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, a property owner, Jason Phillips, with property located within the Township and legally described herein has approached and petitioned the City requesting annexation to the City and extension of City services; and

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

WHEREAS, the Phillips 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. 17, currently abuts and serves the Phillips Property and a strip of land constituting the CSAH No. 17 right-of-way is proposed to be annexed making the Phillips 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 seven 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 owner 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 283 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.
  - d) The Township of Homer, as a township, which abuts 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:

  
Monica Hennessy Mohan, City Clerk

Approved

  
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:

**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 southwesterly 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 ( $S \frac{1}{2}$  of  $NE \frac{1}{4}$ ), the North Half of the Southeast Quarter ( $N \frac{1}{2}$  of  $SE \frac{1}{4}$ ), the Northeast Quarter of the Southwest Quarter ( $NE \frac{1}{4}$  of  $SW \frac{1}{4}$ ), the Southwest Quarter of the Southeast Quarter ( $SW \frac{1}{4}$  of  $SE \frac{1}{4}$ ) 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 ( $NW \frac{1}{4}$ ) of Section 1, Township 106 North, Range 7 West (Wilson Township), Winona County, Minnesota to the east section line in the Southeast Quarter ( $SE \frac{1}{4}$ ) of the Southeast Quarter ( $SE \frac{1}{4}$ ) of Section 12, Township 106 North, Range 7 West, Winona County, Minnesota, and to the east section line in the Northeast Quarter ( $NE \frac{1}{4}$ ) of the Northeast Quarter ( $NE \frac{1}{4}$ ) of section 13, Township 106 North, Range 7 West, Winona County, Minnesota.

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

REC'D BY  
M M B

DEC 23 2004

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  
City of Winona Proposed Annexation Request 2005  
Phillips Property

REC'D BY  
MMB

DEC 23 2004

A-7215

