

ORDINANCE NO. O-14-01

AN ORDINANCE ANNEXING TO THE CITY OF WINSTED, MINNESOTA CERTAIN LANDS IN WINSTED TOWNSHIP ABUTTING THE CITY OWNED BY DOLLAR GENERAL.

THE CITY COUNCIL OF WINSTED DOES ORDAIN:

Section 1. The City of Winsted has received a Petition for annexation by ordinance from the property owner of the land described on Exhibit "A" (the "Property").

Section 2. The Property abuts the City of Winsted, is 2.15 acres or less, and is not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.

Section 3. The Property is deemed to be urban or suburban in character or about to become so.

Section 4. The City of Winsted held a Public Hearing regarding annexation of the Property and gave thirty (30) days written notice of the Public Hearing, by certified mail, to Winsted Township and all landowners within and contiguous to the Property.

Section 5. The Property is appropriate for annexation to the City of Winsted pursuant to Minnesota Statute § 414.033, Subd. 2(3).

Section 6. The Property is hereby annexed to the City of Winsted.

Section 7. Property taxes payable on the Property shall continue to be paid to Winsted Township for the year in which this annexation becomes effective. If this annexation becomes effective on or before February 1, 2014, the City of Winsted shall levy on the Property beginning in 2014. If this annexation becomes effective after February 1, 2014, the City of Winsted shall levy on the Property beginning in 2014.

Section 8. In the first year following the year when the City of Winsted levies on the Property pursuant to Section 7 herein, and thereafter, property taxes and special assessments (if any) on the Property shall be paid to the City of Winsted. In each of the eight years following the year when the City of Winsted first levies on the Property, the City of Winsted shall make a cash payment to Winsted Township in an


amount equal to one-eighth of the property taxes and special assessments (if any) attributed to Winsted Township in regard to the Property in the last year the property taxes from the Property were payable to Winsted Township.

Section 9. The City Clerk shall file this Ordinance with the State of Minnesota, Department of Administration; Winsted Township; the McLeod County Auditor; and the Minnesota Secretary of State; and a copy of this Ordinance shall be delivered immediately to the McLeod County Auditor.

Section 10. This Annexation Ordinance shall be final on the date the Ordinance is approved by the State of Minnesota, Department of Administration.

Section 11. This Ordinance shall be published in accordance with law.

**ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WINSTED,  
MINNESOTA, THIS 7<sup>th</sup> DAY OF JANUARY, 2014.**

  
\_\_\_\_\_  
Steve Stotko, Mayor

ATTEST:

  
\_\_\_\_\_  
Deborah R. Boelter, City Clerk-Treasurer

REC'D BY  
JAN 23 2014

STATE OF MINNESOTA

COUNTY OF MCLEOD

PETITION FOR ANNEXATION

I.

Limitless, Inc., a Minnesota Corporation, is the owner of the lands described in Exhibit "A". Said lands are subject to a Purchase Agreement wherein Overland Properties, LLC, a Missouri Limited Liability Company, is the purchaser. Said purchaser joins said owner in this Petition for Annexation. The Petitioners, Limitless, Inc., a corporation organized and existing under the Laws of the State of Minnesota and Overland Properties, LLC, a limited liability company organized and existing under the Laws of the State of Missouri, being the Petitioners hereinbelow, request the City of Winsted, Minnesota, to annex the following described lands:

AS PER ATTACHED EXHIBIT "A" WHICH IS INCORPORATED HEREIN BY REFERENCE AS THOUGH FULLY SET FORTH IN FULL.

II.

Petitioners desire to annex the above described lands due to the fact that the current limits of the City of Winsted abut the above described premises. The said lands are unplatted and are approximately 2.15 acres in size. No petition for annexation of any part of said lands is presently before the commission.

III.

The undersigned Petitioners believe that said lands are now or about to become urban or suburban in character and that the annexation of said lands to the City of Winsted would be in the best interest of the City of Winsted. The reasons for the annexation in the above mentioned matter are as follows: To allow said lands to benefit from utilities and services that the City of Winsted can

provide, as said lands are not presently served by public wastewater facilities or public wastewater facilities are not otherwise available.

IV.

This Petition is brought pursuant to Minnesota Statutes Section 414.033, Subd. 2(3).

V.

The Petitioners hereby acknowledge that Minnesota Statute § 414.033, Subd. 13 states as follows:

"**Electric utility service notice; cost impact.** At least 30 days before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), the petitioner must be notified by the municipality that the cost of electric utility service to the petitioner may change if the land is annexed to the municipality. The notice must include an estimate of the cost impact of any change in electric utility services, including rate changes and assessments, resulting from the annexation."

Petitioners further acknowledge the contents of Minnesota Statute § 414.0325, Subd. 1a states as follows:

"**Initiating the proceeding.** (a) One or more townships and one or more municipalities, by joint resolution, may designate an unincorporated area as in need of orderly annexation. One or more municipalities, by joint resolution with the county, may designate an unincorporated area in which there is no organized township government as in need of orderly annexation."

The Petitioners hereby waive any 60 day and 30 day prior notification to or from the City of Winsted concerning the above-two mentioned statutes. The Petitioners waive any such prior notification by the City of Winsted that the cost of electric utility service to the Petitioners may change if the land is annexed to the City of Winsted. Petitioners further waive any such prior notification by the City of Winsted including an estimate of the cost impact of any change in electric utility services, including rate changes and assessments as a result of this proposed annexation. The Petitioners waive such reference to Minnesota Statute § 414.033, Subd. 13 and Minnesota Statute §

JAN 23 2014

414.0325, Subd. 1a, since they are fully aware of said Statutes including the fact that said lands currently are served by either McLeod County Cooperative Power or Xcel Energy. The Petitioners acknowledge that the City of Winsted cannot guarantee which electrical utility company will service the lands to be annexed. The Petitioners further certify that they are aware that the City is not able to estimate the cost impact of any annexation, any change in electrical utility company, any rate changes, or assessments which might result from the annexation and/or use of the premises.

VI.

The fee owner of the subject premises is Limitless, Inc., a Minnesota Corporation. Said fee owner is the seller on a Purchase Agreement to Overland Properties, LLC, a Missouri Limited Liability Company.

WHEREFORE, PETITIONER PRAYS :

I.

That said annexation is approved by the authorities prescribed by law.

II.

That the City of Winsted annex said premises by Ordinance as provided by Law.

LIMITLESS, INC.

Dated: 12/3/13

Aaron Kubasch  
By: Aaron Kubasch, Its Chief Executive Officer

OVERLAND PROPERTIES, LLC

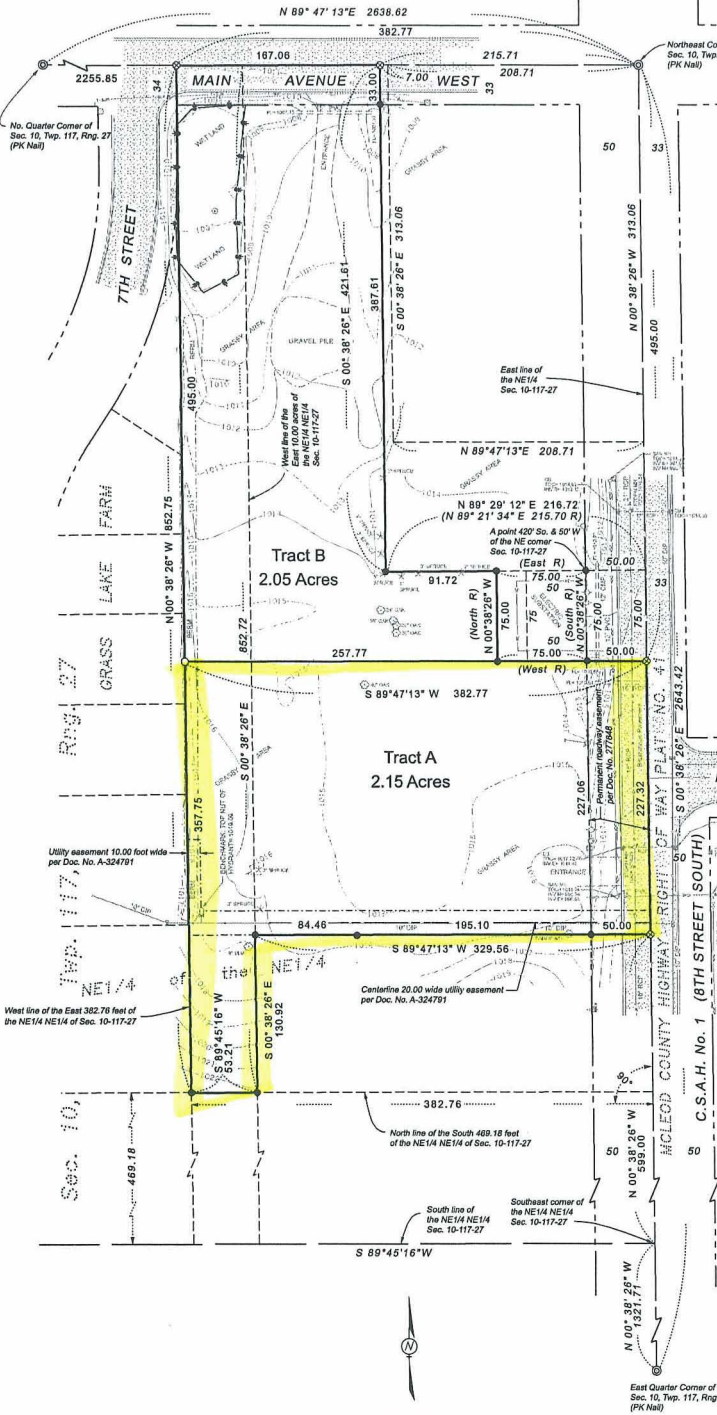
Dated: 12/3/13

Jacob W. Stauffer  
By Jacob W. Stauffer, Its VP/General Counsel

## EXHIBIT A

That part of the Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of Section 10, Township 117 North, Range 27 West, McLeod County, Minnesota, described as follows: Commencing at the northeast corner of said Section 10; thence South 00 degrees 38 minutes 26 seconds East, assumed bearing along the east line of said NE1/4 NE1/4 for 495.00 feet to the point of beginning; thence continue South 00 degrees 38 minutes 26 seconds East 227.32 feet, more or less, to a point on said east line distant 599.00 feet northerly of the southeast corner of said NE1/4 NE1/4; thence South 89 degrees 47 minutes 13 seconds West, parallel with the north line of said NE1/4 NE1/4 for 329.56 feet, more or less, to the west line of the East 10.00 acres of said NE1/4 NE1/4; thence South 00 degrees 38 minutes 26 seconds East, along the last described west line for 130.92 feet, more or less, to the north line of the South 469.18 feet of said NE1/4 NE1/4; thence South 89 degrees 45 minutes 16 seconds West, along the last described north line for 53.21 feet, more or less, to the point of intersection with the west line of the East 382.76 feet of said NE1/4 NE1/4; thence North 00 degrees 38 minutes 26 seconds West, along the last described west line for 357.75 feet to a point 495.00 feet southerly of the north line of said NE1/4 NE1/4 as measured along the last described west line; thence North 89 degrees 47 minutes 13 seconds East for 382.77 feet, more or less, to the point of beginning.

REC'D BY  
MBA  
JAN 23 2014



RECORD LEGAL DESCRIPTION

That part of the East 10.00 acres of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section 10 in Township 117 North, Range 27 West, lying North of a line described as follows: Commencing at the Southeast corner of said NE1/4 of NE1/4; thence North, along the East line of said NE1/4 NE1/4 599.00 feet to the beginning of the line to be described; thence West, parallel with the North line of said NE1/4, to the West line of said 10 acres and said line there terminating; EXCEPTING THEREFROM the two following described tracts, to-wit: The North 313.06 feet of the East 208.71 feet thereof AND beginning at a point 420 feet South and 50 feet West of the Northeast corner thereof; thence West 75 feet; thence South 75 feet; thence East 75 feet; thence North 75 feet to the point of beginning.

AND

That part of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section 10, Township 117 North, Range 27 West of the 5th Principal Meridian, described as follows: Beginning at the intersection of the West line of the East 10 acres of said NE1/4 NE1/4 with the North line of the South 469.18 feet, as measured at a right angle to said NE1/4 NE1/4; thence on an assumed bearing of South 89 degrees 45 minutes 16 seconds West, parallel with the South line of said NE1/4 NE1/4, to a point 382.76 feet West of the West line of said NE1/4 NE1/4; thence North 00 degrees 38 minutes 26 seconds East, along the East line of said NE1/4 NE1/4 852.75 feet to the North line of said NE1/4 NE1/4; thence North 89 degrees 47 minutes 13 seconds East, along the North line of said NE1/4 NE1/4 to the West line of the East 10 acres of said NE1/4 NE1/4; thence South 00 degrees 38 minutes 26 seconds East, along said West line of the East 10 acres, a distance of 852.72 feet to the point of beginning.

EXCEPTING THEREFROM THE FOLLOWING 2 PARCELS, TO-WIT:

- 1. Beginning at a point 420 feet South and 50 feet West of the Northeast corner of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section 10, Township 117 North, Range 27 West, thence East, parallel with the North line of said NE1/4 50 feet; thence South along the East line of said NE1/4 75 feet; thence West, parallel with the North line of said NE1/4 50 feet; thence North 75 feet to the point of beginning.
- 2. That part of the Northeast Quarter of the Northeast Quarter (NE1/4 of NE1/4) of Section 10, Township 117 North, Range 27 West, described as follows: Commencing at the Northeast corner of said Section 10; thence on an assumed bearing of South 89 degrees 47 minutes 13 seconds west along the North line of said NE1/4 of Section 10 a distance of 208.71 feet to the point of beginning of the tract to be described; thence continuing South 89 degrees 47 minutes 13 seconds West along said North line of the Northeast Quarter (NE1/4) of Section 10 a distance of 7.00 feet; thence South 00 degrees 38 minutes 26 seconds East parallel to the East line of said NE1/4 NE1/4 421.61 feet; thence North 89 degrees 21 minutes 34 seconds East 215.70 feet to the East line of said NE1/4 of Section 10; thence North 00 degrees 38 minutes 26 seconds West along said East line of the NE1/4 of Section 10 a distance of 106.94 feet to a point 313.06 feet South of said Northeast corner of Section 10 as measured along said East line; thence South 89 degrees 47 minutes 13 seconds West parallel to the North line of said NE1/4 208.71 feet; thence North 00 degrees 38 minutes 26 seconds West parallel to said East line of the Northeast Quarter (NE1/4) 313.06 feet to the point of beginning.

Containing 4.20 acres, more or less.

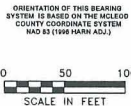
Abstract Property

- SET IRON PIPE WITH CAP STAMPED "DELEO 40341"
- SET MAGNETIC "PK" NAIL
- FOUND IRON MONUMENT
- ⊙ GOVERNMENT SECTION CORNER MONUMENT
- (R) BOUNDARY CALL PER LEGAL DESCRIPTION OF RECORD

GENERAL SURVEY NOTES:

- 1. The property described hereon is the same as the property described in Old Republic National Title Insurance Company's Commitment Number 13-0507 as issued by Central Land Title of Buffalo, Minnesota, on May 29, 2013. All easements in said title commitment, or apparent from a physical inspection of the site, or otherwise known to me, have been plotted hereon or otherwise noted as to their effect on the subject property. Refer to said Commitment for reference to all covenants and restrictions pertinent to the subject property.
- 2. The Conditional Use Permit recorded as Document No. 317043 no longer applies due to the terms stated in the permit: That the "permit is good for 3 years".
- 3. This survey was made in accordance with laws and/or Minimum Standards of the State of Minnesota.
- 4. The premises are not identified as being flood zone per FEMA's FIRM for Community Panel No. 2706160050C (Effective Date August 18, 1992)
- 5. The Basis of Bearings for this survey is based on the McLeod County Coordinate System, NAD 83, 1996 HARN adjustment.
- 6. There is direct vehicular access from the property to CSAH 1 (8th Street S) along the east property boundary and to Main Avenue W along the north property boundary via existing driveways and curb cuts as shown hereon.
- 7. The site is located in the Township of Winsted, adjacent to the west boundary limits of the City of Winsted.
- 8. An application for annexation of the site into the City of Winsted is in process. When the site is annexed to the City, the zoning will be designated C2-Highway Commercial. Setbacks for building are: Front property line: 60 feet from back of curb Side yard: 20 feet Rear yard: 30 feet Maximum lot coverage: 50% Maximum Building Height: 35' (Zoning Source: City of Winsted, 9 / 17 / 2013.) Refer to the City Code of Winsted for other required criteria and restrictions related to the premises.
- 9. The utilities shown have been located from field survey information and markings per Gopher State One Call Ticket No. 131990923 and existing utility maps provided by the City Engineer. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.
- 10. There was no observed evidence of current earth moving work, existing buildings or building construction at the time of this survey other than as is shown hereon.
- 11. There was no observed evidence of site use as a solid waste dump, sump or sanitary landfill at the time of this survey.
- 12. There are no wetlands observed at the time of this survey other than as is shown hereon.

MAPPING LEGEND table with symbols for manhole, catch basin, culvert apron, hydrant, water valve, utility pole, utility pole anchor, utility pedestal, utility manhole, soil boring, sign/billboard post, tree, buried telephone line, overhead power line, water line, storm sewer pipe, sanitary sewer pipe, chain link fence, conc. curb & gutter, existing contours, property line, right-of-way, easement.



SURVEYOR'S CERTIFICATE

To The Overland Group, LLC, a Missouri Limited Liability Company; Limitless, Inc., a Minnesota Corporation; Central Land Title of Buffalo, Minnesota; and Old Republic National Title Insurance Company; This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 8, 11(a), 16, 18 and 19 of Table A hereof. The field work was completed on July 30, 2013.

Date of Map: October 24, 2013  
Samuel J. DeLeo, PLS  
Minnesota License No. 40341

LIST OF POSSIBLE ENCROACHMENTS

The following list of encroachments is only the opinion of this surveyor and should not be interpreted as complete listing.

- NONE.

PREMISES LOCATION:  
Property Address Information:  
XXXX Main Avenue, Winsted MN 55395  
(The address will be assigned during the building process on this parcel.)  
located in Section 10, Township 117, Range 27  
McLeod County Tax Parcel Nos. 14.010.0200 and 14.010.0175

Table with columns: NO., REVISIONS AS OF, DATE.

KLD Kramer Leas DeLeo Professional Surveyors & Engineers, LLC. I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA. Samuel J. DeLeo, 10/24/2013, Minnesota License No. 40341.

ALTA/ACSM LAND TITLE SURVEY For: Overland Properties, LLC, 1598 Imperial Center, Suite 2009, West Plains, MO 65775 County of McLeod, State of Minnesota Located in Section 10 Township 117 North, Range 27 West

Sheet No. 1 of 1