

CITY OF WINONA RESOLUTION NO. 2014-86

ANNEXATION RESOLUTION OF THE CITY OF WINONA  
IN ACCORDANCE WITH THE ABOVE-REFERENCED JOINT AGREEMENT BETWEEN  
THE CITY OF WINONA AND WILSON TOWNSHIP, DATED MAY 23, 2005,  
DESIGNATING CERTAIN PROPERTY LOCATED IN THE ORDERLY ANNEXATION  
AREA (OAA) OF WILSON TOWNSHIP AS IN NEED OF IMMEDIATE ORDERLY  
ANNEXATION PURSUANT TO MINNESOTA STATUTES, SECTION 414.0325

WHEREAS, the City of Winona (hereinafter the "City") and Wilson Township (hereinafter the "Township") entered into a Joint Resolution for Orderly Annexation, dated May 23, 2005, describing the procedures and process for immediate and future orderly annexations of certain designated areas of the Township, referred to as the "Orderly Annexation Area" (OAA), for the purpose of orderly, planned growth and annexation, pursuant to Minnesota Statutes, Section 414.0325; and

WHEREAS, the above-referenced Joint Resolution for Orderly Annexation between the City and Township, dated May 23, 2005, has been previously filed with the Office of Administrative Hearings Municipal Boundary Adjustments Office and is referenced as Office of Administrative Hearings File No. OA-1159 Winona/Wilson Township Joint Agreement (hereinafter referred to as the "Joint Agreement" and is attached hereto as Appendix D); and

WHEREAS, the above-referenced Joint Agreement provides that any land within the OAA designated therein may be annexed by the City at any time during the term of the Joint Agreement if the City receives a petition for annexation from 100% of the property owner(s) of a parcel of land located within the OAA (See Joint Agreement, Appendix D, at Paragraphs 1 and 7); and

WHEREAS, on August 15, 2014, in accordance with Paragraph 7 of the Joint Agreement, the City received the above described required property owner petition from 100% of the property owners of the property designated herein, which is known for ease of reference as the "Al-Balawi Torbenson Property", requesting immediate orderly annexation thereof to the City; and

WHEREAS, the Al-Balawi Torbenson Property legally described herein and designated for immediate orderly annexation is located within the OAA described in the Joint Agreement (See, Joint Agreement, Appendix D, at Paragraph 5 and Exhibit D); and

WHEREAS, on August 18, 2014, in accordance with Paragraph 7 of the Joint Agreement, the City provided a copy of the above-referenced property owner petition for the annexation of the Al-Balawi Torbenson Property to the Township thereby providing 30-day notice to the Township that an event triggering annexation pursuant to the Joint Agreement had occurred (See Joint Agreement, Appendix D, at Paragraph 7); and

WHEREAS, the City has capacity to provide municipal services to the Al-Balawi Torbenson Property designated herein for orderly annexation following annexation thereof; and

WHEREAS, the Al-Balawi Torbenson Property, designated and legally described herein for immediate orderly annexation and extension of municipal services, is urban or suburban or about to become so, annexation is in the best interests of the City and property owners, and annexation thereof would benefit the public health, safety and welfare of the community; and

WHEREAS, having met all the triggering conditions for orderly annexation of the Al-Balawi Torbenson Property legally described herein, as provided in the Joint Agreement (Appendix D), for property located in the OAA, the City may now adopt, execute and file this "Annexation Resolution" providing for the immediate annexation of the Al-Balawi Torbenson Property designated herein (See, Joint Agreement, Appendix D, at Paragraphs 6 and 7); and

WHEREAS, in accordance with Paragraphs 6 and 7 of the Joint Agreement, Appendix D, annexation of the Al-Balawi Torbenson Property designated herein pursuant to the Joint Agreement does not require a hearing or any consideration by the Office of Administrative Hearings (OAH), except to the extent that the OAH may review and comment thereon.

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

1. The City has received a property owner petition from 100% of the property owners of a parcel of land, the Al-Balawi Torbenson Property, legally described herein and located within the OAA and has therefore met all of the stated conditions for the immediate annexation thereof contained in the Joint Agreement, Appendix D. (See Joint Agreement, Appendix D, at Paragraph 7).
2. The City has provided a copy to the Township of the above-mentioned property owner petition from the Al-Balawi Torbenson Property requesting annexation of said land located within the designated OAA as provided in the above-referenced Joint Agreement (See Joint Agreement, Appendix D, at Paragraph 7).
3. This resolution hereby constitutes and shall be referred to as the "Annexation Resolution" as provided in Paragraph 7 of the Joint Agreement, Appendix D, authorizing the immediate annexation by the City of the Winona of the Al-Balawi Torbenson Property as legally described herein.
4. The Al-Balawi Torbenson Property designated in this Annexation Resolution for immediate annexation to the City is legally described in Appendix A, which is attached hereto and incorporated herein by reference.
5. A boundary map showing the Al-Balawi Torbenson Property designated herein for immediate orderly annexation, Appendix A, is attached hereto and incorporated herein by reference as Appendix B.

6. The property owner petition from the Al-Balawi Torbenson Property, received August 15, 2014, constituting the requisite triggering event for annexation of the area legally described in Appendix A in accordance with the Joint Agreement (Appendix D), is attached hereto and incorporated herein by reference as Appendix C.
7. The above-referenced Joint Agreement between the City and Township, providing the conditions for annexation of the Al-Balawi Torbenson Property legally described in Appendix A, is attached hereto as Appendix D.
8. The Al-Balawi Torbenson Property legally described in Appendix A and designated as in need of immediate orderly annexation is .88 acres.
9. The population of the Al-Balawi Torbenson Property legally described in Appendix A and designated as in need of immediate orderly annexation is 5.
10. In accordance with Paragraph 7 of the Joint Agreement, Appendix D, the Office of Administrative Hearings may review and comment on this Annexation Resolution, but shall within thirty (30) days of receipt of this Annexation Resolution and a copy of the above-referenced Joint Agreement (attached as Appendix D), order the annexation of the Al-Balawi Torbenson Property designated in this Annexation Resolution and legally described in Appendix A in accordance with the terms and conditions of the above-referenced Joint Agreement, Appendix D. No alteration of the stated boundaries as described in this Annexation Resolution is appropriate, no consideration by the Office of Administrative Hearings is necessary, and all terms and conditions for annexation thereof have been met as provided for in the Joint Agreement, Appendix D.
11. Upon the annexation of the Al-Balawi Torbenson Property designated herein for immediate orderly annexation and legally described in Appendix A, the City shall reimburse the Township for the loss of taxes from the property so annexed in accordance with Paragraph 8 of the Joint Agreement (See Appendix D), and the following schedule:

Year 1	2016 (90%) - \$406.22
Year 2	2017 (70%) - \$315.95
Year 3	2018 (50%) - \$225.68
Year 4	2019 (30%) - \$135.41
Year 5	2020 (10%) - \$ 45.14

Basis of Payments = \$ 451.35 (2014 Township Tax)

12. Following annexation of Al-Balawi Torbenson Property designated herein for orderly annexation, the City shall be responsible for providing municipal governmental services to the annexed area in accordance with Paragraph 11 of the Joint Agreement (See Appendix D).
13. This Annexation Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota and the above-referenced Joint Agreement (See

Appendix D).

14. Upon adoption and execution of this Annexation Resolution by the City, the City shall file the same with the Township and the Office of Administrative Hearings Municipal Boundary Adjustments Office along with the required filing fee.
15. In the event there are errors, omissions or any other problems with the legal descriptions or mapping provided in Appendix A or Appendix B of this Annexation Resolution, in the judgment of the Office of Administrative Hearings Municipal Boundary Adjustments Office, the City shall make such corrections and file such additional documentation, including a new Appendix A or Appendix B, making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said area in accordance with the Joint Agreement, Appendix D.

Passed, adopted, and approved by the City Council of the City of Winona, Winona County, Minnesota, this 6<sup>th</sup> day of October 2014.

CITY OF WINONA

By: 

Mark F. Peterson, Mayor

ATTEST:

By: 

Monica Hennessy Mohan, City Clerk

**APPENDIX A**

The Al-Balawi Torbenson Property designated in this Annexation Resolution and shown on Appendix B for immediate orderly annexation is legally described as follows:

Lots Thirteen (13) and Fourteen (14), Pleasant Valley Terrace – Subdivision No. 1, being located upon and forming a part of the Southeast quarter of the Northwest quarter (SE ¼ of NW ¼) of Section One (1), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

**APPENDIX B**

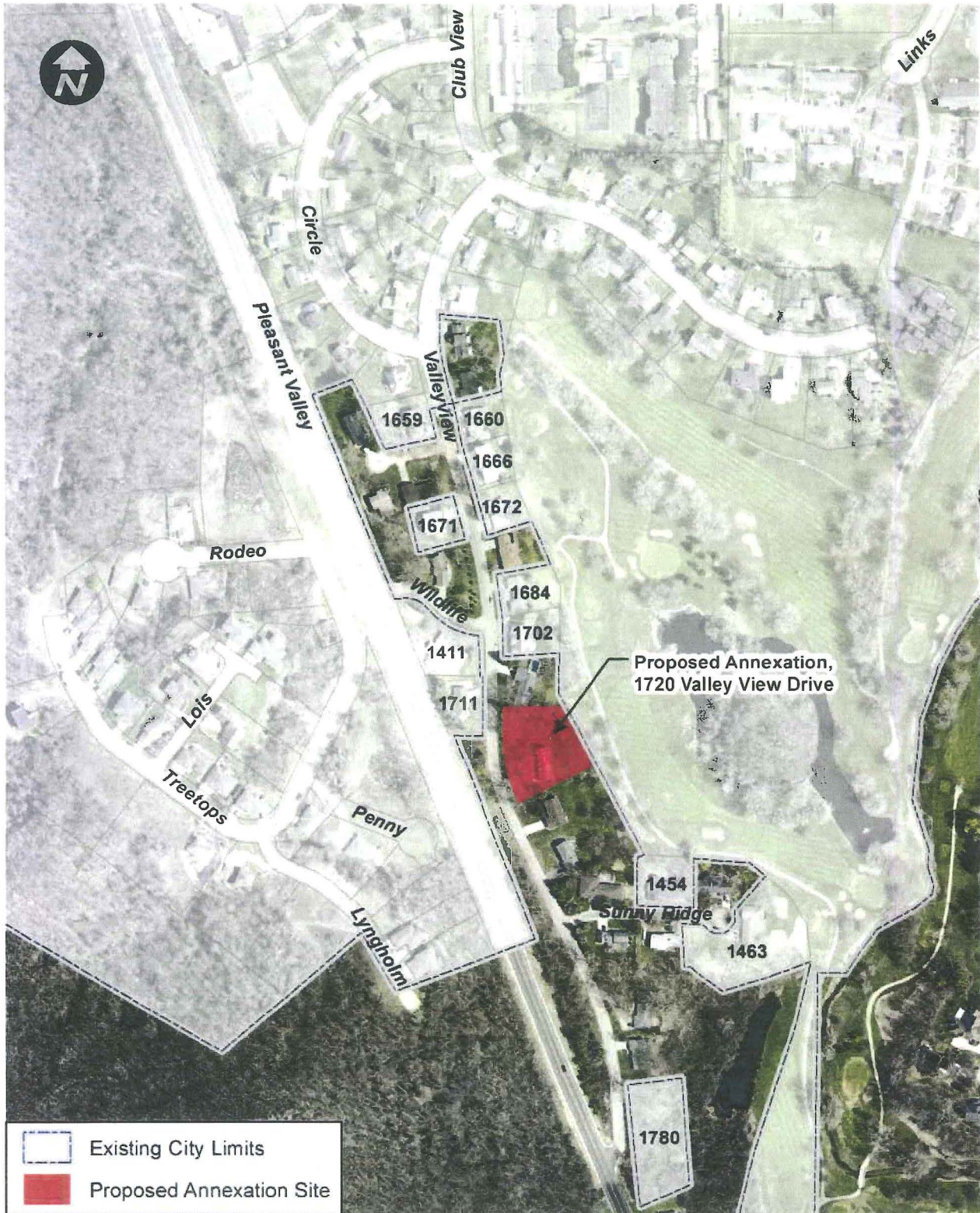
The boundary map referenced in this Annexation Resolution showing the Al-Balawi Torbenson Property designated for immediate orderly annexation and legally described in Appendix A, is attached hereto.

# Annexation Request

## 1720 Valley View Drive

REC'D BY  
MBA

OCT 07 2014



This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any of the features depicted, and any assumptions of the legal status of this map is hereby disclaimed.

August 2014

REC'D BY  
MBA

OCT 07 2014

**APPENDIX C**

The property owner petition for the Al-Balawi Torbenson Property initiating this Annexation Resolution pursuant to the Joint Agreement between the City and Township (See Appendix D) is attached hereto.



August 14, 2014

To Winona City Manager,

Waleed M. Al-Balawi and Amy S. Torbenson request that their property at 1720 Valley View Drive, Winona, MN be immediately annexed for the purpose of connecting to water and sewer facilities. Legal description of the property is as follows:

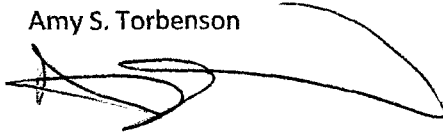
Lots Thirteen (13) and Fourteen (14), Pleasant Valley Terrace-Subdivision No. 1, being located upon and forming a part of the Southeast quarter of the Northwest quarter (SE ¼ of NW ¼) of Section One (1), Township One hundred six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona Count, Minnesota.

Thank you,

Waleed M. Al-Balawi



Amy S. Torbenson



**APPENDIX D**

The Joint Agreement between the City and Township providing for this Annexation Resolution is attached hereto.