

CITY OF WINONA RESOLUTION NUMBER 2018-79

TOWNSHIP OF WILSON RESOLUTION NUMBER 02-2018

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF WINONA AND THE
TOWNSHIP OF WILSON DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, an individual property owner with property located within the Township of Wilson (“Township”) and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of Winona (“City”) seeking annexation of that property to the City; and

WHEREAS, for ease of reference, the area of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A (hereinafter referred to as the “Subject Area”) is shown on the map, Exhibit B, which is also attached hereto and incorporated herein by reference; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the Subject Area legally described in Exhibit A; and

WHEREAS, the Subject Area is currently residential property, in close proximity to the City, and is in need of orderly annexation since the Subject Area is urban or suburban and in need of City services; and

WHEREAS, the City has available capacity to provide needed services to the Subject Area; and

WHEREAS, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described in Exhibit A is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area without the need for any further hearing before the Office of Administrative Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Winona and the Board of Supervisors of the Township of Wilson as follows:

1. Designation of Subject Area. The Township and City hereby designate the Subject Area legally described in Exhibit A for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. Acreage of Subject Area. The Subject Area is approximately .28 acres.
3. Map of Subject Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated herein by reference.
4. Population of Subject Area. The population of the Subject Area is 0.
5. No Hearing Required/Review and Comment Jurisdiction Only. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit may review and comment hereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in accordance with the following schedule: (a) In 2019, the year the City could first levy on the annexed area, an amount equal to \$390.00; (b) In 2020, an amount equal to \$390.00.
7. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since this Joint Resolution designates the Subject Area for immediate annexation and all of the property owners of the Subject Area have petitioned the City to be annexed.
8. Termination. This Joint Resolution shall remain in full force and effect until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution.
9. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
10. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

11. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the Township and City.
12. Legal Description and Mapping. The Township and City agree, in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit, to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit as necessary to make effective the annexation of the Subject Area in accordance with the terms of this Joint Resolution.
13. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by U.S. mail, postage prepaid, as follows:

If to the City:

City Clerk
Winona City Hall

If to the Township:

Township Clerk
Wilson Township

14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
15. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit and pay the required filing fee.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Wilson, Winona County, Minnesota, this 09 day of October, 2018.

ATTEST:

TOWNSHIP OF WILSON

By: Kathryn Eide Deputy Clerk
Robbin Jandt, Township Clerk

By: Leon Bowman
Leon Bowman, Chair

Passed, adopted, and approved by the City Council of the City of Winona, Winona County, Minnesota, this 4th day of September, 2018.

ATTEST:

CITY OF WINONA

By: Monica Hennessy Mohan
Monica Hennessy Mohan
City Clerk

By: Mark F. Peterson
Mark F. Peterson
Mayor

EXHIBIT A

Legal Description

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

Morgan Parcel: 1453 Sunny Ridge Drive, Winona MN 55987, more particularly described as:

Lot Five (5), Pleasant Valley Terrace Subdivision No. 1, being located upon and forming a part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section One (1), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

AND

That part of Lot 6 Pleasant Valley Terrace Subdivision No. 1 described as follows:

Beginning at the northwest corner of said Lot 6; thence southerly along the West Line of said Lot 6, a distance of 102 feet to the southwest corner of said Lot 6; thence easterly along the south line of said Lot 6, a distance of 16.08 feet; thence northwesterly at a deflection angle to the left of $98^{\circ}03'$, a distance of 103.11 feet to the northwest corner of said Lot 6 and the point of beginning.

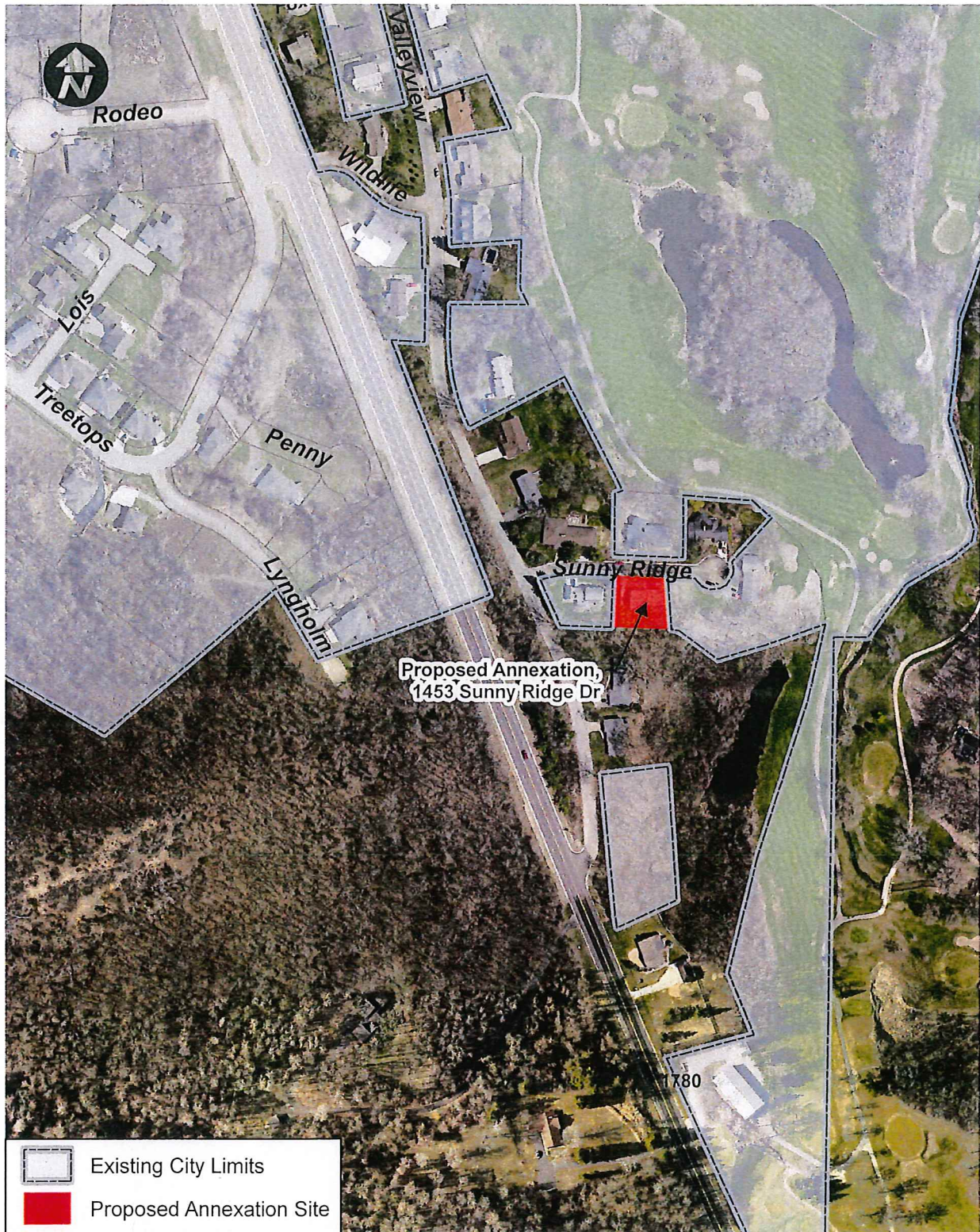
EXHIBIT B

Boundary Map

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

Annexation Request

1453 Sunny Ridge Dr



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 2018