

CITY OF ST. CHARLES RESOLUTION NO. 10- 2021

TOWNSHIP OF ST. CHARLES RESOLUTION NO. 01 - 2021

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARING

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

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, certain property owners, Linus Soppa, Terry Soppa, and Dori Zanto (RMTD LLC), with property located within the Township of St. Charles (“Township”) and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of St. Charles (“City”) and the Township seeking annexation of that property to the City; and

WHEREAS, for ease of reference, the area of the Township petitioned 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 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 St. Charles and the Board of Supervisors of the Township of St. Charles 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 10 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 an amount equal to one hundred (100) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township for a period of four (4) years in accordance with the following schedule: (a) In the first year following the year the City could first levy on the annexed area, an amount equal to \$400.00; (b) In the second year, an amount equal to \$400.00; (c) In the third year, an amount equal to \$400.00; (d) In the fourth and final year, an amount equal to \$400.00. At the City's discretion, it may make one payment equal to the total of the four annual payments.
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 in effect on the date of execution of this Joint Resolution by the City and Township.
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
St. Charles City Hall
830 Whitewater Avenue
St. Charles MN 55972

If to the Township:

Township Clerk
St. Charles Township
15207 Summit Drive
Utica, MN 55979

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 St. Charles, Winona County, Minnesota, this 16 day of March, 2021.

ATTEST:

TOWNSHIP OF ST. CHARLES

By: Kathy Grudoch
_____, Township Clerk

By: Tom Munk
_____, Chair

Passed, adopted, and approved by the City Council of the City of St. Charles, Winona County, Minnesota, this 23 day of March, 2021.

ATTEST:

By: 
Nick Koverman, City Administrator

CITY OF ST. CHARLES

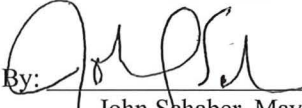
By: 
John Schaber, Mayor

EXHIBIT A
Legal Description

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

PARCEL 'E' description

A part of the North 10 Acres of the Northwest Quarter of the Southwest Quarter in Section 29, Township 106 North, Range 10 West, Winona County, Minnesota, described as follows:

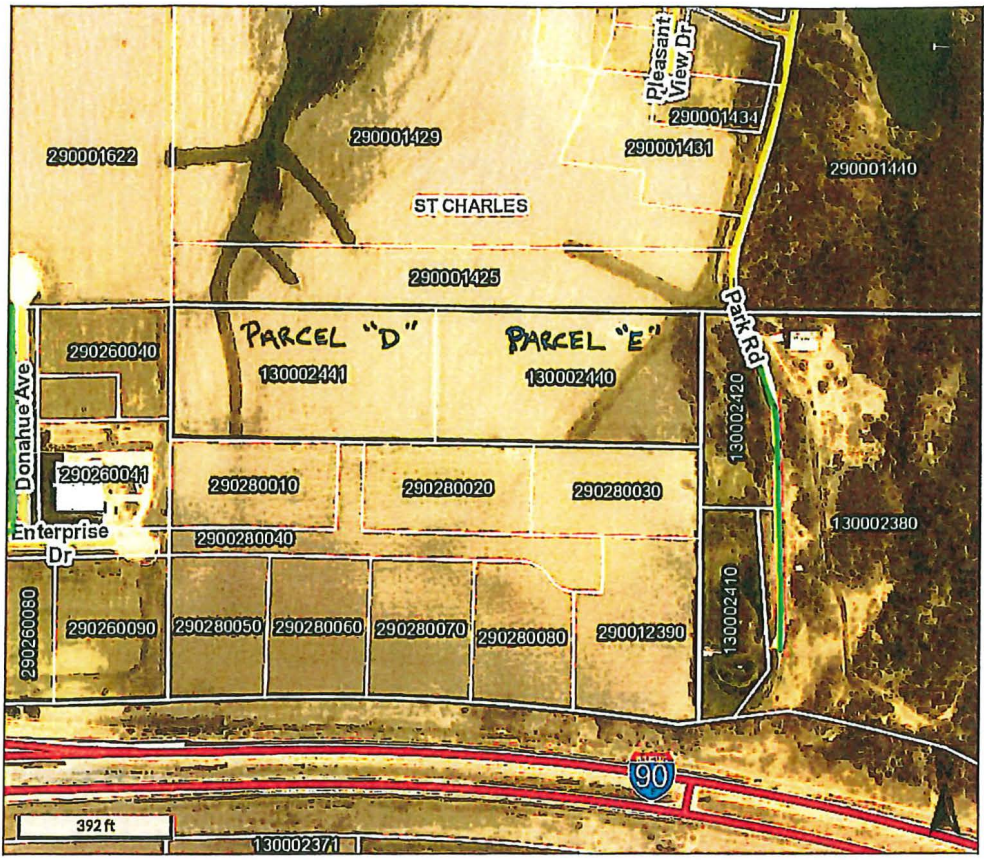
BEGINNING at the northeast corner of the Northwest Quarter of said Southwest Quarter; thence South 00 degrees 00 minutes 50 seconds West (NOTE: all bearings are on the Winona County NAD 1983, HARN 96 adjustment) along the east line of the Northwest Quarter of said Southwest Quarter for a distance of 329.79 feet to the southeast corner of the North 10 Acres; thence North 89 degrees 18 minutes 34 seconds West along the south line of said North 10 Acres for a distance of 660.00 feet; thence North 00 degrees 00 minutes 50 seconds East for a distance of 329.79 feet to the north line of the Northwest Quarter of said Southwest Quarter; thence South 89 degrees 18 minutes 34 seconds East along said north line for a distance of 660.00 feet to the POINT of BEGINNING. Containing 5.00 Acres, more or less.

Said PARCEL 'E' includes an access easement described elsewhere to access this PARCEL 'E' from SOUTH PARK ROAD.

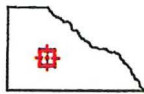
Parcel "D": A part of the North 10 Acres of the Northwest Quarter of the Southwest Quarter (NW1/4 of SW1/4) of Section 29, Township 106 North, Range 10 West, City of St. Charles, Winona County, Minnesota, described as follows: Beginning at the northwest corner of the Northwest Quarter of said Southwest Quarter; thence South 00 degrees 01 minute 52 seconds West (NOTE: all bearings are on the Winona County NAD 1983, HARN 96 adjustment) along the west line of the Northwest Quarter of said Southwest Quarter for a distance of 329.79 feet to the southwest corner of said North 10 Acres; thence South 89 degrees 18 minutes 34 seconds East for a distance of 660.98 feet; thence North 00 degrees 00 minutes 50 seconds East for a distance of 329.79 feet to the north line of the Northwest Quarter of said Southwest Quarter; thence North 89 degrees 18 minutes 34 seconds West along said north line for a distance of 660.88 feet to the point of beginning.

EXHIBIT B
Boundary Map

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



Overview



Legend

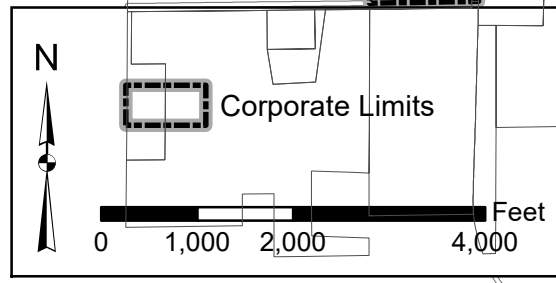
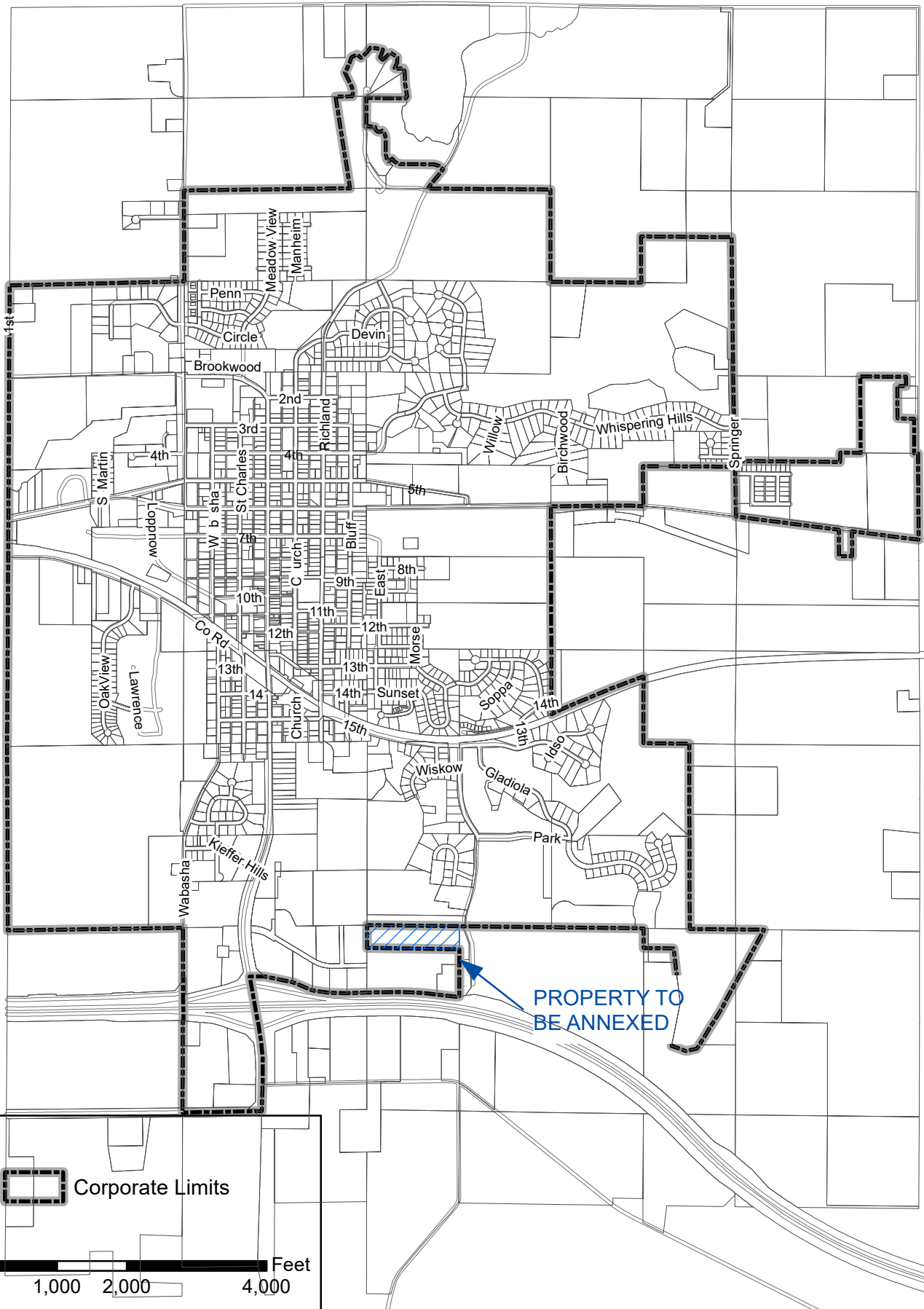
- Roads
- Other
 - Interstate
 - US/State Highway
 - City Streets
 - County Road
 - Township Road
 - Private Drive
- Municipalities
- Winona Boundary
 - Parcel

Parcel ID	290260030	Alternate ID	n/a	Owner Address	ENVIROLASTECH INC
Sec/Twp/Rng	30-106-010	Class	234 - INDS LAND & BLDGS		%JEFFERY A MINTZ ITS CEO
Property Address	2133 ENTERPRISE DR	Acreage	n/a		1410 VAN BUREN AVE
	ST CHARLES				ST PAUL, MN 55104
District	SAINT CHARLES CITY				
Brief Tax Description	Sect-30 Twp-106 Range-010 CHATTANOOGA INNOVATION PARK Lot-003 Block-001				
	(Note: Not to be used on legal documents)				

Note: This map is created from data contained in Winona County GIS and is for reference purposes only. While significant effort has been invested to depict boundary extents as accurately as possible per existing records, this map should not be considered a replacement for professional land survey.

Date created: 3/4/2021
Last Data Uploaded: 3/4/2021 3:25:04 AM





ST. CHARLES
WINONA COUNTY

PROPOSED ANNEXATION

