

BEFORE THE MUNICIPAL BOARD  
OF THE STATE OF MINNESOTA

Kenneth F. Sette	Chairman
Richard A. Sand	Vice Chairman
Shirley J. Mihelich	Commissioner
Ed Kobler	Ex-Officio Member
Lee Luebbe	Ex-Officio Member

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IN THE MATTER OF THE PETITION FOR )  
 THE ANNEXATION OF CERTAIN LAND TO )  
 THE CITY OF WINONA PURSUANT TO )  
 MINNESOTA STATUTES 414 )

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER

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The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on September 27, 1985 at Winona, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Chairman, Richard A. Sand, Vice Chairman, Shirley J. Mihelich, Commissioner, and County Commissioners Lee Luebbe and Ed Kobler, Ex-Officio Members of the Board. The City of Winona appeared by and through Richard Blanic, the Town of Wilson appeared by and through Herbert Keller, Town Board Chairman, and the petitioners appeared by and through Leo Murphy, Jr. Testimony was heard and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On August 8, 1985, a copy of a petition for the annexation by all of

the property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the area proposed for annexation which is as follows:

The Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 2; the South Half of the Northeast Quarter (S 1/2 of NE 1/4) of Section 2; the North Half of the Southeast Quarter (N 1/2 of SE 1/4) of Section 2; the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section 2; the East Half of the Southwest Quarter (E 1/2 of SW 1/4) of Section 2; the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) of Section 2; the South Half of the Southeast Quarter of the Northwest Quarter (S 1/2 of SE 1/4 of NW 1/4) of Section 2; and the West Half of the Northeast Quarter (W 1/2 of NE 1/4) of Section 11, all in Township 106 North of Range 7, West of the Fifth Principal Meridian, Winona County, Minnesota, excepting therefrom the following four parcels:

PARCEL 1

Beginning at a point 12 rods east of the northwest corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of said Section 2; thence west 12 rods to the northwest corner of the Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of said Section 2; thence south along the quarter line 18 rods; thence east 4 rods; thence northeasterly to the place of beginning.

PARCEL 2

Commencing at the Northwest corner of the NE 1/4 of Section 2, Tp. 106, Rg. 7; thence east along the north line of said Section 2, a distance of 198 feet to the point of beginning of the parcel to be described; thence at a deflection angle to the right of 107°16' a distance of 331.80 feet to the northerly right-of-way line of East Burns Valley Road; thence at a deflection angle to the right of 97°13' and northwesterly along the northerly right-of-way line of East Burns Valley Road a distance of 38.40 feet; thence at a deflection angle to the right of 89°26' a distance of 329.20 feet to the point of beginning containing 0.14 acres more or less.

PARCEL 3

That part of the NW 1/4 of the NE 1/4 of Section 2, Tp. 106, Rg. 7, Winona County, Minnesota, described as follows: Commencing at the Northwest corner of said NW 1/4 of the NE 1/4 of Section 2; thence Southerly along the West line of said NW 1/4 of the NE 1/4 a distance of 309.00 feet to a point in the center of County Highway No. 105; thence Southeasterly deflecting to the left of 65°01' and along the center line of said County Highway No. 105, a distance of 209.30 feet; thence Southeasterly deflecting to the left 6°28' and along

said centerline, a distance of 65.00 feet to the point of beginning of the land to be described; thence Southwesterly deflecting to the right  $76^{\circ}31'$ , a distance of 248.03 feet; thence Southeasterly deflecting to the left  $90^{\circ}00'$ , a distance of 41.82 feet; thence Northeasterly deflecting to the left  $90^{\circ}00'$ , a distance of 238.00 feet to a point also on the centerline of said County State Aid Highway No. 105; thence Northwesterly deflecting to the left  $76^{\circ}31'$  and along said centerline, a distance of 43.00 feet to the point of beginning, subject to the right-of-way of said County State Aid Highway No. 105.

PARCEL 4

Beginning at the Northeast corner of the NW 1/4 of the NE 1/4 of said Section 2; thence Westerly along the North line of said Section 2, a distance of 208.50 feet to the center of County Highway No. 105 (East Burns Valley Road); thence Southwesterly at a deflection angle to the left of  $51^{\circ}33'$  and along the center of said County Highway No. 105, a distance of 217.30 feet; thence Southwesterly at a deflection angle to the right of  $18^{\circ}35'$  and along the center of said County Highway No. 105, a distance of 300.20 feet; thence Southwesterly at a deflection angle to the right of  $10^{\circ}51'$  and along the center of said County Highway No. 105, a distance of 186.20 feet; thence Southerly at a deflection angle to the left of  $67^{\circ}16'$  a distance of 438.20 feet to an iron pipe monument; thence Easterly at a deflection angle to the left of  $90^{\circ}33'$ , a distance of 36.00 feet to an iron pipe monument; thence Southeasterly at a deflection angle to the right  $86^{\circ}19'22''$ , a distance of 60.09 feet to an iron pipe monument; thence Easterly at a deflection angle to the left of  $80^{\circ}34'18''$  a distance of 377.11 feet to an iron pipe monument; thence Southerly at a deflection angle to the right of  $85^{\circ}16'56''$  a distance of 595.14 feet to an iron pipe monument; thence Southeasterly at a deflection angle to the left of  $16^{\circ}51'36''$ , a distance of 111.24 feet to an iron pipe monument; thence Southeasterly at a deflection angle to the left of  $8^{\circ}31'21''$ , a distance of 269.67 feet to an iron pipe monument; thence Southeasterly at a deflection angle to the left of  $7^{\circ}01'53''$ , a distance of 513.84 feet to an iron pipe monument; thence Southeasterly at a deflection angle to the left of  $17^{\circ}48'$ , a distance of 273.01 feet to an iron pipe monument; thence Southwesterly at a deflection angle to the right of  $112^{\circ}52'17''$ , a distance of 430.82 feet to an iron pipe monument; thence Southwesterly at a deflection angle to the left of  $3^{\circ}43'47''$ , a distance of 301.83 feet to an iron pipe monument; thence Southwesterly at a deflection angle to the left of  $34^{\circ}55'40''$ , a distance of 264.30 feet to an iron pipe monument; thence Southerly at a deflection angle to the left of  $22^{\circ}30'$ , a distance of 311.80 feet; thence Southerly at a deflection angle to the left of  $2^{\circ}17'$ , a distance of 301.55 feet; thence Southerly at a deflection angle to the left of  $12^{\circ}40'$ , a distance of 406.60 feet; thence Southerly at a deflec-

tion angle to the left of  $5^{\circ}03'$ , a distance of 381.00 feet; thence Southerly at a deflection angle to the left of  $0^{\circ}35'$ , a distance of 587.00 feet; thence Southerly at a deflection angle to the right of  $3^{\circ}05'$ , a distance of 146.55 feet; thence Southeasterly at a deflection angle to the left of  $62^{\circ}59'$  a distance of 207.34 feet to the Southeast corner of the SW 1/4 of the SE 1/4 of said Section 2; thence Easterly along the South line of Section 2 to the Southeast corner of said Section 2; thence Northerly along the East line of the SE 1/4 of said Section 2 to the Northeast corner thereof; thence Northerly along the East line of the SE 1/4 of the NE 1/4 of said Section 2 to the Northeast corner thereof; thence Westerly along the North line of said SE 1/4 of the NE 1/4 to the Northwest corner thereof; thence Northerly along the East line of the NW 1/4 of said NE 1/4 of Section 2, to the point of beginning.

A resolution supporting the annexation was received from the annexing municipality.

2. Due, timely and adequate legal notice of the hearing was published, served and filed.

3. The area proposed for annexation is unincorporated, approximately 331 acres in size, and abuts the City of Winona for approximately 6% of its total border. The City of Winona is approximately 8,510 acres in size.

4. A portion of the area proposed for annexation is presently farmed and the remainder is hillside forest.

5. The City of Winona had a population of 26,438 in 1970, 25,075 in 1980, and its current population is 24,737.

6. The Town of Wilson had a population of 766 in 1970 and 1,140 in 1980.

7. The area proposed for annexation has no present population. An annexation feasibility study indicates that in five years the population could reach 1,021.

8. The City of Winona has land in residential use, institutional use, commercial use, agricultural use, and vacant land. Of the approximately 103.5 acres available within the city for residential use, half of the land has

environmental problems relating to development consisting of either floodplain or sloping problems.

9. The Town of Wilson has land in residential use, institutional use, commercial use, agricultural use, and vacant land.

10. The area proposed for annexation presently has all of its land in agricultural use.

11. The area proposed for annexation will have residential development of estate, conventional, and high density type, along with some possible neighborhood business development at the entrance of the development.

12. The area proposed for annexation presently has no roads in it.

Access to the area proposed for annexation is by County Road No. 105. The County Work Plan includes improvement on County Road No. 105 up to the entrance to the area proposed for annexation.

There will be only one access to the area proposed for annexation, because of the topography of the area.

13. The City of Winona has a zoning ordinance, subdivision regulations, and comprehensive plan.

14. The County of Winona has zoned the area proposed for annexation A-1, Limited Agricultural-Forest Conservation District.

15. The area within the city immediately north of the area proposed for annexation is currently zoned R-S, Residential-Suburban.

16. The City of Winona presently provides its residents with water, sewer, storm sewer, fire protection, police protection, street improvements and maintenance, administrative services, and recreational opportunities.

17. The City of Winona does not presently provide the area proposed for annexation with any services.

18. The Town of Wilson presently provides the annexation area with fire protection and street improvements and maintenance.

19. The City of Winona is willing to provide the annexation area with all of the services it presently provides the residents of the City of Winona.

20. The City of Winona has sufficient capacity in both its sanitary sewer plant, which was recently updated, and its water system to provide service to the annexation area.

The city has completed an estimate of cost for extension of sanitary sewer, and water to the area proposed for annexation. The city has indicated a willingness to provide these services to the area.

21. The annexation area is located in a larger Gotzman Valley drainage area of 624 acres which flows into Burns Valley Creek through a box culvert under County Road No. 105. Present studies indicate that the size of the culvert will be sufficient to service the annexation area's development. The proposed increased drainage through residential development in the annexation area on the overall Burns Valley Creek watershed is an estimated increase of less than one-half of one percent.

Development of Knapp Valley, which is similar to the annexation area, had no effect on flood flows in the Gilmore Creek watershed, which is similar to the Burns Valley watershed.

22. The mill levy for the Town of Wilson is 12.904 for 1985.

23. The Winona County mill levy is 25.794 for 1985.

24. The school district mill levy for the annexation area and the City of Winona is 47.875 for 1985.

25. The mill levy in 1985 for the Special Taxing District is .388.

26. The mill levy for the City of Winona in 1985 is 44.288.

27. The present total bonded indebtedness for the City of Winona is \$4,300,000.

28. The City of Winona is the only municipality adjacent to the area proposed for annexation.

29. The Town of Wilson can continue to function without the area proposed for annexation.

On August 14, 1985, the Minnesota Municipal Board received a resolution from the Town of Wilson waiving objections to the proposed annexation.

#### CONCLUSIONS OF LAW

1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

2. The area proposed for annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

3. Municipal government is required to protect the public health, safety, and welfare in the area proposed for annexation.

4. The best interests of the area proposed for annexation will be furthered by annexation.

5. The remainder of the Town of Wilson can carry on the functions of government without undue hardship.

6. There is a reasonable relationship between the increase in values to the City of Winona and the value of benefits conferred upon the area subject to annexation.

7. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

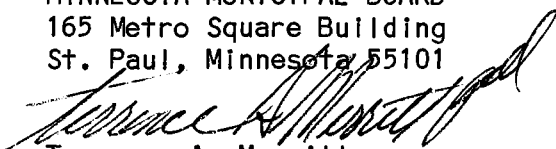
O R D E R

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 herein, be and the same is hereby annexed to the City of Winona, Minnesota the same as if it had been originally a part thereof.

2. IT IS FURTHER ORDERED: That the effective date of this order is December 19, 1985.

Dated this 19th day of December, 1985.

MINNESOTA MUNICIPAL BOARD  
165 Metro Square Building  
St. Paul, Minnesota 55101



Terrence A. Merritt  
Executive Director

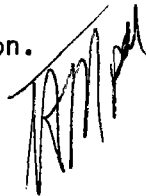


M E M O R A N D U M

In approving the area petitioned for annexation, the board notes that the city, town, and property owner exhibited cooperation in dealing with the issues raised by the proposed annexation. The board urges these parties to retain that spirit of cooperation as development begins, so that not only the city and town but also the adjacent land owners as well are aware of the proposed specifics of the development of the annexation area. The board urges the developer to work with not only the city and town, but also his neighbors for the benefit of all concerned.

The board also takes this opportunity to urge the City of Winona and the Town of Wilson to begin discussions on comprehensive planning, including orderly annexation. Such discussions would help both the town and the city deal with any future developments in the beautiful valleys adjacent to the City of Winona and located within the Town of Wilson. Such planning would benefit not only the town and the city, but the greater community as a whole.

The board commends the parties for their past cooperation and urges them to continue that spirit of cooperation.

A handwritten signature in black ink, appearing to be 'TRM', is written over the end of the final paragraph.