

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Annexation of  
Certain Real Property to the City of  
Winona from Wilson Township  
(MBAU Docket A-8385)

**ORDER APPROVING  
ANNEXATION ORDINANCE**

On January 18, 2022, the City of Winona (City) adopted Ordinance No. 4187 (Ordinance) annexing certain real property (Property) from Wilson Township (Township) legally described as follows:

That part of the Northeast Quarter of the Northeast Quarter of Section 1, Township 106, Range 7, Winona County, Minnesota, described as follows:

Commencing at the Southwest corner of Lot 2, Block 2 of Pinecrest Subdivision; thence South 38° 31' 00" West, assumed bearing, along the Easterly line of Pinecrest Road, according to said Pinecrest Subdivision, 75.49 feet; thence Southwesterly 234.84 feet along the Easterly line of said Pinecrest Road along a tangential curve, concave to the Southeast having a central angle of 19° 28' 00" and a radius of 691.20 feet; thence South 19° 03' 00" West along the Easterly line of said Pinecrest Road 44.69 feet to the point of beginning of the land to be described thence South 71° 17' 38" East 118.66 feet; thence North 90° 00' 00" East 51.11 feet; thence South 00° 00' 00" East 93.69 feet to the Northerly line of said Pinecrest Road; thence South 90° 00' 00" West along the Northerly line of said Pinecrest Road 100.50 feet; thence Northwesterly 147.14 feet along the Northerly and Easterly line of said Pinecrest Road on a tangential curve, concave to the Northeast, having a central angle of 109° 03' 00" and a radius of 77.31 feet; thence North 19° 03' 00" East along the Easterly line of said Pinecrest Road 30.89 feet to the point of beginning.

On February 16, 2022, the Township filed a letter expressing concerns about the City's actions and demanding payment of \$5,230 from the City, with interest if not paid within 30 days. The Township requested that the Office of Administrative Hearings affirm this obligation. The Township also requested that the Office of Administrative Hearings require certain notifications from the City related to the City's compliance with its own and the Township's ordinances.

Based upon a review of the Ordinance, and as explained further in the accompanying Memorandum, the Administrative Law Judge makes the following:

**ORDER**

1. Pursuant to Minn. Stat. § 414.033 (2020), the Ordinance is deemed adequate in all legal respects and properly supports this Order.


2. Pursuant to the terms of the Ordinance and this Order, the Property is **ANNEXED** to the City.

3. Pursuant to Minn. Stat. § 414.036 (2020), the City will reimburse the Township as stated in Ordinance No. 4187.

4. The City must file a copy of the Annexation Ordinance with the Township, the appropriate county auditor(s), and the Secretary of State as required by Minn. Stat. § 414.033, subd. 7.

5. The Township’s requests are **DENIED**.

Dated: March 24, 2022

  
JESSICA A. PALMER-DENIG  
Administrative Law Judge

**NOTICE**

This Order is the final administrative order in this case under Minn. Stat. §§ 414.033, .07, .09, .12 (2020). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Winona County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2021). However, no request for amendment shall extend the time of appeal from this Order.

**MEMORANDUM**

Upon the request of the property owner, the City seeks to annex property abutting the City’s boundary by ordinance under Minn. Stat. § 414.033, subd. 2(3). The Township contends that the City has acted in bad faith in connection with agreements between the City and Township relating to annexations, but the Township does not point to an agreement for orderly annexation that would govern in this instance. The Township states that it has incurred expenses in an “effort to maintain and secure appropriate working

procedures and relations” with the City.<sup>1</sup> It does not detail these expenses, but demands payment of \$5,230 and that the Office of Administrative Hearings approve this demand. The Township also demands that the Office of Administrative Hearings require the City to provide certain notices attesting to its compliance with City and Township ordinances.

As noted above, the City has met all statutory criteria for annexation of the Property. Minn. Stat. § 414.033, which governs this annexation, does not provide for the relief the Township requests. Therefore, the City’s annexation of the Property is approved, and the Township’s requests must be denied.

**J. P. D.**

---

<sup>1</sup> Township Letter at 2-3 (Feb. 16, 2022) (on file with the Minn. Office Admin. Hearings).