

## ORDINANCE NO. 4215

### **AN ORDINANCE OF THE CITY OF WINONA, ANNEXING LAND LOCATED IN WILSON TOWNSHIP, WINONA COUNTY, MINNESOTA, TO THE CITY OF WINONA, WINONA COUNTY, MINNESOTA, PURSUANT TO MINN. STAT. § 414.033, SUBD. 2(3), PERMITTING ANNEXATION BY ORDINANCE**

THE CITY OF WINONA DOES ORDAIN:

SECTION 1. That the unincorporated land legally described in Exhibit A (the "Subject Area"), which is attached hereto and incorporated herein by reference, located in Wilson Township, Winona County, Minnesota, is land that is contiguous to and abuts the municipal corporate limits of the City of Winona, Winona County, Minnesota; is land that is 120 acres or less in size; is land that is not presently served by public wastewater facilities, and for which public wastewater facilities are not otherwise available than through the City of Winona; and is land that is existing or proposed for immediate urban or suburban development.

SECTION 2. That the owner of the Subject Area has requested annexation for purposes of immediate urban or suburban residential development of the Subject Area and has submitted a petition to the City Council of the City of Winona for annexation of said Subject Area.

SECTION 3. That a boundary map depicting the Subject Area is attached hereto and incorporated by reference as Exhibit B.

SECTION 4. That the City of Winona held a public hearing pursuant to Minn. Stat. § 414.033, subd. 2b, on January 17, 2023, following thirty (30) days written notice by certified mail to Wilson Township and to all landowners within and contiguous to the Subject Area to be annexed.

SECTION 5. That the corporate limits of the City of Winona are hereby extended to include the Subject Area legally described in Exhibit A and depicted in Exhibit B, containing approximately .76 acres, and the same is hereby annexed to be included within the City of Winona, Winona County, Minnesota.

SECTION 6. That the population of the Subject Area hereby annexed is 1.

SECTION 7. That pursuant to Minn. Stat. § 414.036, with respect to the property taxes payable on the Subject Area that is hereby annexed, the total Wilson Township portion of such property taxes payable 2022 were \$281. The City of Winona recommends that it be ordered by the chief administrative law judge of the Minnesota Office of Administrative Hearings to make a cash payment to Wilson Township for the period and in accordance with the following schedule:

a. In the first year in which the City of Winona may levy property taxes on the Subject Area following the annexation thereof, an amount equal to one hundred percent (100%) of the property taxes distributed to Wilson Township in regard to the Subject Area in the last year that property taxes from the Subject Area were payable to Wilson Township; and

b. In the second and final year, an amount equal to the first year payment described in clause a. above of this Section.

SECTION 8. That there are no special assessments assigned by Wilson Township to the Subject Area, and there is no debt incurred by Wilson Township prior to the annexation and attributable to the Subject area for which reimbursement is required.

SECTION 9. That pursuant to City of Winona City Code, Section 43.02.14 (E), the Subject Area hereby annexed to the City of Winona on the effective date hereof shall not bear a zoning classification as set forth in Section 43.02.12 until the Subject Area is given a classification by ordinance by the City Council of the City of Winona. No building permit or permit to do work of any kind on Subject Area shall be granted until such ordinance rezoning the Subject Area becomes effective.

SECTION 10. That the City Clerk of the City of Winona is hereby authorized and directed to file a copy of this Ordinance with the with the chief administrative law judge of the Minnesota Office of Administrative Hearings; the Minnesota Secretary of State; the Winona County Auditor; and the Wilson Township Clerk

SECTION 11. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the chief administrative law judge of the Minnesota Office of Administrative Hearings.

Passed by the City Council of the City of Winona, Minnesota, this 6<sup>th</sup> day of February, 2023.



\_\_\_\_\_  
Mayor

Attested By:

  
\_\_\_\_\_  
City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION OF SUBJECT AREA

**22189 Pinecrest Road**, Winona MN 55987, more particularly described as:

That part of the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section One (1), Township One hundred six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, which is more particularly bounded and described as follows, to-wit:

Commencing at the iron monument that marks the Northeast corner of said Section One (1); thence in a Westerly direction along the North line of said Section One (1) for a distance of 535.75 feet; thence at a deflection angle to the left of 51° 29' for a distance of 683.70 feet; thence at a deflection angle to the left of 19° 28' for a distance of 203.43 feet; thence at a deflection angle to the left of 90° for a distance of 102.31 feet; thence at a deflection angle to the right of 93° 51' 37" for a distance of 127.31 feet to the point of beginning; thence at a deflection angle to the left of 22° 54' 37" for a distance of 131.73 feet; thence at a deflection angle to the right of 90° for a distance of 296.16 feet; thence at a deflection angle to the right of 91° 00' 45" for a distance of 100 feet; thence at a deflection angle to the right of 91° 34' a distance of 178.60 feet; thence at a deflection angle to the left of 47° 15' a distance of 98.30 feet; thence in a southeasterly direction, along a curve concave to the Northeast, said curve having a delta angle of 109° 03' and a radius of 127.31 feet for a distance of 54.99 feet, more or less, to the point of beginning.

Also, for the purpose of ingress to and egress from the above tract of land, an easement 25 feet on each side of the following described center line: Commencing at the Northeast corner of said Section One (1); thence in a Westerly direction along the North line of said Section One (1) for a distance of 535.75 feet to the point of beginning; thence at a deflection angle to the left of 51° 29' for a distance of 560.85 feet; thence deflect to the left on a 8° 00' curve, delta angle 19° 28', radius 716.20 feet, for a distance of 243.33 feet; thence on tangent to said curve for a distance of 75.58 feet; thence deflect to the left on a 56° 00' curve, delta angle 109° 03', radius 102.31 feet for a distance of 194.73 feet and there terminating.



## EXHIBIT B

### BOUNDARY MAP DEPICTING SUBJECT AREA

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

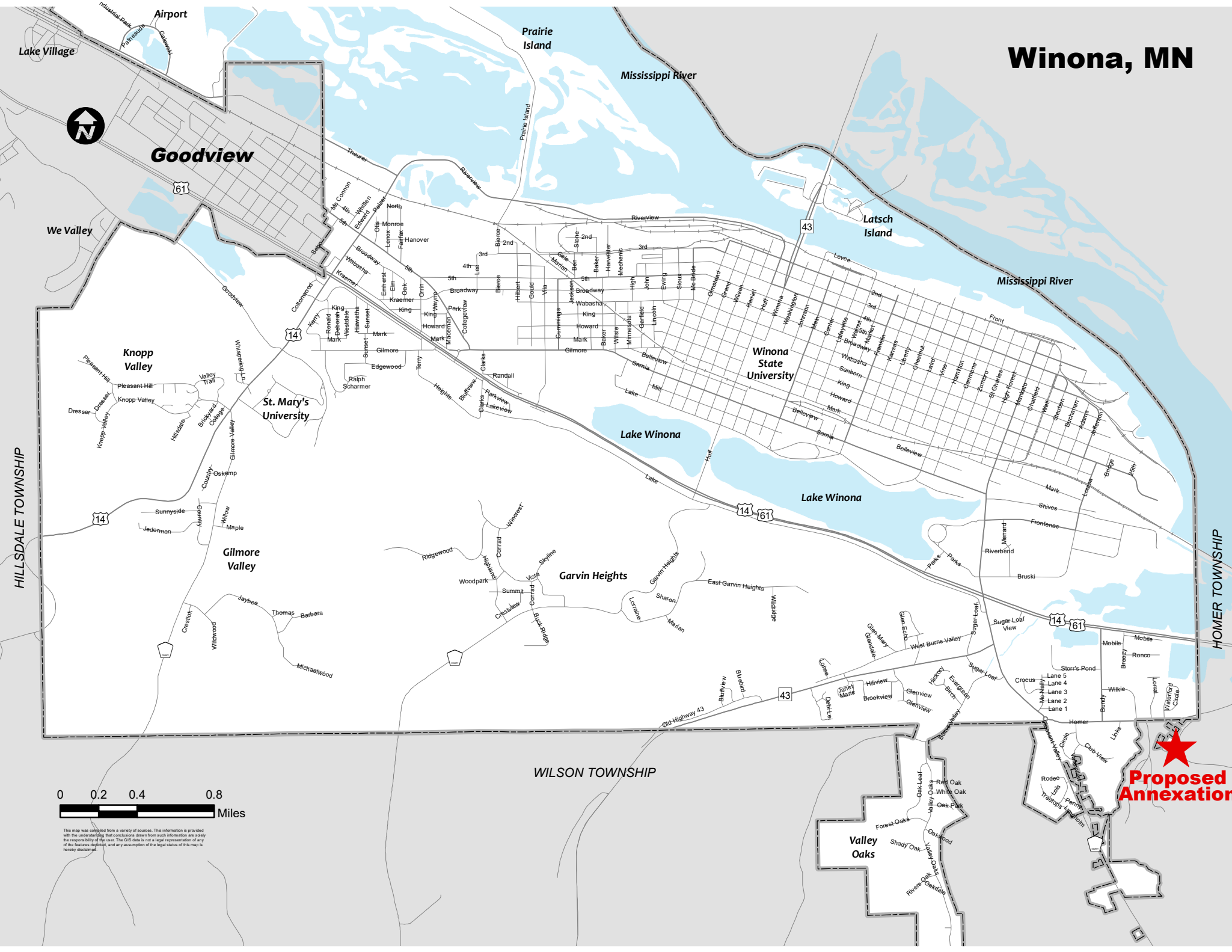
#### 22189 Pinecrest Rd



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April 2022

# Winona, MN



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

**Proposed Annexation**