

2020 – 48

RECEIVED

By: OAH on December 3, 2020

RESOLUTION

WHEREAS, Lucas E. Malay and Hailey M. Malay, husband and wife, (the "Owners") are fee owners of certain land located within the City of Winona (the "City") legally described in Exhibit A, which is attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Owners have submitted a petition (the "Petition"), dated March 2, 2019, to the City for detachment of the Property from the City to Wilson Township (the "Township") pursuant to Minnesota Statutes, Section 414.06; and

WHEREAS, the Petition was submitted to the City by cover letter from the Owners' attorney, dated March 17, 2020; and

WHEREAS, the Petition is attached hereto as Exhibit B; and

WHEREAS, the Property (PID #32.319.0020) is a single parcel of land containing approximately 45.6 acres abutting County Road 44 and located approximately one-quarter of a mile (app. 1,500 feet) south of and not contiguous to the primary corporate limits line of the City; and

WHEREAS, an aerial map depicting the location of the Property in relation to the City is attached hereto as Exhibit C; and

WHEREAS, the Property was previously annexed from the Township to the City in 2005 through a joint agreement between the City and Township in order to facilitate a suburban residential development on the Property with City sewer and water services; and

WHEREAS, the Property was annexed to the City in 2005 based upon a prior property owner petition from Sweetwater Development, LLP (the "Developer"); and

WHEREAS, as a result of the economic recession that occurred relatively soon following the 2005 annexation of the Property to the City, the proposed suburban residential development of the Property by the Developer did not proceed forward, and the Owners thereafter acquired the Property for their own use from the Developer in 2015; and

WHEREAS, at the time of the 2005 annexation, the Property was needed for reasonably anticipated future urban or suburban development; and

WHEREAS, since the 2005 annexation to the City: the proposed development by the Developer did not proceed; City sewer and water services have not been extended to the Property since the same have not been needed or requested; the Property has not developed and remains vacant; and there is no subdivision/plat or other development proposal currently under consideration or anticipated for the Property, except for the Owners' development proposal, which is to build one, single-family home along with accessory buildings directly related to the one, primary single-family home on the Property (the "Owners' Development Proposal"); and

WHEREAS, City staff have reviewed the Owners' Development Proposal and determined that extension of City sewer and water services to the Property based on the Owners' Development Proposal is not necessary at this time; and

WHEREAS, the Owners have expressly represented to the City and Township that they will not be subdividing/platting and developing the Property and instead will use the Property solely in accordance with the above-mentioned Owners' Development Proposal; and

WHEREAS, the Property has in the past been reasonably anticipated for future suburban development needing sewer and water services, and the Owners acknowledge and agree that if circumstances change in the future regarding the subdivision/platting of the Property for development, the Property may again be categorized by the City accordingly; and

WHEREAS, the City and the Owners agree that in the event that the Owners in the future seek to subdivide/plat the Property for development inconsistent with the Owners' Development Proposal, the Owners shall be required to annex the Property to the City prior to the Property being developed; and

WHEREAS, based upon the Owners' representations to the City as summarized above herein, and with the same being a material inducement for the City to consider for adoption this Resolution of support for detachment of the Property from the City, the Owners have agreed to execute and record a Declaration of Restrictive Covenants upon the Property in favor of the City in the form attached hereto and incorporated herein by reference as Exhibit D.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT the City Council makes the following findings:

1. The circumstances for the Petition and acceptance thereof by the City are unique to the specific Property;
2. The detachment of the Property is supported by the City based upon the specific circumstances present at this time regarding the Property and the representations of the Owners, which are summarized as follows:
 - a. The Property is undeveloped and has remained undeveloped since the original 2005 annexation;
 - b. The original purpose for annexation of the Property was based upon a prior property owner petition for development of a suburban residential subdivision on the Property that did not proceed, and as a result, the original reasons for annexation do not exist with respect to the Property at this time;
 - c. The Property is a single parcel containing approximately 45.6 undeveloped acres;
 - d. The Property has not been subdivided/platted for development and has remained vacant since 2005;

- e. The Property is not proposed to be subdivided/platted at this time and is not anticipated to be subdivided/platted for development based upon the representations of the Owners;
- f. The Property is approximately 1,500 feet south of the primary corporate limits line of the City and therefore is not directly contiguous thereto;
- g. The Property will not be subdivided and developed for urban or suburban development purposes based upon the representations of the Owners that the Property will instead be developed as one parcel in a rural manner consistent with the Owners' Development Proposal;
- h. The Owners' representations to the City as summarized above herein are a material inducement for the City to adopt this Resolution and without which the City would not support the Petition;
- i. In the event that the Property is proposed to be subdivided/platted for development in the future, the circumstances that resulted in the original 2005 annexation will once again exist warranting annexation of the Property or the portion thereof proposed for development, and the Owners acknowledge and agree to the same and will accordingly execute and record the Declaration of Restrictive Covenants upon the Property as attached to this Resolution;
- j. The City reserves the right to seek annexation in the event the Property is proposed to be subdivided/platted for development at that time, and the Owners acknowledge and agree to cooperate therewith, and the City reserves the right to enforce the Declaration of Restrictive Covenants upon the Property; and
- k. The City requests that in the event the Property or any portion thereof is proposed to be subdivided/platted for development in the future that Wilson Township, at that time, cooperate with annexation thereof by executing a joint resolution for orderly annexation with the City for annexation of the Property, or the portion thereof proposed for development, consistent with the intent and purpose of the original 2005 annexation of the Property and corresponding State order for the same, but without further tax reimbursement from the City for the same since the City has previously paid tax reimbursement to the Township at the time of the 2005 annexation of the Property.

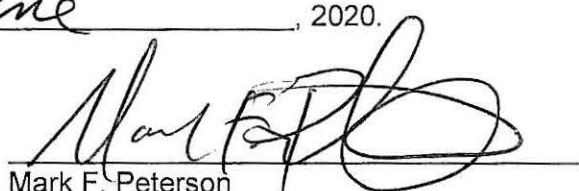
BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT the City Council, based upon the above findings and recitals contained herein, hereby consents to and supports the Owners Petition as the same is attached hereto, subject to the following conditions:

1. The Owners shall properly execute and record with the Office of the Winona County Recorder the Declaration of Restrictive Covenants upon the Property and in favor of the City in the form that is attached to this Resolution as Exhibit D within 30 days of the date of this Resolution;
2. The Owners shall submit to the City Clerk a copy of the executed and recorded Declaration of Restrictive Covenants upon the Property within 60 days of the date of this

Resolution, and thereafter the City Clerk shall execute a certified copy of this Resolution and provide the same to the Owners in order that the Owners may then file their Petition with the State of Minnesota for consideration by the State of the Petition;

3. The Owners shall not file the Petition nor this Resolution with the State of Minnesota for consideration of the Petition by the State of Minnesota until the Owners have complied with conditions 1 and 2 above;
4. In the event, for any reason, the Owners do not comply with the conditions contained in this Resolution, this Resolution shall be deemed null and void without further action by the City Council;
5. The Owners shall be responsible for and pay all costs, fees and charges of any kind or nature related to the consideration of and/or action upon the Owners' Petition by the State of Minnesota or otherwise, as well as any other related costs, fees and charges, including but not limited to Owners' attorney's fees, and recording fees for the required Declaration of Restrictive Covenants. The City shall only be responsible for its own costs related to this matter for City staff and City Attorney time; and
6. The recitals hereto are made a part hereof.

Dated this 15th day of June, 2020.


Mark F. Peterson
Mayor

Attest:


Monica Hennessy Mohan
City Clerk

EXHIBIT A

Legal Description of Property

The South Half of the Southeast Quarter of the Northwest Quarter (S1/2 of SE1/4 of NW1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

Also, the South Half of the South Half of the Northeast Quarter (S1/2 of S1/2 of NE1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, lying Westerly of the centerline of County State Aid Highway 44.

Also, That part of the North Half of the Southeast quarter (N1/2 of SE1/4) and that part of the Northeast Quarter of the Southwest Quarter (NE1/4 of SW1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the Northeast corner of said N1/2 of the SE1/4; thence South 01° 26' 34" East, assumed bearing along the East line of said N1/2 of the SE1/4 156.00 feet; thence North 87° 20' 31" West 1265.41 feet to the point of beginning of the land to be described; thence continue North 87° 20' 31" West 2725.32 feet to the West line of said NE1/4 of the SW1/4; thence North 01° 04' 33" West 4.80 feet to the Northwest corner of said NE1/4 of the SW1/4; thence South 89° 30' 44" East along the North line of said NE1/4 of the SW1/4 and the North line of said N1/2 of SE1/4 2736.88 feet; thence South 07° 33' 04" West 108.82 feet to the point of beginning.

Excepting therefrom, that part of the North Half of the Southeast Quarter (N1/2 of SE1/4) and that part of the South Half of the South Half of the Northeast Quarter (S1/2 of S1/2 of NE1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

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EXHIBIT B

Owners Petition for Detachment

IN THE MATTER OF THE PETITION FOR DETACHMENT OF
CERTAIN LAND FROM THE CITY OF WINONA, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.06

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

Pursuant to the 2012 amendment to Minn. Stat. § 414.06, the petitioner(s) shall also provide a copy of this petition to:

- 1) the city from which the land may be detached;*
- 2) all property owners who have not signed this petition;*
- 3) the clerk of the town to which the property may be attached if granted;*
- 4) the clerk of any other abutting town or city; and*
- 5) the county recorder in the county in which the land is located.*

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 414.06, Subd. 1, to commence this proceeding is: all of the property owners if the area is less than 40 acres; or 75% or more of the property owners in number if the area is more than 40 acres.

It is hereby requested by all of the property owners, the area is less than 40 acres; to detach certain properties described herein from the City of Winona and make a part of the Township of Wilson

1. There is one property owner in the area proposed for detachment.
2. All property owners have signed this petition.
3. The property is situated within the City of Winona, does not abut the municipal boundary, and is located in the County of Winona.
4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The reason detachment is requested is so that the owner may develop the property as a single-family rural residence with the characteristics of such a development.
6. Summarize what efforts were taken prior to filing this petition to resolve the issues: Petitioners have attempted to reach a negotiated resolution with the City of Winona by contacting the city planner and city clerk directly to address the

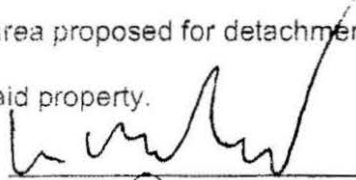
apparent deficiencies in the original annexation along with the fact that the parcel that is the subject of this petition has received not city services.

7. The number of acres in the property proposed for detachment is 40 and is described as follows:

See Exhibit A to this Petition

8. There are no buildings on said property is: zero.
9. There are currently no residents in the area proposed for detachment.
10. There are no public improvements on said property.

Date: 3 | 2 | 19


Lucas Malay, Property Owner

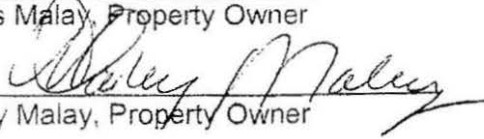

Hailey Malay, Property Owner

Exhibit A

The South Half of the Southeast Quarter of the Northwest Quarter (S1/2 of SE1/4 of NW1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

Also, the South Half of the South Half of the Northeast Quarter (S1/2 of S1/2 of NE1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, lying Westerly of the centerline of County State Aid Highway 44.

Also, That part of the North Half of the Southeast quarter (N1/2 of SE1/4) and that part of the Northeast Quarter of the Southwest Quarter (NE1/4 of SW1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the Northeast corner of said N1/2 of the SE1/4; thence South 01° 26' 34" East, assumed bearing along the East line of said N1/2 of the SE1/4 156.00 feet; thence North 87° 20' 31" West 1265.41 feet to the point of beginning of the land to be described; thence continue North 87° 20' 31" West 2725.32 feet to the West line of said NE1/4 of the SW1/4; thence North 01° 04' 33" West 4.80 feet to the Northwest corner of said NE1/4 of the SW1/4; thence South 89° 30' 44" East along the North line of said NE1/4 of the SW1/4 and the North line of said N1/2 of SE1/4 2736.88 feet; thence South 07° 33' 04" West 108.82 feet to the point of beginning.

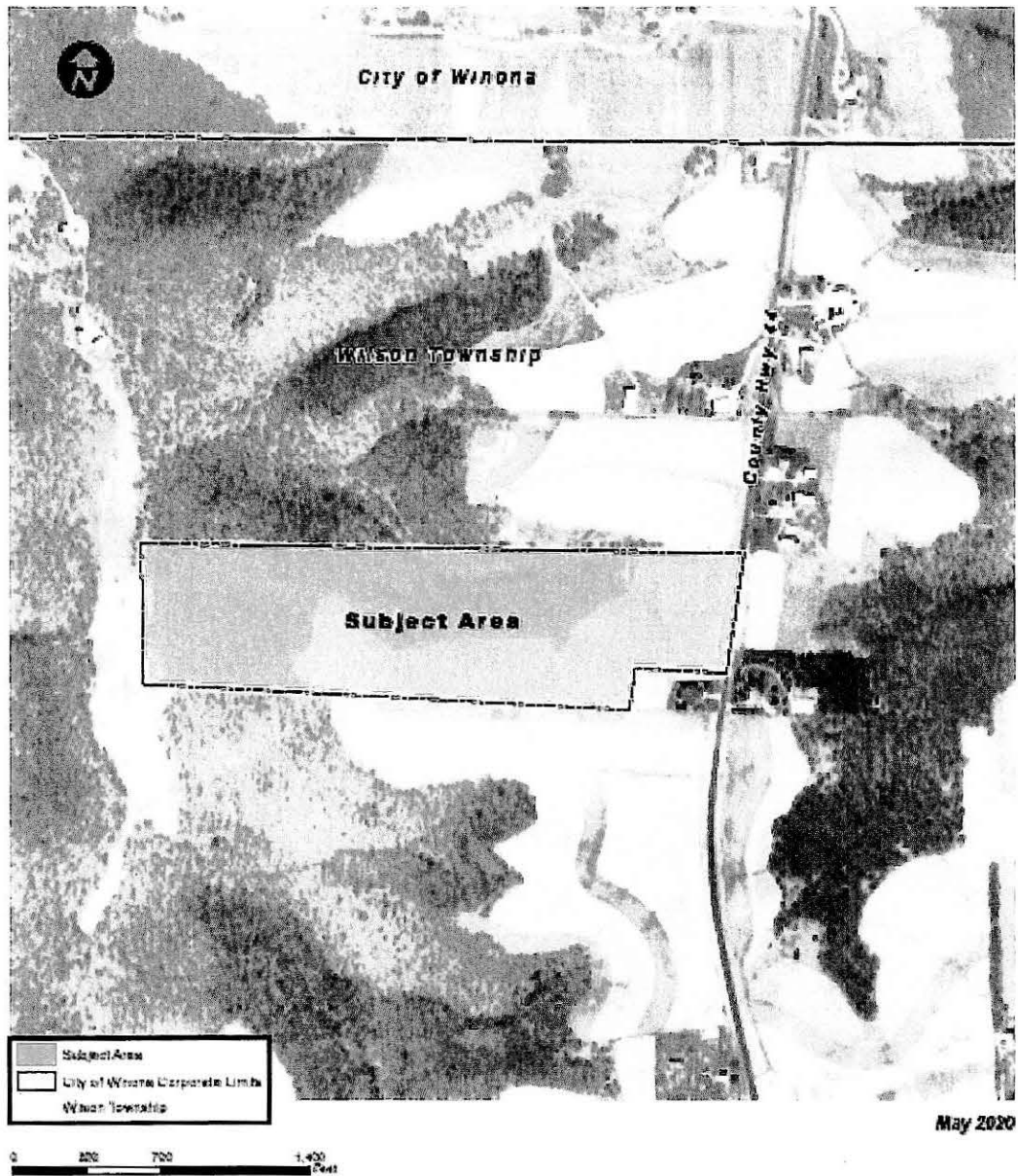
Excepting therefrom, that part of the North Half of the Southeast Quarter (N1/2 of SE1/4) and that part of the South Half of the South Half of the Northeast Quarter (S1/2 of S1/2 of NE1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the Northeast corner of said N1/2 of the SE1/4; thence South 01° 26' 34" East, assumed bearing along the East line of said N1/2 of the SE1/4 156.00 feet; thence North 87° 20' 31" West 1265.41 feet to the point of beginning of the land to be described; thence continue North 87° 20' 31" West 486.00 feet; thence North 07° 33' 04" East 200.00 feet; thence South 87° 20' 31" East 486.00 feet; thence South 07° 33' 04" West 200.00 feet to the point of beginning.

EXHIBIT C

Aerial Map Depiction of Property in Relation to City

EXHIBIT C



This map was constructed from a variety of sources. The information is provided with the understanding that the user will use it for informational purposes only and that the user will not rely on it for any other purpose. The user will not be held responsible for any errors or omissions in the map. The user will not be held responsible for any damages or losses resulting from the use of the map. The user will not be held responsible for any other consequences of the use of the map.



EXHIBIT D

Declaration of Restrictive Covenants

(Above Space Reserved for Recording Information)

DECLARATION OF RESTRICTIVE COVENANTS

This Declaration of Restrictive Covenants (the "Declaration") is made this 8th day of May, 2020, by Lucas E. Malay and Hailey M. Malay, husband and wife, (the "Owners") and is given for the benefit of the City of Winona, Minnesota, a municipal corporation and political subdivision organized and existing under the laws of the State of Minnesota (the "City").

RECITALS

WHEREAS, the Owners are fee owners of certain land located within the City legally described in Exhibit A, which is attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the Owners submitted a petition (the "Petition"), dated March 2, 2019, to the City for detachment of the Property from the City to Wilson Township (the "Township") pursuant to Minnesota Statutes, Section 414.06; and

WHEREAS, the Petition is attached hereto as Exhibit B; and

WHEREAS, the Property (PID #32.319.0020) is a single parcel of land containing approximately 45.6 acres abutting County Road 44 and located approximately one-quarter of a mile (app. 1,500 feet) south of and not contiguous to the primary corporate limits line of the City; and

WHEREAS, an aerial map depicting the location of the Property in relation to the City is attached hereto as Exhibit C; and

WHEREAS, the Property was previously annexed from the Township to the City in 2005 through a joint agreement between the City and Township in order to facilitate a suburban residential development on the Property with City sewer and water services; and

WHEREAS, as a result of the economic recession that occurred relatively soon following the 2005 annexation of the Property to the City, the proposed suburban residential development of the Property did not proceed, and the Owners thereafter acquired the Property in 2015; and

WHEREAS, at the time of the 2005 annexation, the Property was needed for reasonably anticipated future urban or suburban development; and

WHEREAS, since the 2005 annexation to the City: the proposed suburban residential development of the Property did not proceed; City sewer and water services have not been extended to the Property since the same have not been needed or requested; the Property has not developed and remains vacant; and there is no subdivision/plat or other development proposal currently under consideration or anticipated for the Property, except for the Owners' development proposal, which is to build one, single-family home along with accessory buildings directly related to the one, primary single-family home on the Property (the "Owners' Development Proposal"); and

WHEREAS, City staff have reviewed the Owners' Development Proposal and determined that extension of City sewer and water services to the Property based on the Owners' Development Proposal is not necessary at this time; and

WHEREAS, the Owners have expressly represented to the City and Township that they will not be subdividing/platting and developing the Property and instead will use the Property solely in accordance with the above-mentioned Owners' Development Proposal; and

WHEREAS, the Property has in the past been reasonably anticipated for future suburban residential development needing sewer and water services, and the Owners acknowledge and agree that if circumstances change in the future regarding the subdivision/platting of the Property for development, the Property may again be categorized by the City accordingly; and

WHEREAS, the City and the Owners agree that in the event that the Owners in the future seek to subdivide/plat the Property for development inconsistent with the Owners' Development Proposal, the Owners shall be required to annex the Property to the City prior to the Property being developed; and

WHEREAS, based upon the Owners' representations to the City as summarized above herein, with the same being a material inducement for the City to adopt a Resolution of support for detachment of the Property from the City, with the City accordingly adopting said Resolution No. 2020-48, dated June 15, 2020, and with the execution and recording of this Declaration being a condition of such adoption of said City Resolution, the Owners have agreed to execute and record this Declaration upon the Property in favor of the City; and

WHEREAS, the Owners now desires to restrict the use of the Property as provide in this Declaration.

NOW, THEREFORE, in consideration of the promises, representations and covenants herein set forth, and of other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owners agree as follows:

1. Restrictive Covenants. The Owners hereby make the following restrictive covenants upon the Property in favor of the City:
 - a. The Property will not be subdivided or platted and developed for urban or suburban development purposes during the term hereof, and the Property will instead be developed by the Owners for their use as one parcel in a rural manner consistent with the Owners' Development Proposal as described herein above.
 - b. In the event that the Property is proposed to be subdivided or platted for development in the future, the circumstances that resulted in the original 2005 annexation will once again exist warranting annexation of the Property or the portion thereof proposed for development, and the Owners acknowledge and agree to the same.
 - c. The City reserves the right to seek annexation in the event the Property is proposed to be subdivided or platted for development at such time, and the Owners acknowledge and agree to fully cooperate therewith and execute any such documentation as the City may require to annex said Property or the portion thereof proposed for subdivision for development purposes. This Declaration shall apply to the Property regardless of any governmental approvals for development of the Property or otherwise, and the City's right to annex the Property shall be continual, and no provision herein shall be construed to limit the same, with the decision to seek annexation being in the discretion and judgment of the City Council.
2. Amendment. This Declaration may not be amended or modified except by means of a written instrument executed by the Owners and consented to in writing by the City acting by and through its City Council.
3. Recitals and Exhibit. The recitals and exhibits hereto are made apart hereof.
4. Indemnification. The Owners hereby indemnify, and agree to defend and hold harmless, the City from and against all liabilities, losses, damages, costs, expenses (including attorneys' fees and expenses), causes of action, suits, allegations, claims, demands, and judgments of any nature arising from the consequences of a legal or administrative proceeding or action brought against them, or any of them, on account of any failure by the Owners to comply with the terms of this Declaration, or on account of any representation or warranty of the Owners contained herein being untrue.
5. Severability. The invalidity of any clause, part or provision of this Declaration will not affect the validity of the remaining portions thereof.

6. Notices. All notices to be given pursuant to this Declaration must be in writing and will be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to any other place as a party may from time to time designate in writing. The Owners and the City may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, or other communications are sent. The initial addresses for notices and other communications are as follows:

To the City:

City of Winona
Attn: City Clerk
207 Lafayette Street
Winona, MN 55987
507-457-8200

To the Developer:

Lucas E. Malay and Hailey M. Malay
25997 Blackberry Rd.
Winona, MN 55987
507-450-5165
lucasmalay@greystonecon.com

7. Governing Law. This Declaration is governed by the laws of the State of Minnesota. All references in this Declaration to Minnesota Statutes are to the Statutes currently in effect and as amended or renumbered in the future.
8. Enforcement. This Declaration may be enforced by the City. The Owners grant to the City, and its agents and employees, reasonable access to the Property at reasonable times and upon notice thereof for inspection, monitoring, and enforcement purposes. In case any action at law or in equity, including an action for declaratory relief, is brought against the Owners to enforce the provisions of this Declaration, the Owners agree to pay the reasonable attorneys' fees and other reasonable expenses paid or incurred by the City in connection with the action.
9. Declaration Binding. This Declaration and the covenants contained herein will run with the Property and will bind the Owners and their successors and assigns and all subsequent owners of the Property or any interest therein, and the benefits will inure to the City and its successors and assigns. This Declaration shall be perpetual in duration, subject to the limitations established in Minn. Stat. § 500.20.

IN WITNESS WHEREOF, the Owners have caused this Declaration to be signed as of the day and year first written above.



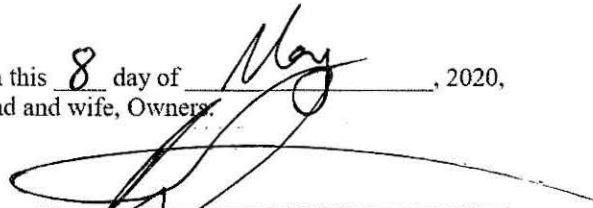
Lucas E. Malay



Hailey M. Malay

STATE OF MINNESOTA)
) ss.
COUNTY OF WINONA)

This instrument was acknowledged before me on this 8 day of May, 2020,
by Lucas E. Malay and Hailey M. Malay, husband and wife, Owners.


(Signature of Notarial Officer)

THIS INSTRUMENT WAS DRAFTED BY:

FLAHERTY & HOOD, P.A.
525 Park Street, Suite 470
St. Paul, MN 55103
Phone: 651-225-8840

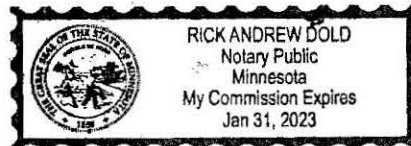


EXHIBIT A

Legal Description of Property

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EXHIBIT B

Owners Petition for Detachment

IN THE MATTER OF THE PETITION FOR DETACHMENT OF
CERTAIN LAND FROM THE CITY OF WINONA, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.06

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

Pursuant to the 2012 amendment to Minn. Stat. § 414.06, the petitioner(s) shall also provide a copy of this petition to:

- 1) the city from which the land may be detached;*
- 2) all property owners who have not signed this petition;*
- 3) the clerk of the town to which the property may be attached if granted;*
- 4) the clerk of any other abutting town or city; and*
- 5) the county recorder in the county in which the land is located.*

PETITIONERS STATE: The number of petitioners required by Minnesota Statutes § 414.06, Subd. 1, to commence this proceeding is: all of the property owners if the area is less than 40 acres; or 75% or more of the property owners in number if the area is more than 40 acres.

It is hereby requested by all of the property owners, the area is less than 40 acres; to detach certain properties described herein from the City of Winona and make a part of the Township of Wilson

1. There is one property owner in the area proposed for detachment.
2. All property owners have signed this petition.
3. The property is situated within the City of Winona, does not abut the municipal boundary, and is located in the County of Winona.
4. The property proposed for detachment is rural in character and not developed for urban residential, commercial, or industrial purposes.
5. The reason detachment is requested is so that the owner may develop the property as a single-family rural residence with the characteristics of such a development.
6. Summarize what efforts were taken prior to filing this petition to resolve the issues: Petitioners have attempted to reach a negotiated resolution with the City of Winona by contacting the city planner and city clerk directly to address the

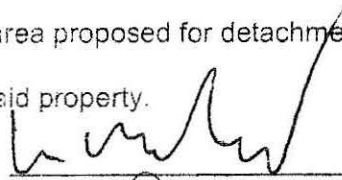
apparent deficiencies in the original annexation along with the fact that the parcel that is the subject of this petition has received not city services.

7. The number of acres in the property proposed for detachment is 40 and is described as follows:

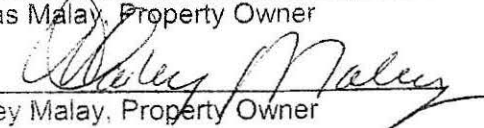
See Exhibit A to this Petition

8. There are no buildings on said property is: zero.
9. There are currently no residents in the area proposed for detachment.
10. There are no public improvements on said property.

Date: 3 | 2 | 19



Lucas Malay, Property Owner



Hailey Malay, Property Owner

RESOLUTION OF WILSON TOWNSHIP
CONCERNING DETACHMENT OF CERTAIN LAND
PURSUANT TO MINNESOTA STATUTES § 414.06

The Township of Wilson received a petition for detachment of certain property attached to this resolution. The property of subject to the petition is that parcel described below.

That certain property owned by Lucas and Hailey Malay legally described as follows:

SEE ATTACHED EXHIBIT A

The Township of Wilson

☒ supports

☐ remains neutral toward

the petition submitted by the Malays.

Date: March 14, 2019

Robin Jandt Clerk
Township Signature

Exhibit A

The South Half of the Southeast Quarter of the Northwest Quarter (S1/2 of SE1/4 of NW1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota.

Also, the South Half of the South Half of the Northeast Quarter (S1/2 of S1/2 of NE1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, lying Westerly of the centerline of County State Aid Highway 44.

Also, That part of the North Half of the Southeast quarter (N1/2 of SE1/4) and that part of the Northeast Quarter of the Southwest Quarter (NE1/4 of SW1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the Northeast corner of said N1/2 of the SE1/4; thence South 01° 26' 34" East, assumed bearing along the East line of said N1/2 of the SE1/4 156.00 feet; thence North 87° 20' 31" West 1265.41 feet to the point of beginning of the land to be described; thence continue North 87° 20' 31" West 2725.32 feet to the West line of said NE1/4 of the SW1/4; thence North 01° 04' 33" West 4.80 feet to the Northwest corner of said NE1/4 of the SW1/4; thence South 89° 30' 44" East along the North line of said NE1/4 of the SW1/4 and the North line of said N1/2 of SE1/4 2736.88 feet; thence South 07° 33' 04" West 108.82 feet to the point of beginning.

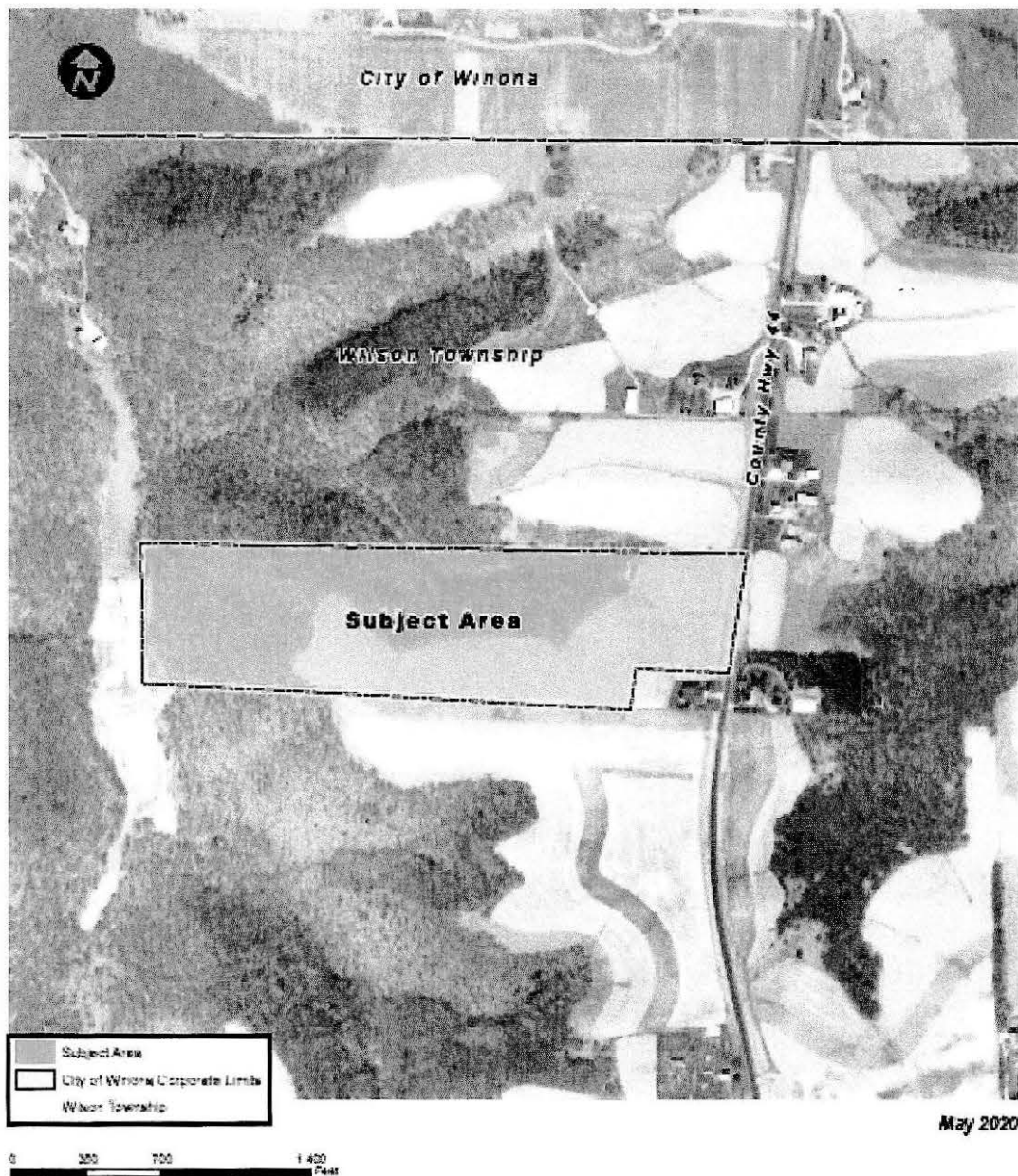
Excepting therefrom, that part of the North Half of the Southeast Quarter (N1/2 of SE1/4) and that part of the South Half of the South Half of the Northeast Quarter (S1/2 of S1/2 of NE1/4) of Section Five (5), Township One Hundred Six (106) North, of Range Seven (7), West of the Fifth Principal Meridian, Winona County, Minnesota, described as follows:

Commencing at the Northeast corner of said N1/2 of the SE1/4; thence South 01° 26' 34" East, assumed bearing along the East line of said N1/2 of the SE1/4 156.00 feet; thence North 87° 20' 31" West 1265.41 feet to the point of beginning of the land to be described; thence continue North 87° 20' 31" West 486.00 feet; thence North 07° 33' 04" East 200.00 feet; thence South 87° 20' 31" East 486.00 feet; thence South 07° 33' 04" West 200.00 feet to the point of beginning.

EXHIBIT C

Aerial Map Depiction of Property in Relation to City

EXHIBIT C



This map was compiled from a variety of sources. This information is provided with the understanding that no warranty is made for the accuracy or reliability of the data. The data shown is not a legal representation of any of the features depicted and any misinterpretation of the data shown on this map is hereby disclaimed. May 2020