

AUG 29 2011

**CITY OF ST. CHARLES RESOLUTION NO. 18-2011**

**TOWNSHIP OF ST. CHARLES RESOLUTION NO. 01-2011**

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**, the City of St. Charles (City) and the Township of St. Charles (Township), Winona County, Minnesota, jointly agree to designate certain unincorporated land, as hereinafter described, as an area in need of orderly annexation to the City; and

**WHEREAS**, the City, as a property owner with property located within the Township and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, seeks annexation of that property to the City; and

**WHEREAS**, for ease of reference, the area of the Township proposed 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 Subject Area is currently agricultural property, abutting the City, and is in need of orderly annexation since the Subject Area is urban or suburban and in need of City services; and

**WHEREAS**, the City has available capacity to provide needed services to the Subject Area; and

**WHEREAS**, the City and Township agree that orderly annexation of the Subject Area is in the best interest of the property 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 agree 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 5.02 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 Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed according to the following schedule: 1) In the first year following the year the City could first levy on the annexed area, 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; 2) In the second year, an amount equal to ninety (90) percent; 3) In the third year, an amount equal to eighty (80) percent; 4) In the fourth year, an amount equal to seventy (70) percent; and 5) In the fifth and final year, an amount equal to sixty (60) percent. Thereafter, the City will no longer reimburse the Township. At the City's discretion, it may make one payment equal to the total of the five annual payments provided herein.
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. Municipal Services. After annexation of the Subject Area, the City shall be responsible for providing municipal governmental services within the Subject Area.
9. 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.
10. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
11. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
12. 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.
13. 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.
14. 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 Administrator  
St. Charles City Hall  
830 Whitewater Avenue  
St. Charles, MN 55972

If to the Township:

Township Clerk  
RR2, Box 221  
St. Charles Township  
St. Charles, MN 55972


15. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.

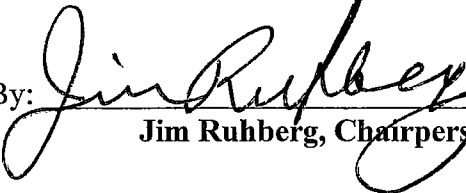
16. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Unit and pay the required filing fee.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of St. Charles, Winona County, Minnesota, this 21st day of June, 2011.

ATTEST:

TOWNSHIP OF ST. CHARLES


By:   
Vicki Pearson, Township Clerk

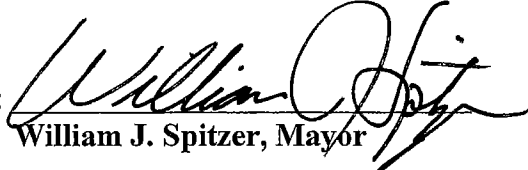
By:   
Jim Ruhberg, Chairperson

Passed, adopted, and approved by the City Council of the City of St. Charles, Winona County, Minnesota, this 28th day of June, 2011.

ATTEST:

CITY OF ST. CHARLES

By:   
Nick Koverman, City Administrator

By:   
William J. Spitzer, Mayor

**EXHIBIT A**  
**Legal Description**

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

Section 30, Township 106, Range 10 West bounded as follows (approximately 28 acres EXCEPTING the 5.02 acres):

All that portion of the Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 30, Township 106 North, of Range 10 West of the Fifth Principal Meridian, lying North of the right of way of Interstate 90 as it now exists, EXCEPTING, therefrom, the following described parcel: Commencing at the Northeast corner of the Northeast Quarter of the Southeast quarter (NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of said Section 30; thence South 87 degrees 28' 30" West (Note: All bearings are in relation to the Winona County Coordinate System, 1927 Datum) along the North line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Southeast Quarter (SE  $\frac{1}{4}$ ) for a distance of 733.09 feet to the point of beginning of the parcel to be described; thence continue South 87 degrees 28' 30" West along said North line for a distance of 583.00 feet to the Northwest corner of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Southeast Quarter (SE  $\frac{1}{4}$ ) thence South 01 degrees 34' 58" East along the West line of the Northeast Quarter (NE  $\frac{1}{4}$ ) of said Southeast Quarter (SE  $\frac{1}{4}$ ) for a distance of 375.00 feet; thence North 87 degrees 28' 30" East for a distance of 583.00 feet; thence North 01 degrees 34' 58" West for a distance of 375.00 feet to the point of the beginning. Said parcel contains 5.02 acres, more, or less.

Section 30, Township 106, Range 10 West bounded as follows:

That part of the Northwest Quarter of the Southeast Quarter (NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 30, Township 106 North, Range 10 West, Winona County, Minnesota, lying Northerly of the Northerly right of way of Interstate Highway I-90 and Easterly of the Easterly right of way line of Minnesota Trunk Highway No. 74. Approximately 4.6 acres

Exhibit A

LAND SURVEYS  
CONTROL SURVEYS  
CONSTRUCTION SURVEYS  
AS-BUILT AND LOCATION SURVEYS



ROGER W. BRAND  
& ASSOCIATES  
SURVEYING AND MAPPING

REC'D BY  
MBA

CONSULTING SERVICES  
LAND DESCRIPTIONS  
TOPOGRAPHIC MAPPING  
COMPUTER MAPPING

AUG 29 2011

636 WEST 6TH STREET • ST. CHARLES, MN 55972 • PHONE (507) 932-3895

May 23, 1991

#### BOUNDARY DESCRIPTION

A part of the Northeast Quarter of, the Southeast Quarter of Section 30, Township 106 North, Range 10 West, Winona County, Minnesota, described as follows:

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 30; thence South 87 degrees 28 minutes 30 seconds West (NOTE: All bearings are in relation to the Winona County Coordinate System, 1927 Datum) along the north line of the Northeast Quarter of said Southeast Quarter for a distance of 733.09 feet to the POINT OF BEGINNING of the PARCEL to be described; thence continue South 87 degrees 28 minutes 30 seconds West along said north line for a distance of 583.00 feet to the northwest corner of the Northeast Quarter of said Southeast Quarter; thence South 01 degree 34 minutes 58 seconds East along the west line of the Northeast Quarter of said Southeast Quarter for a distance of 375.00 feet; thence North 87 degrees 28 minutes 30 seconds East for a distance of 583.00 feet; thence North 01 degree 34 minutes 58 seconds West for a distance of 375.00 feet to the POINT OF BEGINNING.

Said PARCEL contains 5.02 Acres, more or less.

Said PARCEL is subject to an access easement for the purposes of ingress and egress over the westerly 33 feet of above described PARCEL, and said PARCEL is also subject to any other easements and encumbrances of record.

**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.

5-5-57

