

CITY OF ST. CHARLES RESOLUTION NO. 45-2017

TOWNSHIP OF ST. CHARLES RESOLUTION NO. 51-17

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**, certain property owners, Allyn and Valerie Heim, with property located within the Township of St. Charles ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of St. Charles ("City") and the Township seeking annexation of that property to the City; and

**WHEREAS**, for ease of reference, the area of the Township petitioned 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 City and Township agree that orderly annexation of the Subject Area is in the best interest of the property owners 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 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 17 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 area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in 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 for a period of four (4) years in accordance with the following schedule: (a) In the first year following the year the City could first levy on the annexed area, an amount equal to \$60.00; (b) In the second year, an amount equal to \$60.00; (c) In the third year, an amount equal to \$60.00; (d) In the fourth and final year, an amount equal to \$60.00. At the City's discretion, it may make one payment equal to the total of the four annual payments.
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. 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.
9. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
10. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
11. 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.
12. 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.
13. 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:	If to the Township:
City Administrator St. Charles City Hall 830 Whitewater Avenue St. Charles MN 55972	Township Clerk St. Charles Township 15207 Summit Drive Utica, MN 55979
14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
15. 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 21 day of November, 2017.

ATTEST:

TOWNSHIP OF ST. CHARLES

By: Kathy Embrecht  
\_\_\_\_\_, Township Clerk


By: James E. Rubberg  
\_\_\_\_\_, Chair

Passed, adopted, and approved by the City Council of the City of St. Charles, Winona County, Minnesota,  
this 28 day of November, 2017.

ATTEST:

By:   
Nick Koverman, City Administrator

CITY OF ST. CHARLES

By:   
John Schaber, Mayor

## **EXHIBIT A**

### **Legal Description**

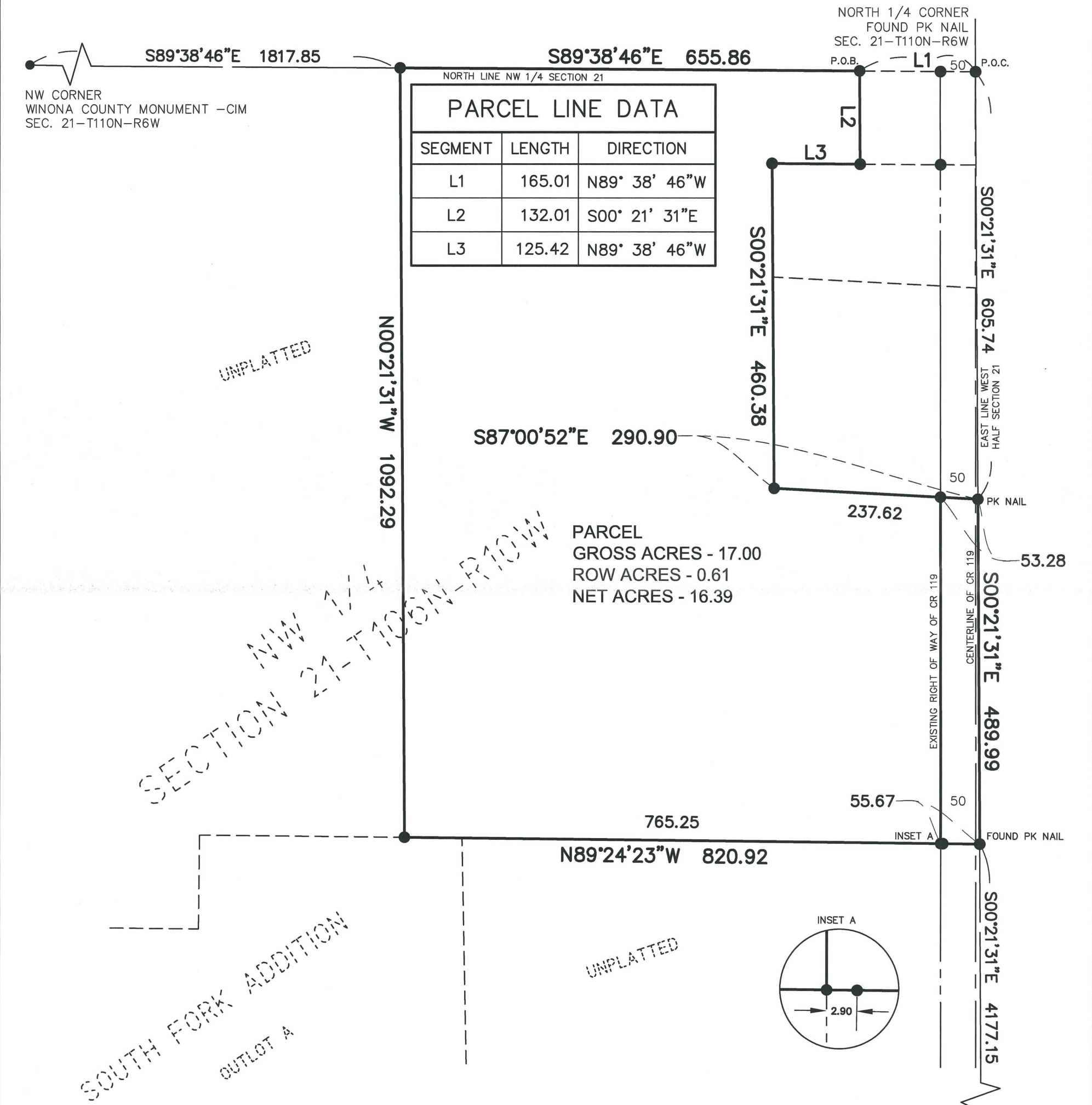
That part of the NW Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota.

Commencing at the North Quarter corner of said Section 21; thence North 89 degrees 38 minutes 46 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the North line of said NW Quarter, 165.01 feet to the Point of Beginning; thence South 00 degrees 21 minutes 31 Seconds East, 132.01 feet; thence North 89 degrees 38 minutes 46 Seconds West, 125.42 feet; thence South 00 degrees 21 minutes 31 seconds East, 460.38 feet; thence South 87 degrees 00 minutes 52 Seconds East, 290.90 feet to the East line of said NW Quarter; thence South 00 degrees 21 minutes 31 Seconds East, along said East line, 489.99 feet; thence North 89 degrees 24 minutes 23 Seconds West, 820.92 feet; thence North 00 degrees 21 minutes 31 Seconds West, 1092.29 feet to the North line of said NW Quarter; thence South 89 degrees 38 minutes 46 Seconds East, along said North line, 655.86 feet to the Point of Beginning.

Containing 17.00 Acres, more or less and subject to 0.61 Acres of County Road Right-of-Way and to any easements and restrictions of record.



CERTIFICATE OF SURVEY



DESCRIPTION:

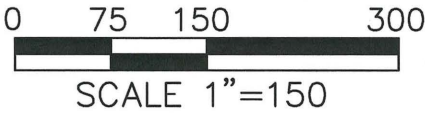
That part of the NW Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota.

Commencing at the North Quarter corner of said Section 21; thence North 89 degrees 38 minutes 46 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the North line of said NW Quarter, 165.01 feet to the Point of Beginning; thence South 00 degrees 21 minutes 31 Seconds East, 132.01 feet; thence North 89 degrees 38 minutes 46 Seconds West, 125.42 feet; thence South 00 degrees 21 minutes 31 seconds East, 460.38 feet; thence South 87 degrees 00 minutes 52 Seconds East, 290.90 feet to the East line of said NW Quarter; thence South 00 degrees 21 minutes 31 Seconds East, along said East line, 489.99 feet; thence North 89 degrees 24 minutes 23 Seconds West, 820.92 feet; thence North 00 degrees 21 minutes 31 Seconds West, 1092.29 feet to the North line of said NW Quarter; thence South 89 degrees 38 minutes 46 Seconds East, along said North line, 655.86 feet to the Point of Beginning.

Containing 17.00 Acres, more or less and subject to 0.61 Acres of County Road Right-of-Way and to any easements and restrictions of record.

LEGEND

- - DENOTES FOUND PIPE UNLESS OTHERWISE NOTED
- - DENOTES 1/2" DIAMETER IRON PIPE WITH CAP #44930



**BEARING SYSTEM USED:**  
WINONA COUNTY COORDINATE  
SYSTEM NAD 83, ADJUSTMENT-1996

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Timothy A. Hruska*  
TIMOTHY A. HRUSKA, LIC. NO. 44930

12/12/17  
DATE

SCALE:	1" = 150'
DRAWN BY:	AJM
DATE :	11/28/17
PROJECT NO.	5985.17
CADD NO. :	5985.17/SOLAR SURVEY_5985.17_SB

FOR :

CITY OF ST CHARLES  
NW 1/4 SECTION 21 T110N R6W  
WINONA COUNTY

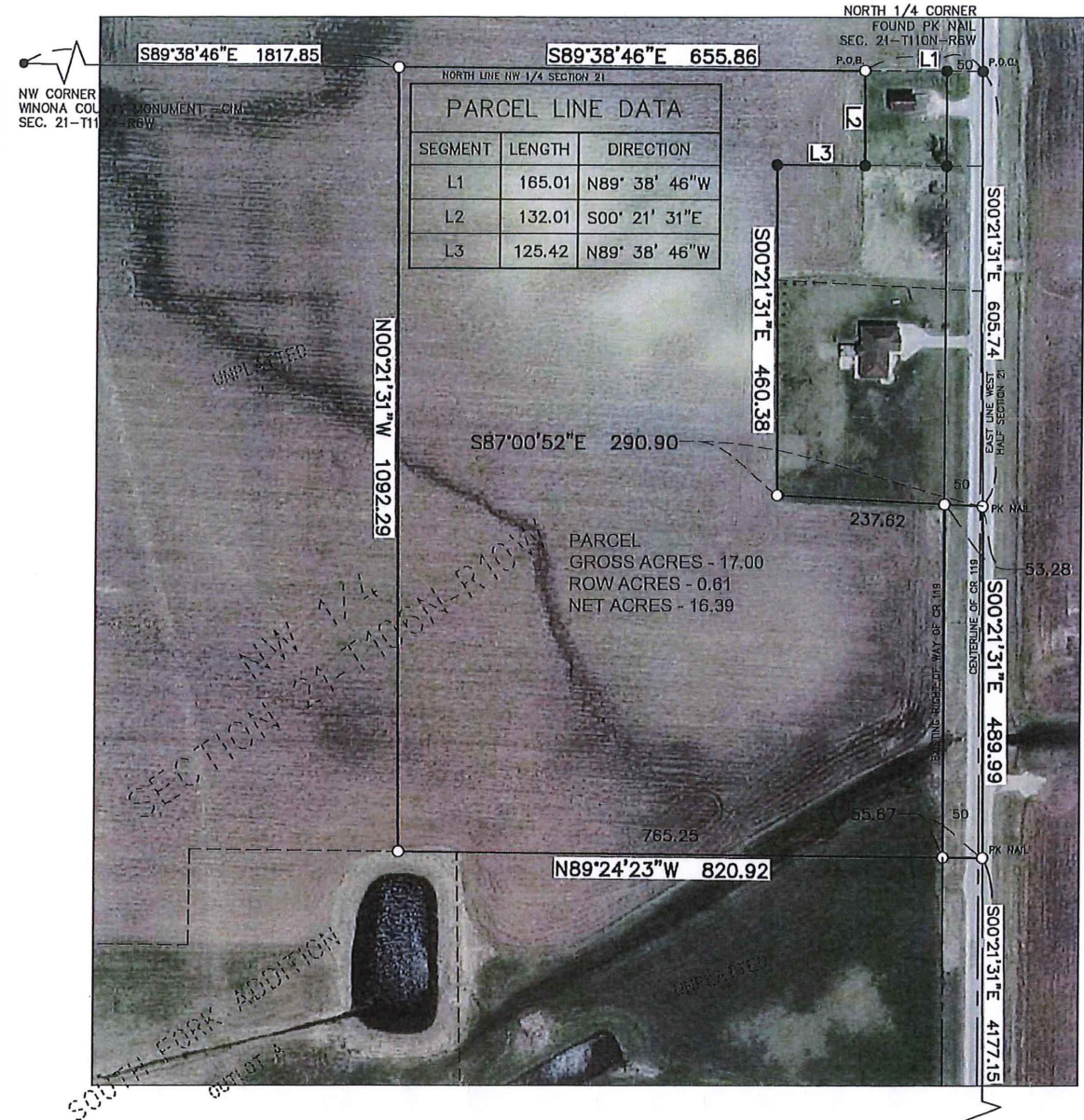




Exhibit B

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.

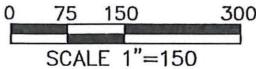


DESCRIPTION:

That part of the NW Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota. Commencing at the North Quarter corner of said Section 21; thence North 89 degrees 38 minutes 46 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the North line of said NW Quarter, 165.01 feet to the Point of Beginning; thence South 00 degrees 21 minutes 31 Seconds East, 132.01 feet; thence North 89 degrees 38 minutes 46 Seconds West, 125.42 feet; thence South 00 degrees 21 minutes 31 seconds East, 460.38 feet; thence South 87 degrees 00 minutes 52 Seconds East, 290.90 feet to the East line of said NW Quarter; thence South 00 degrees 21 minutes 31 Seconds East, along said East line, 489.99 feet; thence North 89 degrees 24 minutes 23 Seconds West, 820.92 feet; thence North 01 degrees 09 minutes 34 Seconds West, 1092.29 feet to the North line of said NW Quarter; thence South 89 degrees 38 minutes 46 Seconds East, along said North line, 655.86 feet to the Point of Beginning. Containing 17.00 Acres, more or less and subject to 0.61 Acres of County Road Right-of-Way and to any easements and restrictions of record.

LEGEND

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- - DENOTES 1/2" DIAMETER IRON PIPE WITH CAP #44930



SOUTH 1/4 CORNER  
WINONA COUNTY MONUMENT—CIM  
SEC. 21—T110N—R6W

**BEARING SYSTEM USED:**  
WINONA COUNTY COORDINATE  
SYSTEM NAD 83, ADJUSTMENT-1996

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

TIMOTHY A. HIRSKA, L.C. NO. 44930      DATE

SCALE:	1" = 150'
DRAWN BY:	AJM
DATE:	9/23/17
PROJECT NO.	5985.17
CADD NO.	5985.17/SOLAR SURVEY_5985.17_SB

FOR :  
CITY OF ST CHARLES  
NW 1/4 SECTION 21 T110N R6W  
WINONA COUNTY





# CITY MAP CITY OF ST. CHARLES WINONA COUNTY

