

RECEIVED

by OAH on December 15, 2017

CITY OF WINONA RESOLUTION NUMBER 2017-135

TOWNSHIP OF HOMER RESOLUTION NUMBER _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF WINONA AND THE
TOWNSHIP OF HOMER DESIGNATING
CERTAIN AREAS AS IN NEED OF ORDERLY
ANNEXATION PURSUANT TO MINNESOTA
STATUTES, SECTION 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, an individual property owner with property located within the Township of Homer ("Township") and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, petitioned the City of Winona ("City") seeking 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 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 Winona and the Board of Supervisors of the Township of Homer 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 100.22 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 2.
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 the period and 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 \$918; and (b) In the second and final year, an amount equal to \$918.
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:

City Clerk
Winona City Hall
207 Lafayette Street
Winona MN 55987

If to the Township:

Township Clerk
Homer Township
22054 Government Pointe Road
Winona MN 55987


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 Homer, Winona County, Minnesota, this 13 day of November, 2017.

ATTEST:

TOWNSHIP OF HOMER

By: 
Rita Prodzinski, Township Clerk

By: 
Harlan Larsen, Chair

Passed, adopted, and approved by the City Council of the City of Winona, Winona County, Minnesota, this 4th day of December, 2017.

ATTEST:

CITY OF WINONA

By: Monica Hennessy Mohan
Monica Hennessy Mohan
City Clerk

By: Mark F. Peterson
Mark F. Peterson
Mayor

EXHIBIT A
Legal Description

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

PROPOSED ANNEXATION DESCRIPTION

That part of the following described property:

That part of the Southwest Quarter (SW1/4) of Section Seven (7), described as follows, to wit: Beginning at a point on the West line of said Section Seven (7), 56 rods South of the West quarter post of said section; thence South 104 rods to the Southwest corner thereof; thence East to the Southeast corner of said Southwest Quarter (SW1/4) of said Section Seven (7); thence North along the East line of said quarter section 141 rods; thence South 78°15' West, along a line hereinafter referred to as Line A, 150.12 rods; thence South 1 rod; thence Southwesterly to the point of beginning; all in Township One Hundred Six (106), Range Six (6), Winona County, Minnesota.

Which lies westerly of the following described line and its extensions:

Commencing at the southwest corner of said Section 7; thence North 89 degrees 10 minutes 13 seconds East, oriented with the Winona County Coordinate System, NAD 1983 (1996 adjustment), along the south line of said Southwest Quarter of Section 7, a distance of 2330.00 feet to the point of beginning of the line to be herein described; thence North 00 degrees 11 minutes 37 seconds East 1100.00 feet; thence North 28 degrees 10 minutes 26 seconds West, 1175.65 feet, more or less, to its intersection with hereinabove described Line A, and said herein described line there terminating.

Excepting therefrom all that part thereof, being that part of the Southwest Quarter of the Southwest Quarter of said Section 7, described as follows:

Commencing at the Southwest corner of said Section 7; thence on an assumed bearing of North 00 degrees 11 minutes 37 seconds East, along the west line of the Southwest Quarter of said Section 7, a distance of 780.22 feet to the point of beginning of the land to be described; thence continue North 00 degrees 11 minutes 37 seconds East, along said west line of the Southwest Quarter, 389.78 feet; thence South 89 degrees 48 minutes 23 seconds East, 58.49 feet; thence South 08 degrees 43 minutes 42 Seconds West, 394.15 feet to the point of beginning.

EXHIBIT B




Boundary Map

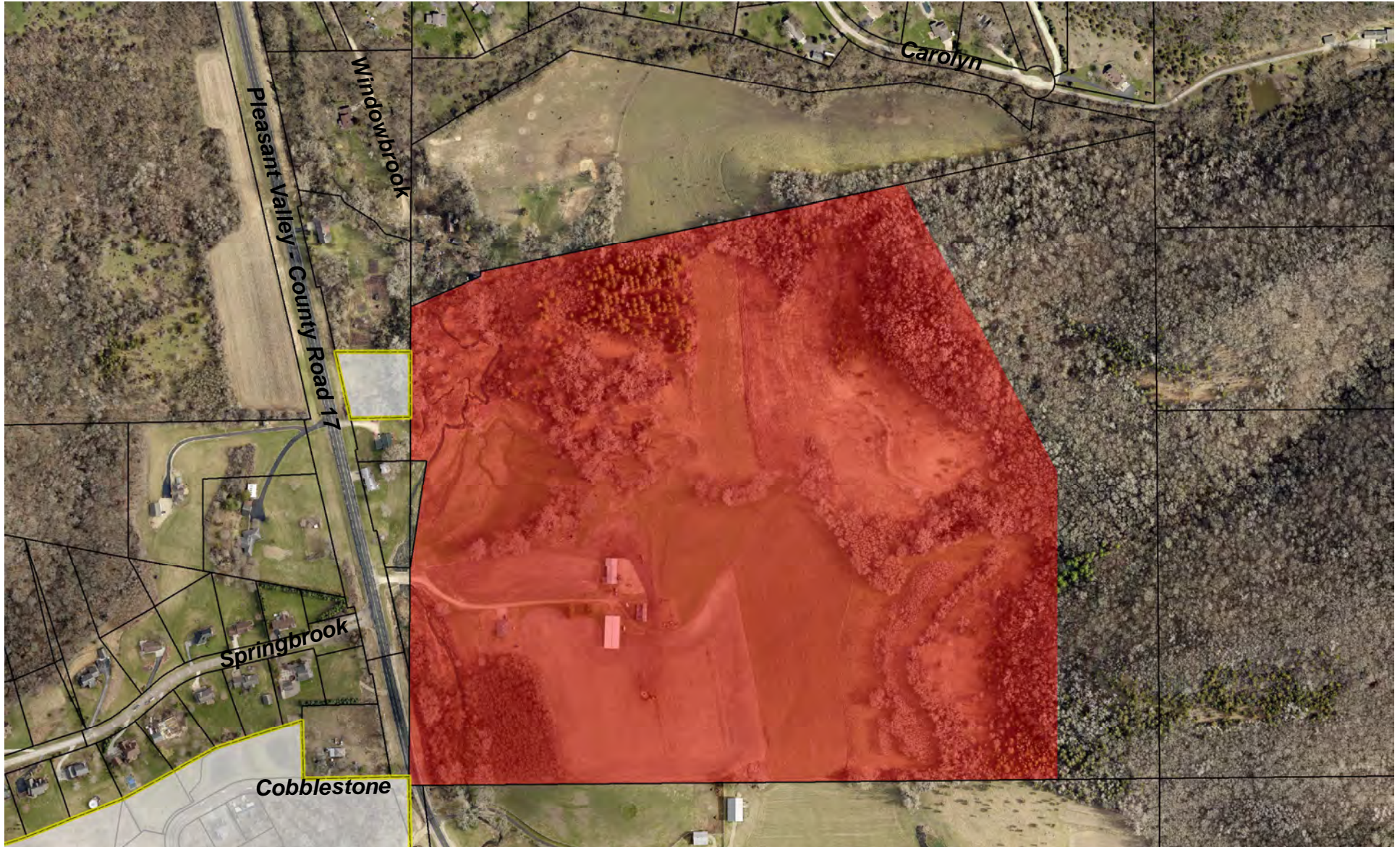
The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Winona and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.



Brenner - Griesel Annexation

23862 County Road 17

-  23862 County Road 17
-  Existing Corporate Limits
-  Parcel Boundary



This map was compiled from a variety of sources. This information is provided with the understanding that conclusions drawn from such information are solely the responsibility of the user. The GIS data is not a legal representation of any of the features depicted, and any assumptions of the legal status of this map is hereby disclaimed. May 2017

0 200 400 800
Feet

PROPOSED ANNEXATION DESCRIPTION

That part of the following described property:

That part of the Southwest Quarter (SW1/4) of Section Seven (7), described as follows, to wit: Beginning at a point on the West line of said Section Seven (7), 56 rods South of the West quarter post of said section; thence South 104 rods to the Southwest corner thereof; thence East to the Southeast corner of said Southwest Quarter (SW1/4) of said Section Seven (7); thence North along the East line of said quarter section 141 rods; thence South 78°15' West, along a line hereinafter referred to as Line A, 150.12 rods; thence South 1 rod; thence Southwesterly to the point of beginning; all in Township One Hundred Six (106), Range Six (6), Winona County, Minnesota.

Which lies westerly of the following described line and its extensions:

Commencing at the southwest corner of said Section 7; thence North 89 degrees 10 minutes 13 seconds East, oriented with the Winona County Coordinate System, NAD 1983 (1996 adjustment), along the south line of said Southwest Quarter of Section 7, a distance of 2330.00 feet to the point of beginning of the line to be herein described; thence North 00 degrees 11 minutes 37 seconds East 1100.00 feet; thence North 28 degrees 10 minutes 26 seconds West, 1175.65 feet, more or less, to its intersection with hereinabove described Line A, and said herein described line there terminating.

Excepting therefrom all that part thereof, being that part of the Southwest Quarter of the Southwest Quarter of said Section 7, described as follows:

Commencing at the Southwest corner of said Section 7; thence on an assumed bearing of North 00 degrees 11 minutes 37 seconds East, along the west line of the Southwest Quarter of said Section 7, a distance of 780.22 feet to the point of beginning of the land to be described; thence continue North 00 degrees 11 minutes 37 seconds East, along said west line of the Southwest Quarter, 389.78 feet; thence South 89 degrees 48 minutes 23 seconds East, 58.49 feet; thence South 08 degrees 43 minutes 42 Seconds West, 394.15 feet to the point of beginning.

Legend

○ Denotes a placed 1/2" iron pipe as shown on Blumentritt Land Surveying drawing file no. 09048

⊙ Denotes found monument (1/2" iron pipe unless noted) as shown on Blumentritt Land Surveying drawing file no. 09048

Dimensions in parentheses () are recorded dimensions

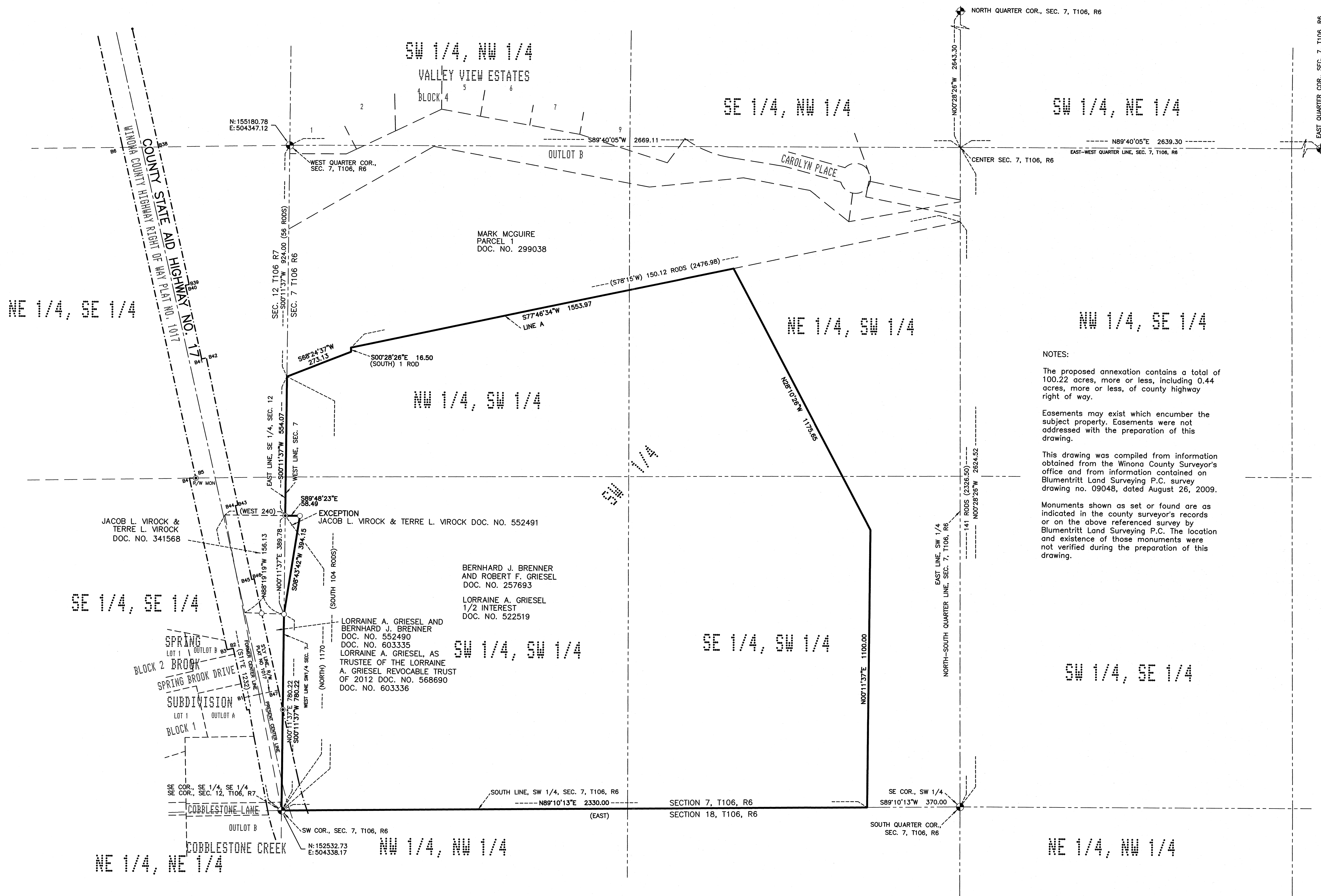


The bearings and coordinates shown hereon are based on the Winona County Coordinate System, NAD 1983, 1996 adjustment, (HARN).



1" = 200'

X:\STR\106-6\7\16-957 BRENNER.DWG



NOTES:

The proposed annexation contains a total of 100.22 acres, more or less, including 0.44 acres, more or less, of county highway right of way.

Easements may exist which encumber the subject property. Easements were not addressed with the preparation of this drawing.

This drawing was compiled from information obtained from the Winona County Surveyor's office and from information contained on Blumentritt Land Surveying P.C. survey drawing no. 09048, dated August 26, 2009.

Monuments shown as set or found are as indicated in the county surveyor's records or on the above referenced survey by Blumentritt Land Surveying P.C. The location and existence of those monuments were not verified during the preparation of this drawing.

ANNEXATION LAYOUT FOR:

BERNHARD BRENNER



JOHNSON & SCOFIELD INC.
SURVEYING AND ENGINEERING

4240 West 5th Street, Winona, MN 55987
(507)454-4134, FAX(507)454-2544
brianw@jslmail.com

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.

Tony A. Blumentritt
Tony A. Blumentritt
Minnesota License No. 18886
Date: July 25, 2017

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	16-957		S-6561