

**CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA
RESOLUTION #2025-12**

**A RESOLUTION APPROVING ANNEXATION OF LAND LOCATED IN GILMANTON
TOWNSHIP, BENTON COUNTY PER ORDERLY ANNEXATION AGREEMENT**

WHEREAS, Minn. Stat. § 414.0325 provides the procedure for orderly annexation in designated unincorporated areas; and

WHEREAS, the City of Foley (the “**City**”) and the Township of Gilmanton (the “**Township**”) passed a joint resolution for orderly annexation and joint planning agreement for a particular area within the Township (the “**Orderly Annexation Agreement**”); and

WHEREAS, subject to Minn. Stat. § 414.0325, the Orderly Annexation Agreement was approved by the Municipal Boundary Adjustment Unit and identified as OA-1795; and

WHEREAS, the Orderly Annexation Agreement outlines the process of orderly annexation of designated areas within the Township into the City; and

WHEREAS, the City and the Township have agreed that the properties identified in **Exhibit A** and shown in the map in **Exhibit B** (the “**Properties**”) shall be annexed;

WHEREAS, the City and the Township have also agreed that the minimum maintenance road, identified **Exhibit C**, shall be annexed into the City; and

WHEREAS, the Township contacted the City to see if there was interest in annexation and the City responded by sending written notice to the Township on March 25, 2025, attached as **Exhibit D**; and

WHEREAS, the Township passed Resolution No. 2025-3 agreeing to the annexation of the Properties; and

WHEREAS, written notice to the owners of record of the Properties on April 3, 2025, which are attached as **Exhibit E**; and

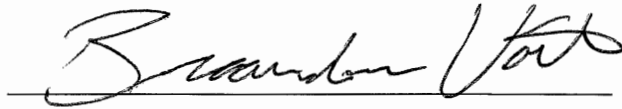
WHEREAS, the City received no written comments regarding the annexation of the Properties; and

WHEREAS, the annexation of the Properties meets the requirements of the Orderly Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED, the City of Foley hereby approves the annexation of the properties identified in **Exhibit A** and shown in the map in **Exhibit B**, and the minimum maintenance road identified in **Exhibit C**; and

BE IT FURTHER RESOLVED, the City of Foley will issue the tax reimbursement to Gilmanton Township per the conditions of the orderly annexation agreement approved by the Municipal Boundary Adjustment Unit and identified as OA-1795.

ADOPTED BY THE FOLEY CITY COUNCIL THIS 6th DAY OF MAY, 2025.

A handwritten signature in cursive script, reading "Brandon Voit", written over a horizontal line.

Brandon Voit
Mayor

ATTEST:

A handwritten signature in cursive script, reading "Sarah Brunn", written over a horizontal line.

Sarah Brunn
City Administrator

EXHIBIT A

(Properties to be Annexed)

PID No. 020037100 - .89 acres

All that part of the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4), of Section Twenty-six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, lying Northerly of Stony Brook Creek, and Westerly of Minnesota Trunk Highway No. 25 (formerly known as Minnesota Trunk Highway No. 218), Benton County, Minnesota, subject to existing highways and easements of record,

PID No. 020036600 – 8.51 acres

All that part of the West Half of the Southwest Quarter (W½ of SW¼) of Section Twenty-six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota, Lying westerly of the westerly right of way line of Minnesota Trunk Highway No. 25 and Lying northerly of the Northerly right of way of Minnesota Trunk Highway No. 23, and Lying Southerly of the following described line:

Commencing at a point on West line of said Section 26, 1792.3 feet North of the Southwest corner thereof, said point being the center of the bridge; thence deflecting to the right a delta angle of 77°50' for a distance of 208.2 feet to a point on the West right-of-way line of Trunk Highway No. 25; thence southeasterly along the highway right of way line for a distance of 773.2 feet to the point of beginning of the line to be described; thence deflecting to the right a delta angle of 106°50' for a distance of 563.7 feet to a point on the West line of said Section 26 and said line there terminating.

EXCEPTING THEREFROM all that part lying Southerly of the following described line: Beginning at a point on the West line of said W½ of SW¼, distant 320 feet North of the Southwest corner of said Section 26; thence Northerly along said West line 36 feet; thence Easterly at a right angle 48.97 feet; thence northeasterly, deflecting to the left 36°19'10", a distance of 822.76 feet to the Westerly right of way line of Minnesota Trunk Highway No. 25 and there terminating.

PID No. 020036800 – 4.26 acres

That part of the Southwest Quarter of the Southwest Quarter (SW ¼ of SW ¼) of Section Twenty-six (26), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota, described as follows, to-wit:

Beginning at a point on the West line of said Southwest Quarter of the Southwest Quarter, distant 320.00 feet North of the Southwest corner of said Section 26; thence Northerly, along said West line 36.00 feet; thence Easterly at a right angle 48.97 feet; thence Northeasterly, deflecting to the left 36 degrees 19 minutes 10 seconds, a distance of 822.76 feet to the Westerly right-of-way line of Trunk Highway 25; thence Southeasterly, along said right-of-way line 213.00 feet to a highway right-of-way monument; thence Southwesterly 253.70 feet, along sight triangle to a highway right-of-way monument on Trunk Highway 23; thence Southwesterly, along the Northerly right-of-way line of said Trunk Highway 23, a distance of 610.40 feet to a highway right-of-way monument; thence Northwesterly on a sight triangle 120.20 feet to a highway right-of-way monument; thence Westerly, a distance of 33.00 feet to the point of beginning. Subject to easements of record.

Less: Parcel 324G as shown on Minnesota Department of Transportation Right of Way Plat No. 05-37.

PID No. 020038500 – 79.76 acres

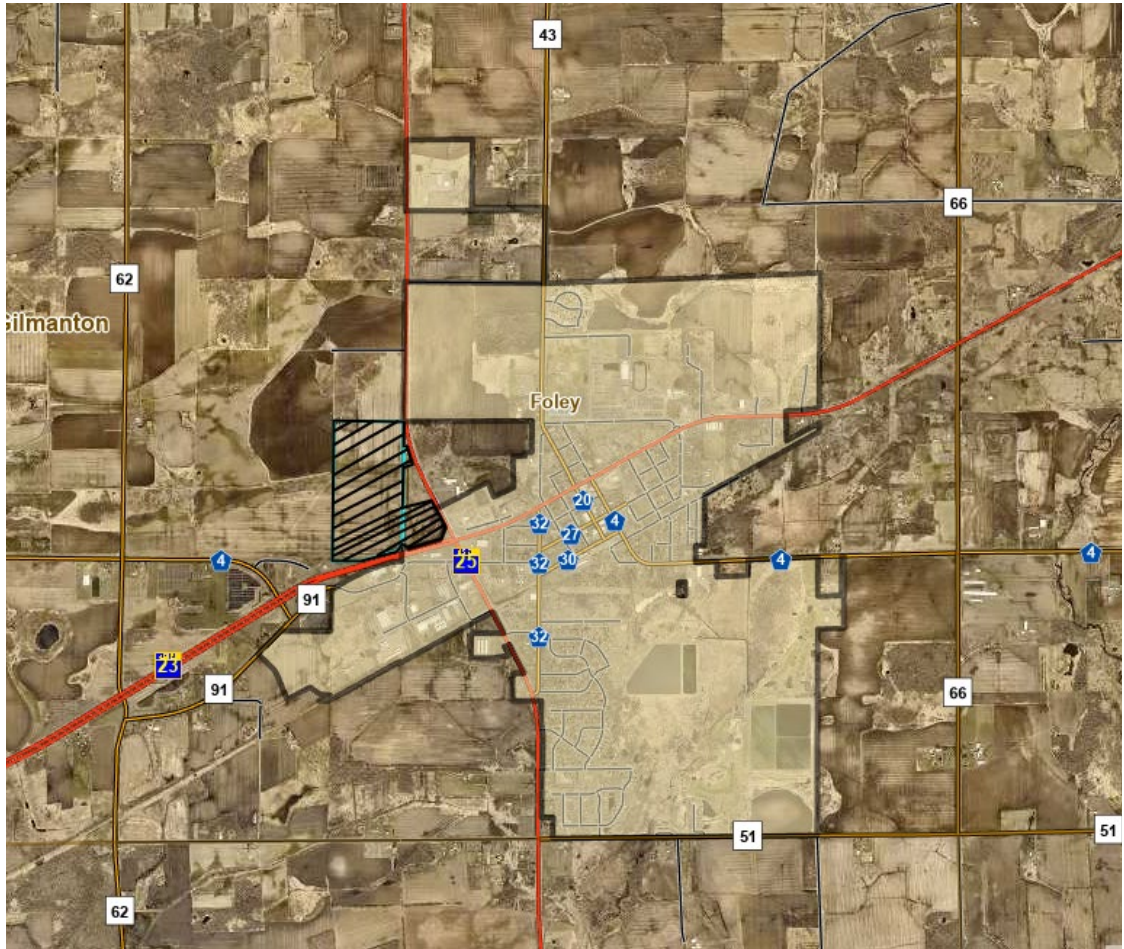
The East Half of the Southeast Quarter (E ½ of SE ¼), less road right of way, all in section Twenty-seven (27), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota.

Except land already within the city.

EXHIBIT B

(Depiction of Properties to be Annexed, Indicated by the Hashing)







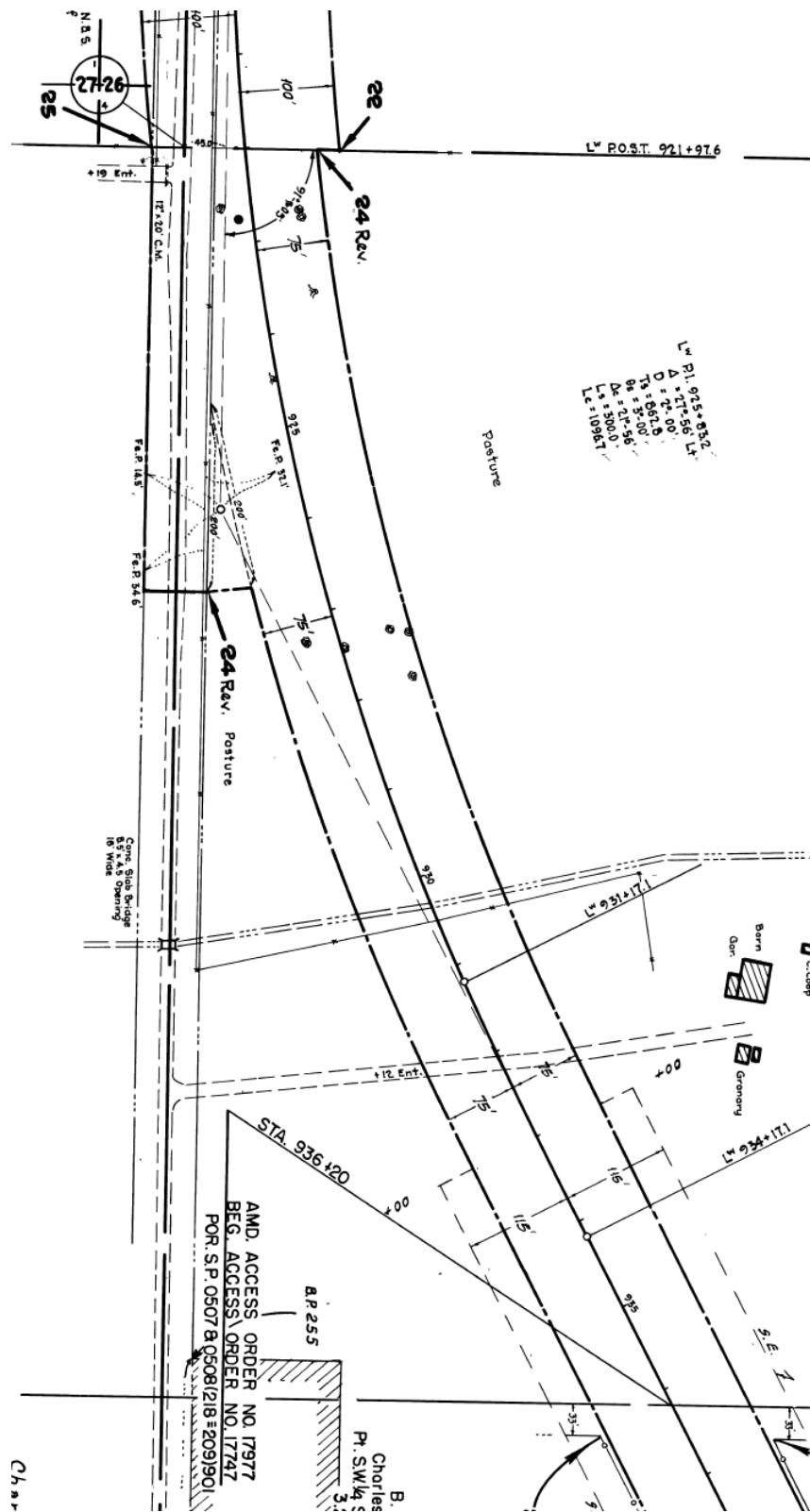


Exhibit C

(Description of Minimum Maintenance Road)

The Township Road (no number listed on County map) to the North of Highway 23 and West of Highway 25 from North of the Thomas Henry residence to North to Highway 25 shall be a Minimum Maintenance Road starting as soon as the road signs are in place.

EXHIBIT D

(Written Notice to Township from City)

RESOLUTION NO. 2025-3

GILMANTON TOWNSHIP
BENTON COUNTY, MINNESOTA

RECITALS

WHEREAS, Gilmanton Township (the “**Township**”) and the City of Foley (the “**City**”) have entered into an orderly annexation agreement (the “**Orderly Annexation Agreement**”), approved by the Township in Resolution # 2021-01 and the City in Resolution #2021-09;

WHEREAS, as part of the Orderly Annexation Agreement, certain real property, referred to as the Orderly Annexation Area in the Orderly Annexation Agreement, becomes subject to annexation according to the terms specified in the Orderly Annexation Agreement;

WHEREAS, part of the terms of the Orderly Annexation Agreement allow for real property to be annexed into the City when two of the following three parties agree to the annexation: (1) the property owner; (2) the City; or, (3) the Township;

WHEREAS, the Township previously received notice that the property identified in Exhibit A attached hereto (the “**Kotsmith Property**”) was to be annexed into the City, as the property owner of the Kotsmith Property and the City agreed to the annexation;

WHEREAS, the Township and the property owner of the Kotsmith Property have engaged in conversations about the annexation, and also discussed the Township’s willingness to grant a private easement to benefit the Kotsmith Property for the installation of private sanitary and water utilities;

WHEREAS, after the Township received notice of the pending annexation of the Kotsmith Property, the Township and the City engaged in further conversations regarding the annexation of real property surrounding the Kotsmith Property;

WHEREAS, the property, identified in **Exhibit B** attached hereto (the “**Orderly Annexation Property**”), is a part of the Orderly Annexation Area and is subject to annexation;

WHEREAS, both the Township and the City agree that the Orderly Annexation Property should be annexed;

WHEREAS, in addition to the annexation of the Orderly Annexation Property, the City and the Township have also agreed to the annexation of the Township Road identified at 115th Avenue Northeast, as depicted in **Exhibit C** attached hereto;


WHEREAS, this Resolution is the Township’s formal expression of agreement for the annexation of the Orderly Annexation Property.

RESOLUTION

NOW, THEREFORE, the Gilmanton Town Board hereby resolves:

1. The recitals above are incorporated into this Resolution.
2. The Township agrees to the annexation of the Orderly Annexation Property and 115th Avenue Northeast.
3. The Township will work with the property owners of the Kotsmith Property to execute all necessary private easements for the installation of private sewer and water prior to the annexation of 115th Avenue Northeast.

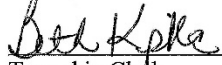
Adopted this 1st day of April, 2025.



Township Chair

Mark Hess

ATTEST:



Township Clerk
Beth Kipka

EXHIBIT A

(the "Kotsmith Property")

PID No. 020036700

All that part of the West Half of the Southwest Quarter (W1/2SW1/4) of Section 26, Township 37 North, Range 29 West, Fourth Principal Meridian, Benton County, Minnesota, described as follows: Commencing at a point on the West line of said Section 26, 1028.8 feet North of the Southwest corner thereof, being the point of beginning; thence continuing North along the section line for a distance of 763.5 feet to a point, said point being the center of the bridge; thence deflecting to the right a delta angle of 77 degrees 50 minutes for a distance of 208.2 feet to a point, said point being on the West right of way line of Trunk Highway No. 25; thence Southeasterly along the highway right of way line for a distance of 773.2 feet to a point; thence deflecting to the right a delta angle of 106 degrees 50 minutes for a distance of 563.7 feet to the point of beginning and there terminating.

EXHIBIT B
(the “Orderly Annexation Property”)

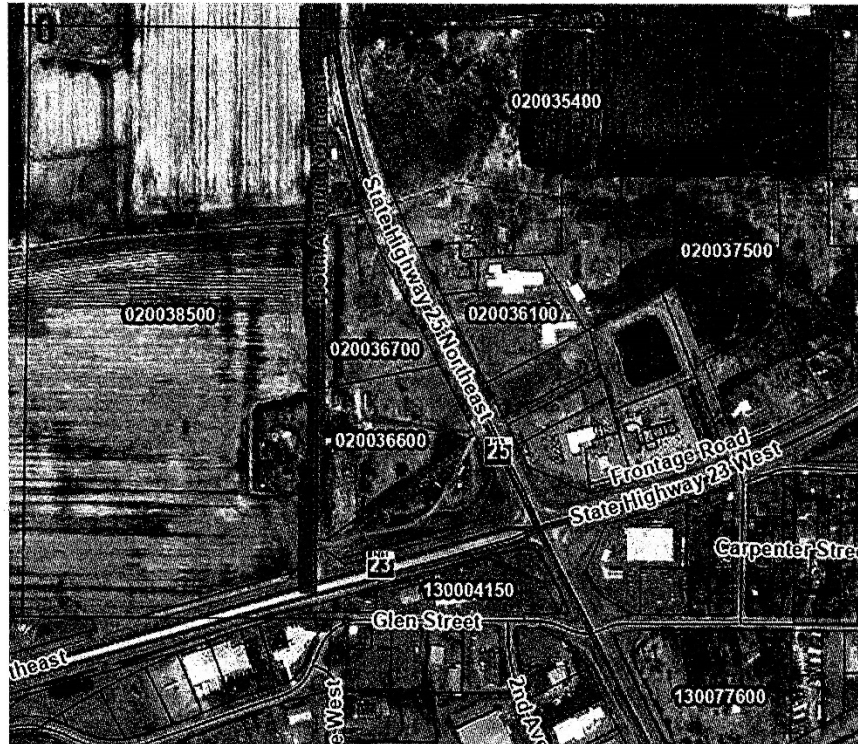
PID No. 020037100 - .89 acres

PID No. 020036600 – 8.51 acres

PID No. 020036800 – 4.26 acres

PID No. 020038500 – 79.76 acres

EXHIBIT C
(115th Avenue Northeast)





City of Foley

251 4th Avenue North • P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 • Fax (320) 968-6325
www.ci.foley.mn.us • Email: contactus@ci.foley.mn.us

March 25, 2025

Gilmanton Township
Attn: Beth Kipka, Clerk
8051 95th Street NE
Foley, MN 56329

Re: City of Foley/Gilmanton Township OAA – Annexation Estimates & Draft Resolution

Dear Ms. Kipka:

Please consider the enclosed annexation draft resolution which will provide official action of the Gilmanton Township board related to additional annexation of property located on the intersection of Highway 23 & Highway 25. This resolution is provided based on the letter submitted by the township to the City of Foley to pursue the potential annexation of property and takeover of the township road of 115th Avenue NE.

The City of Foley is providing this draft resolution which can be executed by the township to officially approve this annexation request. Following the township's action, the City of Foley will draft notice to the affected property owners so they have the opportunity to submit comments before the City adopts the resolution completing the request after 30 days.

In addition to this notice and draft resolution, I am providing tax estimates for the parcels the City of Foley wishes to annex. Per the orderly annexation agreement, the City will provide 7 years of upfront payment of township taxes, the maximum allowed by state statute. This is estimated at \$19,682.25 and includes the Kotsmith/Arnold property which is already in progress.

Furthermore, you will find the resolution also includes the nearly 80 acres of property on the west side of 115th Avenue NE. This property is necessary for the city to take the road and be able improve and assess for future water and sewer utilities. It is also necessary because ownership of this parcel runs underneath the existing township road area (to centerline).

The City is also providing the township with estimates on the future tax revenue of the winery which is currently under construction. The City has agreed to leave that property in the township because of the agricultural use associated with it. The project will provide significant future tax revenue to the township, which will help assist in the township's transition. Please see the estimate provided by the county assessor.

Welcoming You . . . Welcoming the Future

We respectfully request the township consider the enclosed resolution at their April 1st meeting. I am happy to attend to answer any additional questions. Please just confirm with me the time you wish to discuss so I can make sure to be present.

If you have additional questions or items you wish to discuss please feel free to reach out. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah A. Brunn". The signature is fluid and cursive, with the first name "Sarah" being more prominent.

Sarah A. Brunn
City Administrator

Enclosures

Exhibit E
(Notices to Property Owners)



City of Foley

251 4th Avenue North • P.O. Box 709
Foley, Minnesota 56329
(320) 968-7260 • Fax (320) 968-6325
www.ci.foley.mn.us • Email: contactus@ci.foley.mn.us

April 3, 2025

Michael T. Henry
6823 Hwy 25 NE
Foley, MN 56329

Re: City of Foley/Gilmanton Township OAA – Annexation Notification

Dear Mr. Henry:

Please consider this notification of the intent to annex property within the Orderly Annexation Area (OAA). I have included a Benton County Beacon map of the parcels to be annexed along with Parcel ID's for your information. A request for annexation has been received by Gilmanton Township. Per the OAA agreement, the City is to provide 30 days' notice to the affected property owners when there is an annexation request. You can submit comments to the City of Foley within the next 30 days. The Foley City Council intends to complete this annexation following the 30-day comment period.

As part of the annexation request of Gilmanton Township, they requested consideration of delaying connection to city sewer due to you recently putting in a new septic tank. The City of Foley does plan to address this as part of the final approval – allowing you to delay connection to sewer services should they become available in the near future.

Please contact me with any additional questions at 320-968-7260 or sbrunn@ci.foley.mn.us.

Sincerely,

Sarah A. Brunn
City Administrator

Enclosure

Welcoming You . . . Welcoming the Future



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April 3, 2025

Thomas L Henry & Paige Ladue Henry
6633 115th Avenue NE
Foley, MN 56329

Re: City of Foley/Gilmanton Township OAA – Annexation Notification

Dear Mr. & Mrs. Henry:

Please consider this notification of the intent to annex property within the Orderly Annexation Area (OAA). I have included a Benton County Beacon map of the parcels to be annexed along with Parcel ID's for your information. A request for annexation has been received by Gilmanton Township. Per the OAA agreement, the City is to provide 30 days' notice to the affected property owners when there is an annexation request. You can submit comments to the City of Foley within the next 30 days. The Foley City Council intends to complete this annexation following the 30-day comment period.

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Sincerely,

Sarah A. Brunn
City Administrator

Enclosure

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6633 115th Avenue NE
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Sincerely,

Sarah A. Brunn
City Administrator

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April 3, 2025

John G. Herbst & Patricia L. Herbst
4260 150th Avenue
Clear Lake, MN 55319

Re: City of Foley/Gilmanton Township OAA – Annexation Notification

Dear Mr. & Mrs. Herbst:

Please consider this notification of the intent to annex property within the Orderly Annexation Area (OAA). I have included a Benton County Beacon map of the parcels to be annexed along with Parcel ID's for your information. A request for annexation has been received by Gilmanton Township. Per the OAA agreement, the City is to provide 30 days' notice to the affected property owners when there is an annexation request. You can submit comments to the City of Foley within the next 30 days. The Foley City Council intends to complete this annexation following the 30-day comment period.

Please contact me with any additional questions at 320-968-7260 or sbrunn@ci.foley.mn.us.

Sincerely,

Sarah A. Brunn
City Administrator

Enclosure

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