

MOORHEAD

MINNESOTA

500 Center Avenue, Box 779 • Moorhead, MN 56561
(218) 299-5166 • TDD/Relay 711
www.ci.moorhead.mn.us

March 19, 2008

REC'D BY
A M B

MAR 21 2008

Office of Administrative Hearings
Municipal Boundary Adjustments
ATTN: Christine Scotillo
PO Box 64620
St. Paul, MN 55164-0620

Ms. Scotillo,

The City of Moorhead is requesting that a portion of Interstate 94 and related Right-of-Way currently located in Moorhead Township be annexed by the City to straighten the City limit border and allow the City to pursue a jurisdictional turn back of County Road 77 from Clay County to the City. The tract is less than forty acres and more than 60 percent bordered by the City of Moorhead.

Minnesota Statute 414.033 Subdivision 3 provides that:

Subd. 3. **60 percent bordered and 40 acres or less.** If the perimeter of the area to be annexed by a municipality is 60 percent or more bordered by the municipality and if the area to be annexed is 40 acres or less, the municipality shall serve notice of intent to annex upon the town board and the director, unless the area is appropriate for annexation by ordinance under subdivision 2, clause (3). The town board shall have 90 days from the date of service to serve objections with the director. If no objections are forthcoming within the said 90-day period, such land may be annexed by ordinance. If objections are filed with the director, the director shall conduct hearings and issue an order as in the case of annexations under section 414.031, subdivisions 3 and 4.

The City has prepared a Notice of Annexation Request and Location Map for consideration by Moorhead Township.

The City of Moorhead is requesting the annexation of approximately 20 acres of property described as:

Interstate 94 and Right-of-Way area, generally described as being located south of 28th Avenue South at approximately 40th Street East in Moorhead, Minnesota and legally described as:

That portion of the north 352.9 feet of the north west quarter (NW ¼) of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, and lying adjacent to and north of the north lines of Lots 1, 2, 3 and 4 of Block 6, MCCARA First Addition to the City of Moorhead.

Please contact me at 218-299-5332 should you have any questions or concerns.

Sincerely,



Kristie Leshovsky
Community Services Planner

Enclosure: Resolution serving Notice of Intent to annex
General Location Map

MOORHEAD

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AAB

MAY 12 2008

Chair Leroy Johnson
612 60th Avenue South
Moorhead, MN 56560

Clerk Diane Allen
4540 50th Street South
Moorhead, MN 56560

Supervisor Kevin Martin
4532 40th Avenue South
Moorhead, MN 56560

Treasurer Larry Peterson
4588 50th Street South
Moorhead, MN 56560

Supervisor Kevin Johnk
4094 50th Street South
Moorhead, MN 56560

RE: Moorhead Annexation Request

Dear Moorhead Town Board:

The City of Moorhead is requesting that a portion of Interstate 94 and related Right-of-Way currently located in Moorhead Township be annexed by the City to straighten the City limit border and allow the City to pursue a jurisdictional turn back of County Road 77 from Clay County to the City. The tract is less than forty acres and more than 60 percent bordered by the City of Moorhead.

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The City has prepared a Notice of Annexation Request and Location Map for consideration by Moorhead Township.

REC'D BY
MAB

MAY 12 2008

The City of Moorhead is requesting the annexation of approximately 20 acres of property described as:

Interstate 94 and Right-of-Way area, generally described as being located south of 28th Avenue South at approximately 40th Street East in Moorhead, Minnesota and legally described as:

That portion of the north 352.9 feet of the north west quarter (NW ¼) of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, and lying adjacent to and north of the north lines of Lots 1, 2, 3 and 4 of Block 6, MCCARA First Addition to the City of Moorhead.

Should the Town Board wish to waive the 90 day period required to serve objections with the director, please sign and return the enclosed waiver. Following the Board's decision, the City will pursue the annexation by ordinance of the Moorhead City Council.

Thank you for your kind consideration of the City's annexation request. Please contact me at 218-299-5332 should you have any questions or concerns.

Sincerely,



Kristie Leshovsky
Community Services Planner

Enclosure: Waiver
Resolution serving Notice of Intent to annex

CC: MNDOT Land Management Division
MNDOT District 4 Office

REC'D BY
MMB

MAY 12 2008

Waiver

WHEREAS, the City of Moorhead has served notice on the Town of Moorhead of a proposed annexation by ordinance pursuant to section 414.033 subd.3 MSA of the property described in Exhibit A to this waiver; and

WHEREAS, this annexation only involves the annexation of an approximately 20 acre piece of property that is Interstate 94 and right of way for Interstate 94 that is more than 60% surrounded by the current city limits of the City of Moorhead;

NOW THEREFORE BE IT RESOLVED by the Town Board of the Town of Moorhead that the Town of Moorhead has no objection to such annexation by ordinance and does hereby by this resolution waive its 90 day period to file objections to the annexation.

Adopted this _____ day of _____, 2008.

Chair

Clerk

EXHIBIT A
Legal Description

REC'D BY
MMB

MAY 12 2008

The Subject Area to be annexed in the attached Ordinance is described as follows:

Interstate 94 and Right-of-Way area, generally described as being located south of 28th Avenue South at approximately 40th Street East in Moorhead, Minnesota and legally described as:

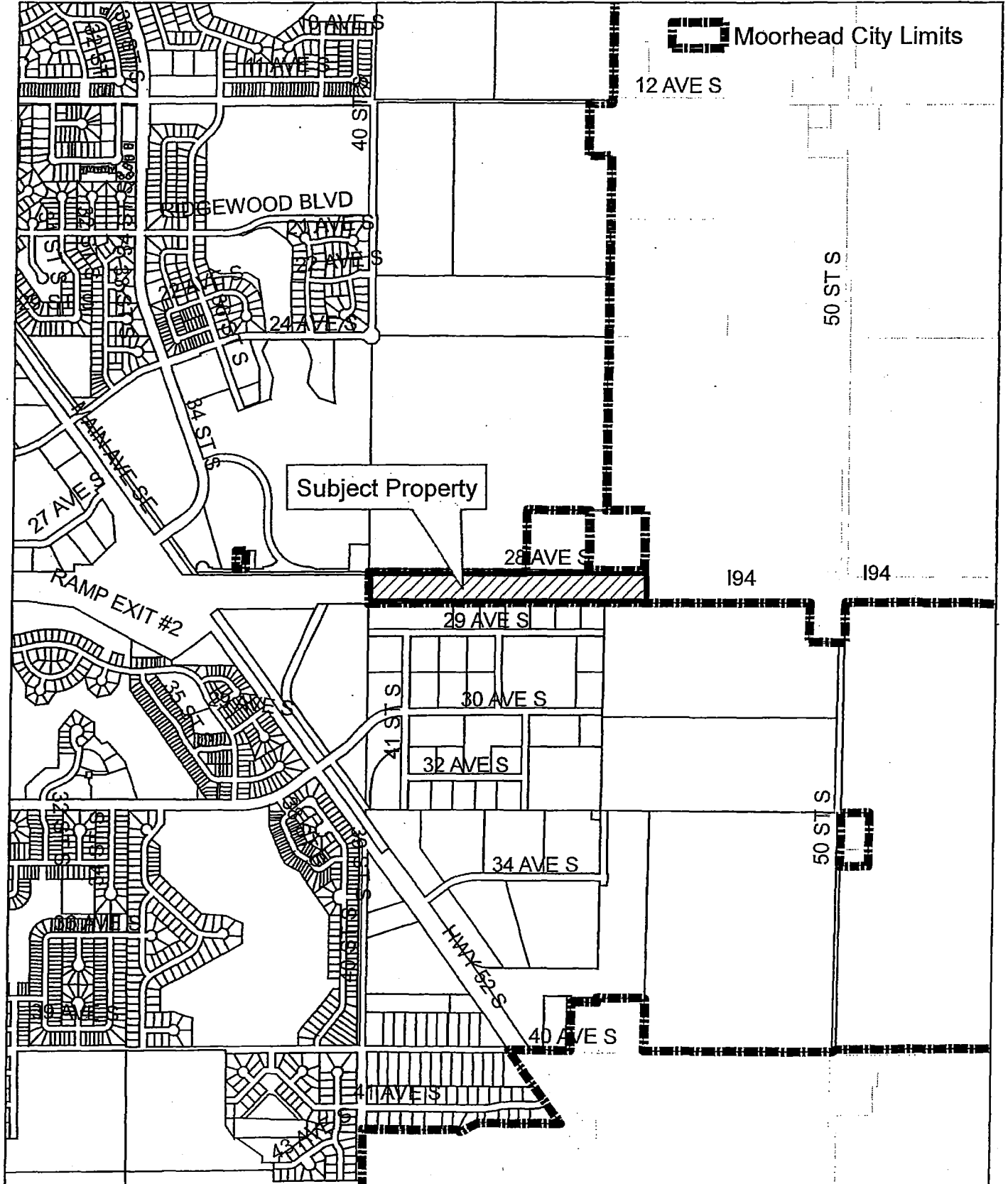
That portion of the north 352.9 feet of the north west quarter (NW ¼) of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, and lying adjacent to and north of the north lines of Lots 1, 2, 3 and 4 of Block 6, MCCARA First Addition to the City of Moorhead.

MOORHEAD MINNESOTA

General Location Map

REC'D BY
A.M.B

MAY 12 2008



RESOLUTION

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, and

WHEREAS, the area proposed for annexation is 40 acres or less in size, is 60% or more bordered by land already within the corporate limits of the City of Moorhead, and is not appropriate for annexation by ordinance pursuant to Minnesota Statutes § 414.033, Subd. 2(3); and

WHEREAS, the area proposed for annexation is described as follows:

Interstate 94 and Right-of-Way area, generally described as being located south of 28th Avenue South at approximately 40th Street East in Moorhead, Minnesota and legally described as:

That portion of the north 352.9 feet of the north west quarter (NW ¼) of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, and lying adjacent to and north of the north lines of Lots 1, 2, 3 and 4 of Block 6, MCCARA First Addition to the City of Moorhead.

WHEREAS, the area proposed for annexation abuts upon the corporate limits of the City of Moorhead, Minnesota; and

WHEREAS, the area proposed for annexation is unincorporated, abuts on the city's East boundary, and is not included within any other municipality; and

WHEREAS, the area proposed for annexation is approximately 20 acres in size; and

WHEREAS, the reason for the proposed annexation is to straighten the City limit border; and.

WHEREAS, the nature of the area proposed for annexation is Interstate Property and related Right-of-Way; and

WHEREAS, the area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325, nor in any other proceeding currently pending before the Office of Administrative Hearings - Municipal Boundary Adjustments; and

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF MOORHEAD, MINNESOTA that we hereby serve a Notice of Intent to annex the above-described property into the corporate limits of the City of Moorhead, Minnesota to Moorhead Township and the Office of Administrative Hearings.

PASSED by the City Council of the City of Moorhead this 17th day of March, 2008.

APPROVED BY:

/s/ Mark Voxland
MARK VOXLAND, Mayor

ATTEST:

REC'D BY
AAMB

MAY 12 2008

/s/ Kaye Buchholz
KAYE BUCHHOLZ, City Clerk

(SEAL)

STATE OF MINNESOTA }
COUNTY OF CLAY } SS
CITY OF MOORHEAD }

I do hereby certify that the foregoing document is a true and correct copy of said document presented to and adopted by the City Council of the City of Moorhead, Minnesota at a duly authorized meeting thereof held on the 17 day of March 20 08. I further certify that this document has not been rescinded or modified and is still in force and effect.

Dated this 18 day of March 20 08.

Kaye Buchholz
City Clerk

#2008-350-A
(Consent Agenda)