

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

IN THE MATTER OF THE PETITION
FOR THE ANNEXATION OF CERTAIN
LAND TO THE CITY OF FERGUS FALLS
PURSUANT TO MINNESOTA STATUTES,
SECTION 414.0325

JOINT RESOLUTION FOR ORDERLY ANNEXATION
BY AND BETWEEN BUSE TOWNSHIP AND THE
CITY OF FERGUS FALLS

WHEREAS, the City of Fergus Falls desires to annex certain lands that are bordered completely within the corporate limits of the City of Fergus Falls; and

WHEREAS, the City of Fergus Falls (hereinafter "City") and the Township of Buse (hereinafter "Town") have met periodically to implement annexation of areas of Buse Township to the City; and

WHEREAS, the City of Fergus Falls and the Township of Buse have designated areas within the township for orderly annexation (OA-139, OA-167 and OA-1022); and

WHEREAS, the parties have agreed upon the provisions for an orderly annexation agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fergus Falls and the Town Board of Supervisors of the Town of Buse as follows:

I. Annexation

A. The City and Township hereby request annexation pursuant to Minnesota Statutes Section 414.0325:

1. That part of the Northeast Quarter of the Southeast Quarter (NE ¼ of SE ¼) of Section Five (5), and that part of the Southwest Quarter of the Northwest Quarter (SW ¼ of NW ¼) of Section Four (4), and that part of the Southwest Quarter (SW ¼) of Section Four (4), all in Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the East Quarter Section Corner of said Section 5; Said Point of Beginning, Thence South 88 degrees 01 minutes 30 seconds East (assumed bearing) a distance of 615.98 feet, Thence North 01 degrees 58 seconds 40 seconds East a distance of 373.47 feet, Thence South 88 degrees 00 minutes 28 seconds East a distance of 403.82', Thence North 01 degrees 57 minutes 18 seconds East a distance of 331.11 feet, Thence South 88 degrees 02 minutes 42 seconds East a distance of 290.37', Thence South 01 degrees 01 minutes 37 seconds West a distance of 704.67 feet, Thence South 88 degrees 01 minutes 23 seconds East a distance of 653.22 feet, Thence South 00 degrees 13 minutes 42 seconds West a distance of 432.84 feet, Thence North 87 degrees 48 minutes 26 seconds West a distance of 659.69 feet, Thence South 01 degrees 04 minutes 48 seconds West a distance of 430.21 feet, Thence North 88 degrees 36 minutes 23 seconds West a distance of 561.93 feet, Thence North 01 degrees 09 minutes 54 seconds East a distance of 508.05 feet to the Southwest corner of Lot 2 Block 3, of ROGNESS ADDITION, Thence South 88 degrees 02 minutes 52 seconds East a distance of 300.03 feet along the South line of said Lot 2, Thence North 01 degrees 09 minutes 53 seconds East a distance of 287.55 feet to a point on the South right-of-way on Alcott Avenue and said point being the Northeast corner of Lot 1 Block 3 of ROGNESS ADDITION, Thence South 88 degrees 16 minutes 28 seconds West a distance of 283.87 feet to a point on the North line of said Lot 1 Block 3, Thence Southwesterly along a curve with a delta of 93 degrees 00 minutes 18 seconds, a chord bearing of South 45 degrees 57 minutes 00 seconds West a distance of 962.17 feet, a radius of 663.20 feet and a length of 1076.53 feet to a point on the west line of Lot 4, Block 1 of ROGNESS ADDITION said point also being the East right-of-way line of Tower Road, Thence South 01 degrees 16 minutes 46 seconds East a distance of 546.93 feet to the Southwest corner of Lot 9 Block 1 of ROGNESS ADDITION, Thence North 87 degrees 52 minutes 28 seconds West a distance of 97.40 feet to a point of the West line of Section 4, Thence North 00 degrees 18 minutes 36 seconds West a distance of 230.75 feet, Thence North 89 degrees 37 minutes 18 seconds West a distance of 459.75 feet, Thence South 31 degrees 23 minutes 19 seconds West a distance of 110.16 feet, Thence North 89 degrees 39 minutes 36 seconds West a distance of 214.98 feet, Thence South 00 degrees 19 minutes 01 seconds West a distance of 134.76 feet, Thence South 89 degrees 30 minutes 42 seconds East a distance of 30.00 feet, Thence North 00 degrees 19 minutes 01 seconds East a distance of 299.15 feet, Thence North 89 degrees 40 minutes 26 seconds West a distance of 94.81 feet, Thence North 00 degrees 19 minutes 34 seconds East a

distance of 300.00 feet, Thence South 89 degrees 40 minutes 26 seconds East a distance of 300.00 feet. Thence South 00 degrees 19 minutes 34 seconds West a distance of 304.07 feet, Thence South 89 degrees 37 minutes 18 seconds East a distance of 555.67 feet to a point on the West right-of-way line of Toer Road, Thence North 00 degrees 18 minutes 33 seconds West a distance of 1022.56 feet +/- to the Point of Beginning.

EXCEPT

That part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Beginning at the East Quarter Section Corner of said Section Five (5); Thence South 00 degrees 44 minutes 00 seconds East (assumed bearing) along the East line of said Section Five (5) a distance of 1088.56 feet to said Point of Beginning; Thence South 89 degrees 57 minutes 14 seconds West a distance of 459.75 feet; Thence South 30 degrees 57 minutes 51 seconds West a distance of 110.16 feet; Thence South 89 degrees 54 minutes 56 seconds West a distance of 214.98 feet; Thence South 00 degrees 06 minutes 27 seconds East a distance of 134.76 feet; Thence North 89 degrees 57 minutes 37 seconds West a distance of 30.00 feet; Thence North 00 degrees 06 minutes 27 seconds West a distance of 299.15 feet; Thence North 89 degrees 54 minutes 06 seconds East a distance of 760.81 feet to a point on the East line of said Section Five (5), Thence South 00 degrees 44 minutes 00 seconds East along said East line a distance of 66.00 feet to the Point of Beginning.

2. The West 308.32 feet of the South 139.75 feet of the North 365.34 feet of Sub Lot Twenty-five (25) of State Sub Division of the South Half (S $\frac{1}{2}$) of Section Four (4), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota.
3. All that part of the Southeast Quarter of the Northwest Quarter SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota described as follows:

Commencing at the Northwest corner of said Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), Thence on an assumed bearing of South 89 degrees 55 minutes 45 seconds East along the North line of said Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$), a distance of 60.60 feet to the Easterly right-of-way

line of State Trunk Highway No. 59, Thence South 00 degrees 32 minutes 20 seconds East along the Easterly right-of-way line, a distance of 100.00 feet to the Point of Beginning of the land to be described, Thence South 89 degree 55 minutes 45 seconds East parallel with said North line of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) a distance of 175.00 feet, Thence South 00 degrees 32 minutes 20 seconds East a distance of 100.00 feet, Thence North 89 degrees 55 minutes 45 seconds West a distance of 175.00 feet to said Easterly right-of-way line, Thence North 00 degrees 32 minutes 20 seconds West along said Easterly right-of-way line, a distance of 100.00 feet to the Point Of Beginning. Containing 0.4 acres more or less.

4. In Section 11, Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Fifth Principle Meridian, all that part of Parcel 1 of Otter Tail County W.A. No. 43 lying East of Highway Right-of-Way, Otter Tail County, Minnesota, EXCEPT the following described tracts:
 - a. That part of the Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 11, Township 132 North, Range 43 West of the Fifth Principle Meridian, Otter Tail County, Minnesota described as follows, to wit: Beginning at the intersection of the North line of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and the East right-of-way line of State Highway 52, now called State Highway NO. 59, in Section 11, Township 132 North, Range 43 West, Thence South along East right-of-way line of State Highway No. 59, for a distance of 100 feet, Thence East parallel with the North boundary line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$, 175 feet; Thence North parallel to the East right-of-way line of State Highway No. 59, for a distance of 100 feet to the North line of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Thence West along the North line of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ a distance of 175 feet more or less, to the Point of Beginning and there terminating, located in Otter Tail County, Minnesota.
 - b. All that part of the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, Township 132, Range 43, Otter Tail County, Minnesota, described as follows: Commencing at the Northwest corner of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Thence on an assumed bearing of South 89 degrees 55 minutes 45 seconds East along the North line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$, a distance of 60.60 feet to the Easterly right-of-way line of State Trunk Highway No. 59, Thence South 00 degrees 32 minutes 20 seconds East along said Easterly right-of-way line, a distance of 100.00 feet to the Point of Beginning of the land to be described, Thence South 89 degrees 55

minutes 45 seconds East parallel with said North line of the SE ¼ of NW ¼ a distance of 175.00 feet, Thence South 00 degrees 32 minutes 20 seconds East a distance of 100.00 feet, Thence North 89 degrees 55 minutes 45 seconds West a distance of 175.00 feet to the Easterly right-of-way line, Thence North 00 degree 32 minutes 20 seconds West along said Easterly right-of-way line, a distance of 100.00 feet to the Point of Beginning.

- B. The City and Township agree that the area described above that can be annexed is 36.50 acres.

An aerial map and a boundary map showing the area legally described herein are attached and incorporated herein by reference.

- C. The City and Township agree that the population of the area legally described is 22.
- D. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the area legally described herein are contained in this Joint Resolution for Orderly Annexation (the “Joint Resolution”) and that no consideration by Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area set forth in paragraph A above in accordance with the terms and conditions contained in this Joint Resolution.
- E. The City shall have the right to levy its real estate taxes immediately upon annexation and will reimburse the Township 100% for real estate taxes that it would have received had the annexation not taken place for a period of not more than 5 (five) years from and after the date of annexation.
- F. The above described area is bordered completely within the corporate limits of the City of Fergus Falls that and is urban or suburban or about to become so, that the area is in need of municipal services, and that annexation is necessary for the public health, safety and welfare, and that annexation is in the best interests of the property owner.
- G. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings.

II. Governing law

This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

III. Modification/Amendment

This Joint Resolution shall not be modified, amended or altered except upon the written joint resolution of the City and Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with Office of Administrative Hearings or its successor.

IV. Severability

In the event that any provision of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practical in light of such determination, implement and give effect to the intentions of the parties hereto.

V. Headings and Captions

Heading and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

VI. Entire Agreement

The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, 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 City and Township.

VII. Disputes and Remedies

The City and Township agree as follows:

A. Negotiations. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and Township will direct staff members as they deem appropriate to meet at least one (1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

B. Arbitration. When the parties to the Joint Resolution are unable to resolve disputes, claims or counterclaims, or unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.

C. When the parties to this Joint Resolution are unable to resolve disputes, claims, or counterclaims, are unable to negotiate an interpretation of

any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

VIII. 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 mail, postage prepaid, as follows:

If to the City:

Andrew Bremseth (or his successors)
City Administrator
City of Fergus Falls
112 Washington Avenue West
Fergus Falls, MN 56537

If to the Township:

Traill Vosberg (or his successors)
Chairman Buse Township
20752 Co Hwy 1
Fergus Falls, MN 56537

Passed, adopted and approved by the Township Board of Supervisors of Buse Township, Otter Tail County, Minnesota, this 10th day of APRIL, 2018.

BUSE TOWNSHIP

By: 

Traill Vosberg, Chairman

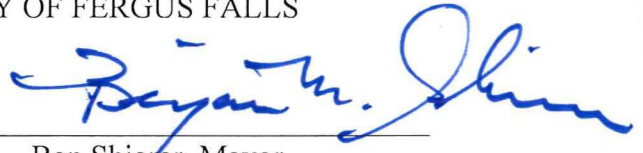
ATTEST:


Town Clerk

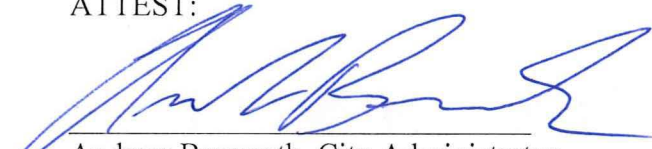
Passed, adopted and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 25th day of May, 2018.

CITY OF FERGUS FALLS

BY

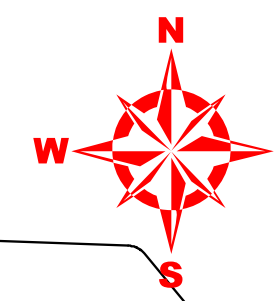

Ben Schierer, Mayor
Schierer

ATTEST:


Andrew Bremseth, City Administrator

CITY OF FERGUS FALLS

2018 Buse Township Annexation



Round-A-Bout Area
Section 4 - Twp 132 N, Range 43 West
Section 5 - Twp 132 N, Range 43 West
33.13 Acres

Steven Mav's
Section 11 - Twp 132 N, Range 43 West
S.E. 1/4 of N.W. 1/4
0.40 Acres

US Fish & Wildlife
Section 11 - Twp 132 N, Range 43 West
S.E. 1/4 of N.W. 1/4
2.97 Acres

Buse Annexation Areas
36.50 Acres

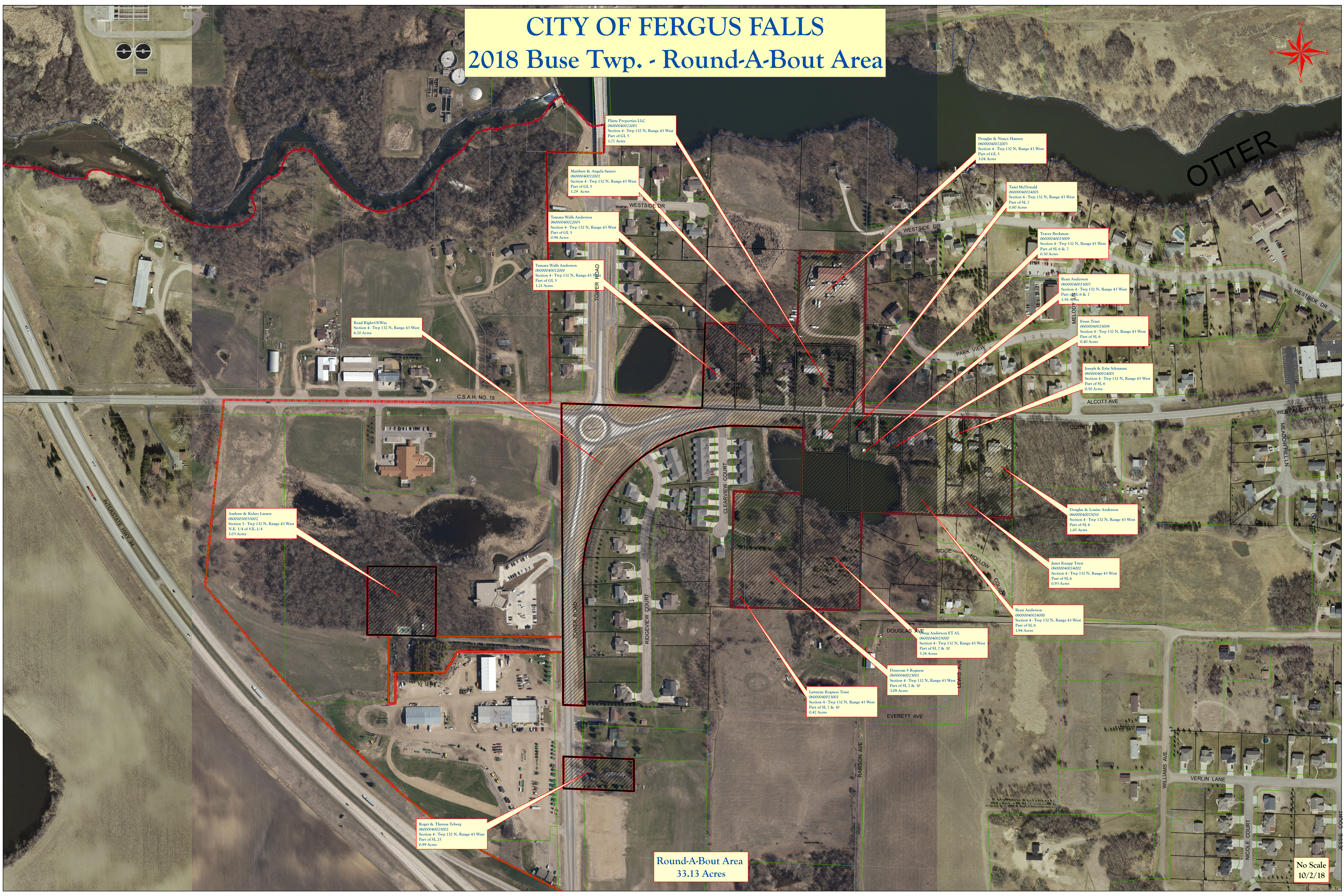
Legend

Buse Township Parcels

Municipal Boundary

CITY OF FERGUS FALLS

2018 Buse Twp. - Round-A-Bout Area



Round-A-Bout Area
33.13 Acres

No Scale
10/2/18

CITY OF FERGUS FALLS
2018 Buse Twp. - Pebble Lake Road



PEBBLE LAKE ROAD

Steven Mavis
06000110073010
Section 11 - Twp 132 N, Range 43 West
S.E. 1/4 of N.W. 1/4
0.40 Acres

US Fish & Wildlife
06000110073000
Section 11 - Twp 132 N, Range 43 West
S.E. 1/4 of N.W. 1/4
2.97 Acres

Pebble Lake Road
3.37 Acres

No Scale
10/2/18