

STATE OF MINNESOTA

OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

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 BUSE TOWNSHIP
AND THE CITY OF FERGUS
FALLS

WHEREAS, the City of Fergus Falls has received inquiries from residents of Buse Township and owners of land located in Buse Township for the annexation of certain lands to the City of Fergus Falls; and

WHEREAS, the City of Fergus Falls (hereinafter "City") and the Township of Buse (hereinafter "Town") have been meeting periodically to implement annexation of an area of Buse Township to the City; 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. Immediate Annexation

A. The City and Township hereby designate the following area for immediate annexation pursuant to Minnesota Statutes Section 414.0325:

1. Neuleib tract
2. Quam tract
3. Wachlarowicz tract
4. Rogness tract (East)
5. City owned tract (Right of Way)
6. Pritchard tract
7. Holmen tract
8. Becklund tract
9. Pebble Hills tract
10. Pebble Hills tract
11. Adelsman tract
12. Traiser tract

13. Rogness tract (West)

The above tracts of land are legally described on the descriptions in attached Exhibit A.

- B. The City and Township agree that the area described above and designated as in need of immediate annexation is 72.23 acres.

A boundary map showing the area legally described herein is attached to as Exhibit B and incorporated herein by reference.

- C. The City and Township agree that the population of the area legally described as in need of immediate annexation is 11.

- 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 Minnesota Planning is necessary. Upon the execution and filing of this Joint Resolution, Minnesota Planning may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area legally described in Exhibit A 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. The City shall, upon acceptance and order of the Minnesota Planning Municipal Boundary Adjustment Office of this agreement, and resulting annexation of the area described herein, pay to the Town annually the sum of money which is set forth as follows:

On or before June 30, 2005	\$ 1,777.09
On or before June 30, 2006	\$ 1,830.41
On or before June 30, 2007	\$ 1,885.32
On or before June 30, 2008	\$ 1,941.88
On or before June 30, 2009	\$ 2,000.13
On or before June 30, 2010	\$ 1,742.82
On or before June 30, 2011	\$ 1,795.10
On or before June 30, 2012	\$ 1,848.95
On or before June 30, 2013	\$ 1,904.42
On or before June 30, 2014	\$ 1,961.56

Total: \$18,687.68

The above formula of payments is the reimbursement to the Town for real estate taxes for a period of ten (10) years from and after the date of the annexation.

- F. The City has received property owner petitions for annexation for the area described above, that the area 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 owners.
- G. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Minnesota Planning Municipal Boundary Adjustment Office.

II. Postponement of Annexation (Mavis tract, Anderson tract and Mavis tract)

- A. The City agrees that it will not initiate any annexation proceedings over the following described tract of land, described in Exhibit C (Mavis tract, Anderson tract and Mavis tract), unless:
 - 1. The sanitary sewer collection system, or any other municipal facility must be constructed within the above-described area because of orders from the Minnesota Pollution Control Agency or other agencies of the Federal or State Government. The time limitations of the preceding paragraph shall be inapplicable with respect to the area required to be served by such municipal utility and such areas may be annexed pursuant to other provisions of this agreement.
 - 2. A respective property changes ownership from that which is presently filed of record in the Office of the County Recorder, Otter Tail County, Minnesota.
- B. The area as described in Exhibit C, which is attached hereto and incorporated by reference is designated for order annexation pursuant to Minnesota Statutes, Section 414.0325.
- C. The City and Township agree that the area described in Exhibit C and designated as in need of orderly annexation is 5.04 acres.
- D. A boundary map showing the area legally described in Exhibit C is attached hereto as Exhibit B and incorporated herein by reference.

- E. In the event that the City is entitled to annex any of said area, the City may initiate and the Township will not object to annexation of the area legally described in Exhibit C.
- F. 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 in Exhibit C are contained in this Joint Resolution, and that no consideration by Minnesota Planning is necessary. On filing of a Resolution by the City with Municipal Planning or its successor, providing for the annexation of the area legally described in Exhibit C, Minnesota Planning may review and comment thereon, but shall, within thirty (30) days of receipt of said Resolution and a copy of this Joint Resolution for Orderly Annexation, order the annexation of the area legally described in Exhibit C or the remainder of the area not already annexed under the foregoing provisions of this Joint Resolution, in accordance with the terms and conditions contained in this Joint Resolution.
- G. No election will be required because there is not election required by law in effect as of January 1, 2004. This provision shall continue to be in force notwithstanding the fact that the law may change at the time of the actual annexation.
- H. The City shall the right to levy its real estate taxes immediately upon annexation and will reimburse the Township for real estate taxes it would have received for a period of ten (10) years, starting with the year the City first received real estate tax payment. Payment shall be calculated using the previous tax revenue to the Town and adding an inflation factor of three percent (3%) to the previous year's revenue and to each year of the prepayment period. This payment will be made on June 30th of each respective year following the date of annexation of said area.

III. Governing law

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

IV. Modification/Amendment

This 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 Minnesota Planning or its successor.

V. Severability

In the event that any provisions 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.

VI. Headings and Captions

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

VII. 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.

VIII. 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.

IX. Planning in Annexation Area

The Town agrees to exclude the area subject to this agreement (Exhibits A, C & D) from its zoning and subdivision ordinances and the City may extend its zoning and subdivision regulations to include the order annexation area as provided in Section 462.357, Subd. 1 and Section 462.358, Subd. 1.

X. 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:

Mr. Mark Sievert, City Administrator (or his successors)
City of Fergus Falls
112 Washington Avenue West
Fergus Falls, MN 56537

If to the Township:

Carolyn Sund, Town Clerk (or his/her successors)

Passed, adopted and approved by the Township Board of Supervisors of Buse Township, Otter Tail County, Minnesota, this 9th day of March, 2004.

REC'D BY
MMB

MAR 25 2004

BUSE TOWNSHIP

By: Wayne Engquist
Wayne Engquist, Chair

ATTEST:

Joyce Schmitt
, Town Clerk

Passed, adopted and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 15th day of March, 2004.

CITY OF FERGUS FALLS

Russell Q. Anderson
Russell Q. Anderson, Mayor

ATTEST:

Mark Sievert
Mark Sievert, City Administrator

DHN:drm
1-04.city/annex/busetownship.jointres.114

CITY OF FERGUS FALL - TOWNSHIP OF BUSE
ANNEXATION AGREEMENT

EXHIBIT A

Tract #1: (Neuleib Tract)

The North 86.00 feet of State Subdivision Lot Twenty-five (25) of the South Half (S $\frac{1}{2}$) of Section Four (4), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, containing 1.1 acres, more or less.

Tract #2: (Quam Tract)

The South 140.00 feet of the North 226.00 feet of State Subdivision Lot Twenty-five (25) of the South Half (S $\frac{1}{2}$) of Section Four (4), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, containing 1.9 acres, more or less.

Tract #3: (Wachlarowicz Tract)

That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, described as follows: Commencing at the Northeast Corner of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Thirty-two (132), Range Forty-three (43), said point being the point of beginning; thence North 88 degrees 52 minutes 35 seconds West a distance of 164.00 feet to a point on the East right-of-way line of Union Avenue; thence South 01 degrees 02 minutes 53 seconds West a distance of 365.00 feet along said East right-of-way line of Union Avenue to a point of intersection with the North right-of-way line of Hilltop Drive; thence South 88 degrees 52 minutes 35 seconds East a distance of 168.00 feet along said North right-of-way line of Hilltop Drive to a point; thence North 00 degrees 25 minutes 13 seconds East a distance of 365.03 feet to the point of beginning, containing 1.39 acres, more or less.

Tract #4: (Rogness Tract - East)

Beginning at the Northeast Corner of State Subdivision Lot Twenty-five (25); thence South a distance of 226.00 feet to a point; thence West a distance of 200.00 feet to the point of beginning; thence South to a point 184.00 feet North of the South line of State Subdivision Lot Twenty-five (25); thence West to a point 200.00 feet East of the East right-of-way of County State Aid Highway No. 1; thence North to a point 284.00 feet North of the South line of State Subdivision Lot Twenty-five (25); thence West to a point on the West line of State Subdivision Lot Twenty-five (25); thence North along said West line of State Subdivision Lot Twenty-five (25) to a point 365.88 feet South of the North line of State Subdivision Lot Twenty-five (25); thence East to a point a distance of 308.61 feet; thence North to a point a distance of 139.88 feet; thence East to the point of beginning, all in Section Four (4), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, containing 0.9 acre, more or less.

Tract #5: (City Owned Right of Way)

That part of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, described as follows: Commencing at the Northeast Corner of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Ten (10), Township One Hundred Thirty-two (132), Range Forty-three (43); thence North 88 degrees 52 minutes 35 seconds West a distance of 164.00 feet to a point on said East right-of-way line of Union Avenue, said point being the point of beginning; thence North 88 degrees 52 minutes 35 seconds West a distance of 66.00 feet to a point on said West right-of-way line of Union Avenue; thence South 01 degrees 02 minutes 53 seconds West a distance of 431.00 feet along said West right-of-way line to the intersection with the South right-of-way line of Hilltop Drive to a point; thence South 86 degrees 52 minutes 35 seconds East a distance of 234.72 feet to a point; thence North 00 degrees 25 minutes 13 seconds East a distance of 66.00 feet to a point on the North right-of-way line of Hilltop Drive; thence North 88 degrees 52 minutes 35 seconds West a distance of 168.00 feet to a point of intersection with the East right-of-way line of Union Avenue; thence North 01 degrees 02 minutes 53 seconds East a distance of 365.00 feet to the point of beginning, containing 0.91 acres, more or less.

Tract #6: (Pritchard Tract)

Beginning at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$) lying immediately East of State Highway No. 52, in Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, thence due South 100 feet, thence due East 175 feet, thence due North 100 feet, thence due West 175 feet, to point of beginning, Otter Tail County, Minnesota.

Tract #7: (Holman Tract)

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

Commencing at the East Quarter Section corner of said Section Five (5); thence North 87 degrees 40 minutes 48 seconds West (assumed bearing) along the East-West Quarter Section line of said Section Five (5) a distance of 1215.15 feet to the West line of the East 1215.00 feet of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), said point being the point of beginning; thence South 01 degree 24 minutes 41 seconds West along the West line of the East 1215.00 feet of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 1234.70 feet to the northeasterly right-of-way line of said Interstate Highway Number 94; thence Northwesterly along said right-of-way line on a nontangential curve concave to the northeast a distance of 551.61 feet, said curve having a central angle of 05 degrees 38 minutes 03 seconds, a Radius of 5609.58 feet and a Chord Bearing of North 37 degrees 55 minutes 40 seconds West; thence North 07 degrees 32 minutes 56 seconds East not tangent to the last described curve a distance of 817.10 feet to the East-West Quarter Section line of said Section Five (5); thence South 87 degrees 40 minutes 48 seconds East along said East-West Quarter Section line a distance of 262.20 feet to the point of beginning. Containing 7.46 acres.

SUBJECT TO an easement over and across the most 40 northerly feet thereof for County Road No. 15,

together with all hereditament and appurtenances belonging thereto (the Property).

Tract #8: (Becklund Tract)

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; 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 399.35 feet to the northeasterly Right-of-Way Line of Interstate Highway Number 94; thence northwesterly along said Right-of-Way Line on a nontangential curve concave to the Northeast a distance of 120.25 feet to the West line of the East 1215.00 feet of said Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), said curve having a central angle of 01 degree 13 minutes 42 seconds, a radius of 5609.58 feet and a Chord Bearing of North 43 degrees 30 minutes 13 seconds West; thence North 00 degrees 44 minutes 00 seconds West along said West line of the East 1215.00 feet a distance of 1234.70 feet to the North line of said Northeast Quarter of the Southeast Quarter; thence South 89 degrees 49 minutes 30 seconds East along said North line a distance of 1330.79 feet to the point of beginning.

EXCEPT that part thereof described as follows:

Commencing 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 5 a distance of 1017.98 feet; thence South 89 degrees 54 minutes 06 seconds West a distance of 555.62 feet to the point of beginning; thence continuing South 89 degrees 54 minutes 06 seconds West a distance of 300.00 feet; thence North 00 degrees 05 minutes 54 seconds West a distance of 300.00 feet; thence North 89 degrees 54 minutes 06 seconds East a distance of 300.00 feet; thence

South 00 degrees 05 minutes 54 seconds East a distance of 300.00 feet to the point of beginning.

All of which contains a total of 31.34 acres.

SUBJECT TO an Easement for Ingress and Egress purposes over and across that part thereof described as follows:

Commencing at the East Quarter Section Corner of said Section 5; thence South 00 degrees 44 minutes 00 seconds East (assumed bearing) along the East line of said Section 5 a distance of 1017.98 feet; thence South 89 degrees 54 minutes 06 seconds West a distance of 32.50 feet to the westerly Right-of-Way Line of County Road Number 1, said point being the point of beginning; thence continuing South 89 degrees 54 minutes 06 seconds West a distance of 523.12 feet; thence South 54 degrees 07 minutes 29 seconds East a distance of 119.43 feet; thence North 89 degrees 57 minutes 14 seconds East a distance of 428.43 feet to the westerly Right-of-Way Line of County Road Number 1; thence North 01 degree 41 minutes 38 seconds West along said Right-of-Way Line a distance of 70.57 feet to the point of beginning.

ALSO SUBJECT TO Easements for County Road Number 1 and County Road Number 15.

ALSO SUBJECT TO any other Easements or Restrictions of record; together with all hereditaments and appurtenances belonging thereto.

Tract #9:

(Parcel A - Pebble Hills Tract)

That part of Government Lot Two (2) of Section Thirteen (13), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Thirteen (13); thence North 01 Degrees 41 Minutes 53 Seconds East (Assumed Bearing) along the West line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) a distance of 1312.72 feet to the northwesterly line of Pebble Shores Drive as platted in Pebble Shores, on file and of record in the office of the County Recorder

in and for Otter Tail County, Minnesota; thence northeasterly along said right-of-way line on a tangential curve concave to the Southeast a distance of 44.26 feet to the point of beginning, said curve having a central angle of 17 degrees 11 minutes 21 seconds and a radius of 147.52 feet; thence continuing northeasterly along said right-of-way line and continuing on said 147.52-foot radius curve a distance of 89.99 feet, said curve having a central angle of 34 degrees 57 minutes 08 seconds; thence South 86 degrees 17 minutes 34 seconds East along said right-of-way line and tangent to the last described curve a distance of 88.83 feet; thence northeasterly along said right-of-way line on a tangential curve concave to the Northwest a distance of 238.25 feet, said curve having a central angle of 61 degrees 51 minutes 33 seconds and a radius of 220.67 feet; thence North 31 degrees 50 minutes 53 seconds East along said right-of-way line and tangent to the last-described curve a distance of 39.86 feet; thence North 88 degrees 16 minutes 14 seconds West a distance of 150.00 feet; thence North 01 degrees 43 minutes 46 seconds East a distance of 256.00 feet; thence North 68 degrees 55 minutes 14 seconds West a distance of 257.39 feet to the East line of a dedicated road in the plat of Rollin's Beach, on file and of record in the office of the County Recorder in and for Otter Tail County, Minnesota; thence South 01 degrees 41 minutes 53 seconds West along the East line of said dedicated road a distance of 506.12 feet to the point of beginning.

Containing 2.77 acres.

Subject to any easements or restrictions of record.

(Parcel B - Pebble Hills Tract)

That part of Government Lot Two (2) of Section Thirteen (13), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Thirteen (13); thence North 01 degrees 41 minutes 53 seconds East (Assumed Bearing) along the West line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 1312.72 feet to the northwesterly line of Pebble Shores Drive as platted in Pebble Shores, on file and of record in the Office of the County Recorder in and for Otter Tail County, Minnesota; thence

northeasterly along said right-of-way line on a tangential curve concave to the Southeast a distance of 44.26 feet, said curve having a central angle of 17 degrees 11 minutes and 21 seconds and a radius of 147.52 feet; thence continuing northeasterly along said right-of-way line and continuing on said 147.52-foot radius curve a distance of 89.99 feet, said curve having a central angle of 34 degrees 57 minutes 08 seconds; thence South 86 degrees 17 minutes 34 seconds East along said right-of-way line and tangent to the last-described curve a distance of 88.83 feet; thence northeasterly along said right-of-way line on a tangential curve concave to the Northwest a distance of 238.25 feet, said curve having a central angle of 61 degrees 51 minutes 33 seconds a radius of 220.67 feet; thence North 31 degrees 50 minutes 53 seconds East along said right-of-way line and tangent to the last-described curve a distance of 39.86 feet; thence continuing North 31 degrees 50 minutes 53 seconds East along said right-of-way line a distance of 209.25 feet to the point of beginning; thence continuing North 31 degrees 50 minutes 53 seconds East along said right-of-way line a distance of 130.94 feet; thence northeasterly along said right-of-way line on a tangential curve concave to the Northwest a distance of 115.07 feet, said curve having a central angle of 20 degrees 39 minutes 33 seconds and a radius of 319.12 feet; thence North 11 degrees 11 minutes 20 seconds East along said right-of-way line and tangent to the last-described curve a distance of 222.20 feet; thence northwesterly along said right-of-way line on a tangential curve concave to the West a distance of 92.78 feet, said curve having a central angle of 59 degrees 43 minutes 03 seconds and a radius of 89.02 feet; thence northwesterly along said right-of-way line on a reverse curve concave to the Northeast a distance of 45.51 feet, said curve having a central angle of 23 degrees 00 minutes 04 seconds and a radius of 113.36 feet; thence South 32 degrees 16 minutes 15 seconds West not tangent to the last-described curve and along the southwesterly right-of-way line of a dedicated road in the subdivision plat of Rollin's Beach, on file and of record in the office of the County Recorder in and for Otter Tail County, Minnesota, thence South 47 degrees 12 minutes 37 seconds West along said right-of-way line a distance of 104.19 feet; thence South 51 degrees 58 minutes 54 seconds West along said right-of-way line a distance of 101.35 feet; thence South 57 degrees 05 minutes 54 seconds West along said right-of-way line a distance of 101.10 feet; thence South 60 degrees 59 minutes 54 seconds West along said right-of-way line a distance of 100.20 feet; thence South 63 degrees 00 minutes 47 seconds West along said right-of-way line a distance of 101.87 feet; thence South 69

degrees 41 minutes 54 seconds West along said right-of-way line a distance of 103.26 feet; thence South 73 degrees 11 minutes 54 seconds West along said right-of-way line a distance of 50.79 feet to the easterly line of a public road; thence South 01 degrees 41 minutes 53 seconds West along the easterly line of said public road a distance of 5.50 feet; thence South 68 degrees 55 minutes 14 seconds East a distance of 257.39 feet; thence South 88 degrees 16 minutes 14 seconds East a distance of 255.00 feet; thence South 01 degrees 43 minutes 46 seconds West a distance of 75.00 feet to the point of beginning.

Containing 3.36 acres.

Subject to any easements or restrictions of record.

Tract #10: (Adelsman Tract)

That part of Government Lot Two (2) of Section Thirteen (13), Township One Hundred thirty-two (132), Range Forty-three (43), described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Thirteen (13), thence on an assumed bearing North on the westerly line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) and its projection a distance of 1497.68 feet; thence East 298.42 feet to the point of beginning; thence North 256 feet; thence East 255 feet; thence South 75 feet; thence South 30 degrees 10 minutes 45 seconds West 209.3 feet; thence West 150 feet to the point of beginning, subject to road easement 33 feet in width and the centerline of which is described as follows:

Beginning at a point 121 feet East of the above point of beginning; thence North 23 degrees 30 minutes East 113 feet; thence North 50 degrees East 100 feet and there terminating;

Tract #11: (Traiser Tract)

That part of Government Lot One (1) of Section Thirteen (13), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the North quarter section corner of said Section Thirteen (13); thence South 88 degrees 44 minutes 26 seconds East (assumed bearing) along the North line of said Section Thirteen (13) a distance of 31.49 feet to the westerly right-of-way line of the Otter Tail Valley Railroad (now abandoned) thence South 11 degrees 57 minutes 44 seconds East along said right-of-way line a distance of 151.81 feet; thence continuing southeasterly along said right-of-way line on a variable radius curve concave to the East a distance of 149.20 feet, said curve having a Chord Bearing of South 14 degrees 00 minutes 19 seconds East; thence continuing southeasterly along said right-of-way line on a tangential curve to the East a distance of 129.63 feet to the point of beginning, said curve having a central angle of 03 degree 44 minutes 31 seconds, a radius of 1984.86 feet and a Chord Bearing of South 17 degrees 29 minutes 26 seconds East; thence continuing southeasterly along said 1984.86 foot radius curve a distance of 689.93 feet, said curve having a central angle of 19 degrees 54 minutes 56 seconds; thence South 78 degrees 18 minutes 22 seconds West a distance of 704.99 feet to the easterly right-of-way line of Pebble Shores Drive; thence northeasterly along said right-of-way line on a non-tangential curve concave to the West a distance of 61.56 feet, said curve having a central angle of 03 degrees 21 minutes 14 seconds a radius of 1051.59 feet and a Chord Bearing of North 16 degrees 29 minutes 30 seconds East; thence North 14 degrees 48 minutes 53 seconds East tangent to the last described curve and along said right-of-way line a distance of 498.14 feet; thence northeasterly along said right-of-way line on a tangential curve concave to the Southeast a distance of 152.32 feet, said curve having a central angle of 62 degrees 28 minutes 34 seconds and a radius of 139.69 feet; thence easterly and northerly along a tangential reverse curve concave to the Northwest a distance of 101.39 feet, said curve having a central angle of 96 degrees 48 minutes 58 seconds and a radius of 60.00 feet; thence North 70 degrees 38 minutes 19 seconds East along the southerly right-of-way line of said Pebble Shores Drive and not tangent to the last described curve a distance of 65.41 feet to the point of beginning. Containing 6.00 acres.

Tract #12: (Rogness Tract - West)

Parcel #1:

That part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ 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:

Commencing at the East Quarter Section Corner of said Section Five (5); thence South 00 degrees 44 minutes 00 seconds East along the East line of said Section Five (5) a distance of 1088.56 feet; thence continuing South 00 degrees 44 minutes 00 seconds East along said East line a distance of 840.50 feet to the point of beginning; thence on a bearing of West a distance of 39.39 feet; thence South 00 degrees 44 minutes 00 seconds East a distance of 63.00 feet; thence on a bearing of West a distance of 389.14 feet to the northeasterly right-of-way line of Interstate Highway Number 94; thence South 63 degrees 23 minutes 23 seconds East along said right-of-way line a distance of 237.73 feet; thence North 26 degrees 36 minutes 37 seconds East a distance of 105.71 feet; thence South 63 degrees 23 minutes 23 seconds East a distance of 196.73 feet to the westerly right-of-way line of Interstate Highway Number 94; thence northerly along said right-of-way line on a nontangential curve concave to the West a distance of 8.65 feet, said curve having a central angle of 00 degrees 01 minutes 44 seconds, a radius of 17138.73 feet and a chord bearing of North 01 degrees 37 minutes 25 seconds West, thence North 01 degrees 37 minutes 27 seconds West tangent to the last described curve a distance of 74.15 feet; thence North 88 degrees 22 minutes 33 seconds East along a northerly line of said Interstate Highway Number 94 a distance of 16.95 feet to the East line of said Section Five (5); thence North 00 degrees 44 minutes 00 seconds West along said East line a distance of 79.85 feet to the point of beginning. Containing 27,972 square feet. Subject to an easement along the easterly line thereof for County Road Number 1. Also subject to any other easements or restrictions of record;

Parcel #2:

Part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ 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 on the East line of said Section Five (5) at a point located South 00 degrees 44 minutes 00 seconds East 1319.00 feet from the East Quarter (E $\frac{1}{4}$) Section corner thereof; thence West 734.70 feet; thence South 372.90 feet more or less to the North right-of-way line of Highway I-94; thence South 49 degrees 40 minutes 00 seconds East 33.50 feet along the said right-of-way line; thence East 710

feet more or less to the Section line; thence North 00 degrees 44 minutes 00 seconds West 394.00 feet to the point of beginning. Subject to County Road right-of-way along the East side of tract. Containing 5.82 acres more or less.

Parcel #3:

Part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ 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 on the East line of said Section Five (5) at a point located South 00 degrees 44 minutes East 1089.00 feet from the East Quarter Section Corner thereof thence South 00 degrees 44 minutes East 230.00 feet; thence West 734.70 feet; thence North 135.00 feet; thence East 215.00 feet; thence North 30 degrees 50 minutes 25 seconds East 110.56 feet; thence East 460.00 feet to the point of beginning, containing 3.34 acres more or less. Subject to 0.16 acre County Road right of way along the East side of said described tract.

Parcel #4:

Part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Five (5), Township One Hundred Thirty-two (132), Range Forty-three (43), described as follows: Commencing at the Southeast corner of said Section 5; thence North 00 degrees 44 minutes 00 seconds West (said bearing assumed for a descriptive base herein) along the section line 916.80 feet; thence West 21.05 feet to a point on the West Right-of-way line of County Road #1 and the point of beginning; thence South 01 degree 42 minutes 00 seconds East 137.00 feet along said right-of-way line; thence West 42.30 feet; thence South 00 degrees 44 minutes 00 seconds East 63.00 feet; thence West 388.65 feet to the northerly right-of-way line of Highway 94; thence North 63 degrees 26 minutes 22 seconds West 85.85 feet along said highway; thence North 49 degrees 37 minutes 45 seconds West 249.48 feet along the said highway; thence East 692.95 feet to the point of beginning containing 2.58 acres, Otter Tail County, Minnesota.

Parcel #5:

Part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Five (5), Township One Hundred Thirty-two (132), Range Forty-three (43), described as follows:

Commencing at the quarter section corner on the East line of said Section Five (5); thence South 00 degrees 44 minutes 00 seconds East 1,319.00 feet along the section line; thence West, parallel with the North line of said Southeast Quarter 734.70 feet to the point of beginning on the North line of said Southeast Quarter of Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Five (5); thence South 372.90 feet to the North right-of-way line of Interstate Highway 94; thence northwesterly 545.00 feet along said right-of-way line to a point West from the point of beginning; thence East 398.40 feet to the point of beginning (containing 1.75 acres), and in addition thereto an easement of ingress and egress thereto over a strip of land 66.00 feet in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Five (5) running from the described tract to the right of way of Otter Tail County Highway No. 1;

Parcel #6:

Part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Five (5), Township One Hundred thirty-two (132), Range Forty-three (43), described as follows: Commencing at the Northeast corner of said Southeast Quarter (SE $\frac{1}{4}$), thence South 1 degree 42 minutes East 2014.0 feet (along the center line of County Highway No. 1); thence West 50.0 feet, to the West Right-of-Way line of said highway, and the point of beginning of the within conveyance; thence North 63 degrees 24 minutes West 196.6 feet; thence South 26 degrees 36 minutes West 105.66 feet to the Northerly Right-of-Way line of Interstate Highway 94; thence South 63 degrees 24 minutes East 253.5 feet along last said Right-of-Way line to its intersection with the west Right-of-Way line of said County Highway Number 1; thence North 1 degree 42 minutes West 120.0 feet to the point of beginning. Together with joint use of a strip of land for access roadway purposes beginning at the Northeast corner of the within conveyed tract, thence North 1 degree 42 minutes West 163.0 feet along the west line of said County Highway; thence West 40.0 feet; thence South 1 degree 42 minutes East 137.5 feet; thence South 63 degrees 24 minutes East 56.8 feet to the point of beginning, according to the United States Government Survey thereof, Otter Tail County, Minnesota.

CITY OF FERGUS FALL - TOWNSHIP OF BUSE
ANNEXATION AGREEMENT

EXHIBIT C

Tract #1: (Mavis Tract)

All of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); that portion of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) lying East of Trunk Highway No. 52 except the following tract of land, to-wit: Beginning at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) lying immediately East of State Highway No. 52 in Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43); thence due South 100.00 feet; thence due East 175.00 feet; thence due North 100.00 feet; thence due West 175.00 feet to the point of beginning; and that portion of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) lying East of Trunk Highway No. 52 in Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West;

And further excepting therefrom the following described tract:

All that part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 00 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 Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ 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 0.40 acre more or less.

Tract #2: (Anderson Tract)

Beginning at a point on the South line of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West where the easterly right-of-way line of Highway 59 intersects the said South line of the said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 11, thence easterly along and over the South line of said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), a distance of 340 feet, thence northerly and parallel to the easterly right-of-way line of Highway 59, a distance of 175 feet, thence westerly and parallel to the South line of the said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) a distance of 340 feet to the easterly right-of-way line of said Highway 59, thence southerly along and over the easterly right-of-way line of Highway 59 175 feet to the point of beginning.

Tract #3: (Mavis Tract)

All that part of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ 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 acre more or less;

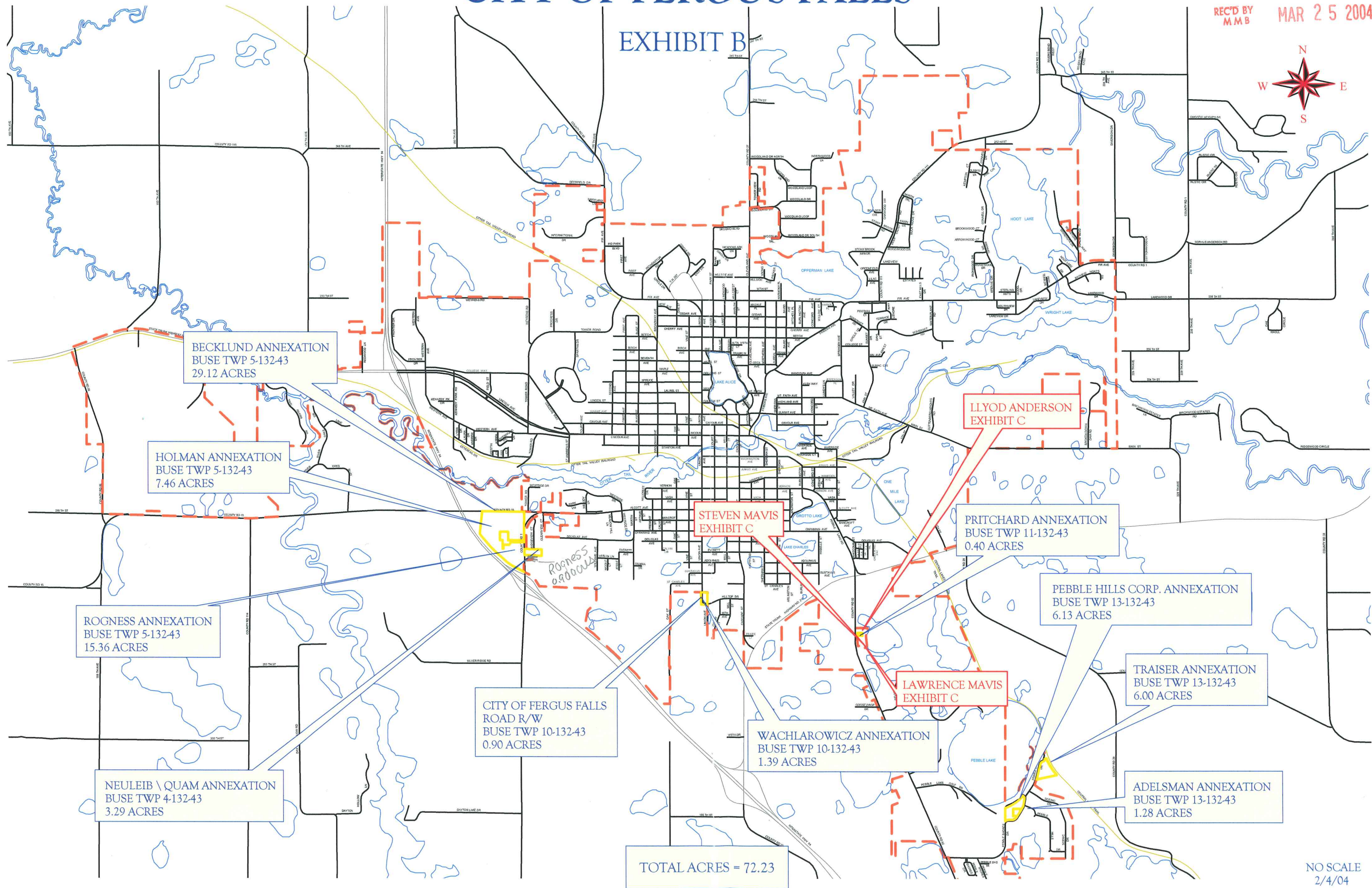
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CITY OF FERGUS FALLS

REC'D BY
MMB
MAR 25 2004

EXHIBIT B



TOTAL ACRES = 72.23

NO SCALE
2/4/04

Other map
in OA-1022-1