

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

REC'D. BY JUL 03 1995
M M R

IN THE MATTER OF THE JOINT RESOLUTION)
OF THE CITY OF FERGUS FALLS AND THE TOWN)
OF FERGUS FALLS FOR THE ORDERLY ANNEXATION)
OF CERTAIN LANDS TO THE CITY OF FERGUS)
FALLS PURSUANT TO MINNESOTA STATUTES 414)

JOINT RESOLUTION OF THE CITY OF FERGUS FALLS
AND THE TOWN OF FERGUS FALLS AMENDING THE
1974 ORDERLY ANNEXATION AGREEMENT

WHEREAS, a Joint Resolution for Orderly Annexation was adopted by the City of Fergus Falls (hereinafter "City") on July 17, 1974, and by the Town of Fergus Falls (hereinafter "Town") on July 8, 1974, and duly accepted by the Municipal Board; and,

WHEREAS, City has heretofore received petitions for annexation which have been signed by all of the property owners of the respective tracts of land; and,

WHEREAS, the City and Town have met and have negotiated an amicable agreement relating to the petitions for annexations which agreement incorporates binding obligations of City and Town requiring amendment to the 1974 Orderly Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the following Joint Resolution be adopted, by the City and Town, which Resolution amends the 1974 Orderly Annexation Agreement, and submit it to the Minnesota Municipal Board for review and comment. No alteration of the boundaries are appropriate and no consideration by the Municipal Board is necessary. This Resolution provides generally for the terms of annexation by the City of Fergus Falls and portions of Fergus Falls Township in several regards.

RESOLVED BY THE CITY AND TOWN AS FOLLOWS:

1. The 1974 Orderly Annexation Agreement Remains in Force. Except as otherwise specifically provided, the 1974 Orderly Annexation Agreement remains in full force and effect, as amended from time to time, subsequent thereto and prior hereto.

2. Land Descriptions. Said lands are described in attached Schedule I which is made a part of this Resolution. Said lands are described as being three (3) in number and identified generally at its caption as follows:

- Tract A - David Spies tract
- Tract B - Highway right-of-way owned by the City
- Tract C - Washington Realty, Inc. (Ziegler) tract

3. No Municipal Board Hearing. It is agreed with respect to the land descriptions set forth in paragraph 2 above that they are in need of orderly annexation pursuant to Minnesota Statutes 414.0325 and pursuant to the 1974 Orderly Annexation Agreement as amended. No alteration of the boundaries thereof stated herein are appropriate. No consideration by the Municipal Board is necessary. The Municipal Board may review and comment only.

4. Allocation of Real Estate Taxes (Tract A - David Spies Tract). The real estate tax allocation as between City and Town will be as follows:

A. Allocation. The real property taxes generated from the affected property for five full fiscal years after annexation will be allocated between the Township and the City as follows:

<u>YEAR</u>	<u>TOWNSHIP</u>	<u>CITY</u>
1st year after year of annexation	100%	0%
2nd year after year of annexation	75%	25%
3rd year after year of annexation	50%	50%
4th year after year of annexation	25%	75%
5th year after year of annexation	0%	100%
6th year after year of annexation	Annexed area totally under City tax levy at City rate	

5. Allocation of Real Estate Taxes (Tract B - Highway Right-of-Way Owned by City and Tract C- Washington Realty, Inc. (Ziegler) Tract). There shall not be any allocation of real estate tax between City and Town.

6. Revenue Sharing (Tract C - Washington Realty, Inc. (Ziegler) Tract). It is agreed as follows with respect to this land description set forth herein. Notwithstanding anything to

the contrary in this document or the 1974 Annexation Agreement as amended, Town will receive ten percent (10%) of the City portion of real estate taxes levied at commercial or industrial rates for the first fifteen (15) years after the year of annexation.

CITY OF FERGUS FALLS

Passed and adopted by the City of Fergus Falls, this 5th day of June, 1995.

ATTEST:

James L. Weibel
City Administrator

APPROVED:

Ken Fergus
Mayor

TOWNSHIP OF FERGUS FALLS

Passed and adopted by the Township of Fergus Falls, this 13 day of June, 1995.

ATTEST:

Elaine M. Schoening
Township Clerk

APPROVED:

Howard Boere
Chairman

bj1/CITY8

SCHEDULE ITRACT A - DAVID SPIES TRACT:

That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-five (25), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the South quarter section corner of said Section Twenty-five (25); thence North 00 degrees 15 minutes 57 seconds East (assumed bearing) along the North-South quarter section line of said Section Twenty-five (25) a distance of 1333.02 feet to the Southeast corner of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), said point being the point of beginning; thence South 89 degrees 59 minutes 24 seconds West along the South line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) a distance of 275.00 feet; thence North 00 degrees 15 minutes 57 seconds East a distance of 500.00 feet; thence North 89 degrees 59 minutes 24 seconds East a distance of 275.00 feet to the East line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence South 00 degrees 15 minutes 57 seconds West along said East line a distance of 500.00 feet to the point of beginning, containing 3.16 acres, subject to any easements or restrictions of record.

TRACT B - HIGHWAY RIGHT-OF-WAY OWNED BY CITY:

Parcel 1: The East fifty (50) feet of the South 400 feet of the East 762.30 of the North One-Half of the Southeast Quarter (N $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Twenty-eight (28), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West.

Parcel 2: The East fifty (50) feet of the following described parcel:

Commencing at the Southeast corner of the South One-Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Twenty-eight (28), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West; thence North along the east line thereof 701 feet to the point of beginning; thence West 268 feet; thence South 225 feet; thence East 268 feet; thence North 225 to the point of beginning and there terminating.

Parcel 3: The West fifty-four (54) feet of the South One-Half of the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West.

RECD BY
MARR JUL 03 1995

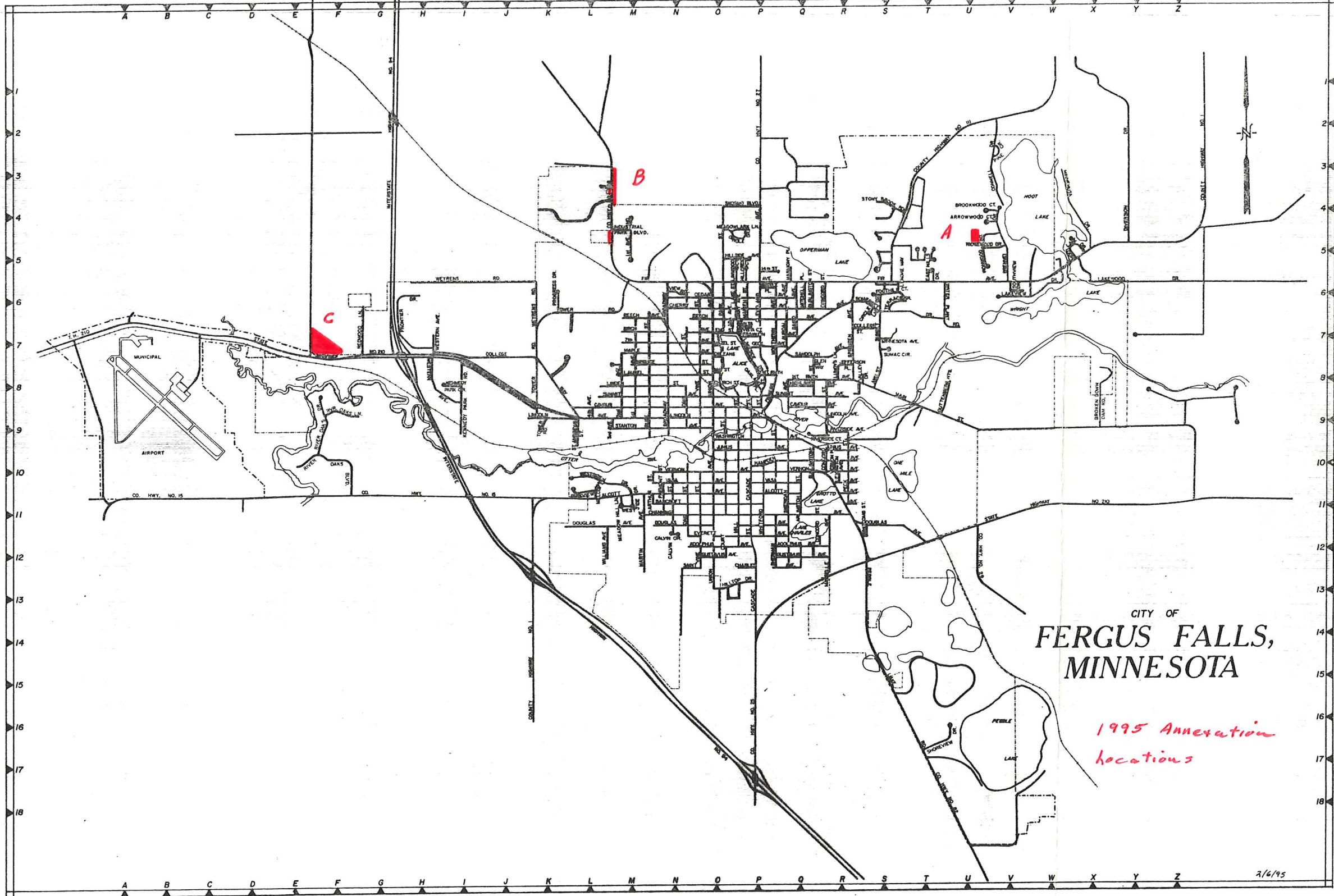
Schedule I continued:

TRACT C - WASHINGTON REALTY, INC. (ZIEGLER) TRACT:

All that part of the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Thirty-three (133), Range Forty-three (43), described as follows:

Commencing at the northwest corner of said Section 32; thence on an assumed bearing of South 0 degree 34 minutes 16 seconds West along the west line of said Section 32 a distance of 1565.89 feet to the point of beginning of the land to be described; thence South 53 degrees 32 minutes 06 seconds East a distance of 1305.75 feet to the west line of a tract of land described in Book 525 of Deeds, page 727, files of the Otter Tail County Recorder, thence South 0 degrees 09 minutes 17 seconds West along said west line of a tract of land described in Book 525 of Deeds, page 727, a distance of 195.37 feet to the northerly right-of-way line of State Trunk Highway No. 210; thence westerly along said northerly right-of-way line, on non-tangential curve, concave to the north, having a radius of 4505.63 feet, a central angle of 11 degrees 45 minutes 39 seconds and a chord bearing of North 85 degrees 47 minutes 31 seconds West, for an arc distance of 924.85 feet to an angle point on said northerly right-of-way line; thence North 39 degrees 25 minutes 37 seconds West along said northerly right-of-way line, a distance of 153.55 feet to an angle point on said northerly right-of-way line; thence North 78 degrees 12 minutes 43 seconds West along said northerly right-of-way line, a distance of 39.92 feet to said west line of Section 32; thence North 0 degrees 34 minutes 16 seconds East along said west line, a distance of 776.96 feet to the point of beginning, containing 13.33 acres more or less.

REC'D. BY JUL 03 1995
M/M/R

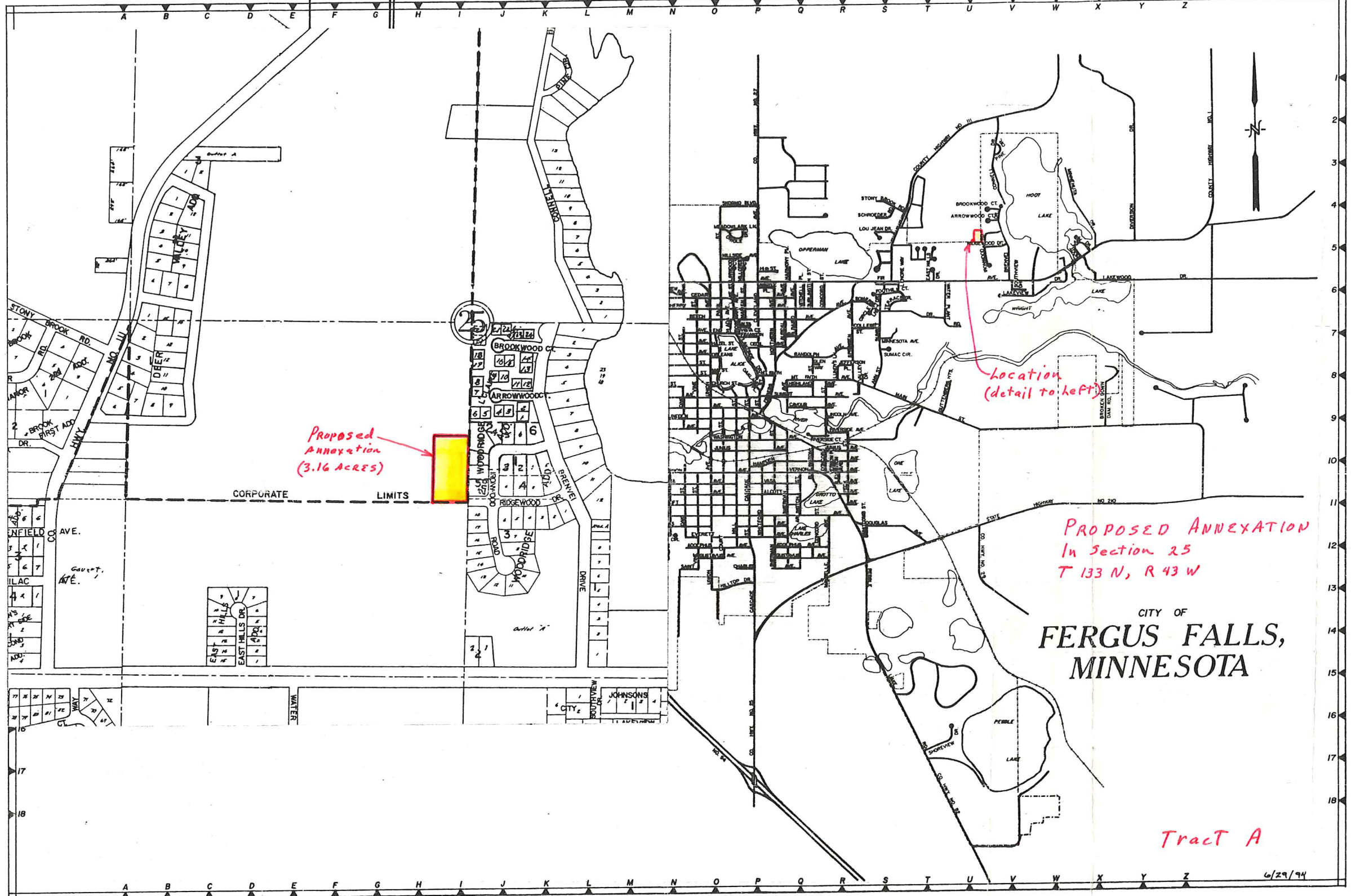


CITY OF
**FERGUS FALLS,
MINNESOTA**

*1995 Annexation
Locations*

REC'D. BY JUL 03 1995
J.M.B.
REC'D. BY DEC 12 1994
M.M.R.

REC'D. BY
M.V.P.



Proposed
Annexation
(3.16 Acres)

Location
(detail to left)

PROPOSED ANNEXATION
In Section 25
T 133 N, R 43 W

CITY OF
FERGUS FALLS,
MINNESOTA

Tract A

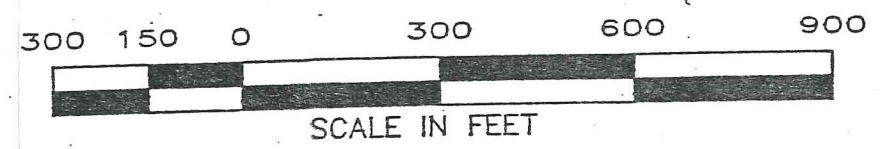
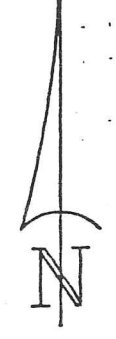
6/29/94

RECORDED BY JUL 03 1995

TH 59 Turnback

REC'D BY JUL 03 1995

City County

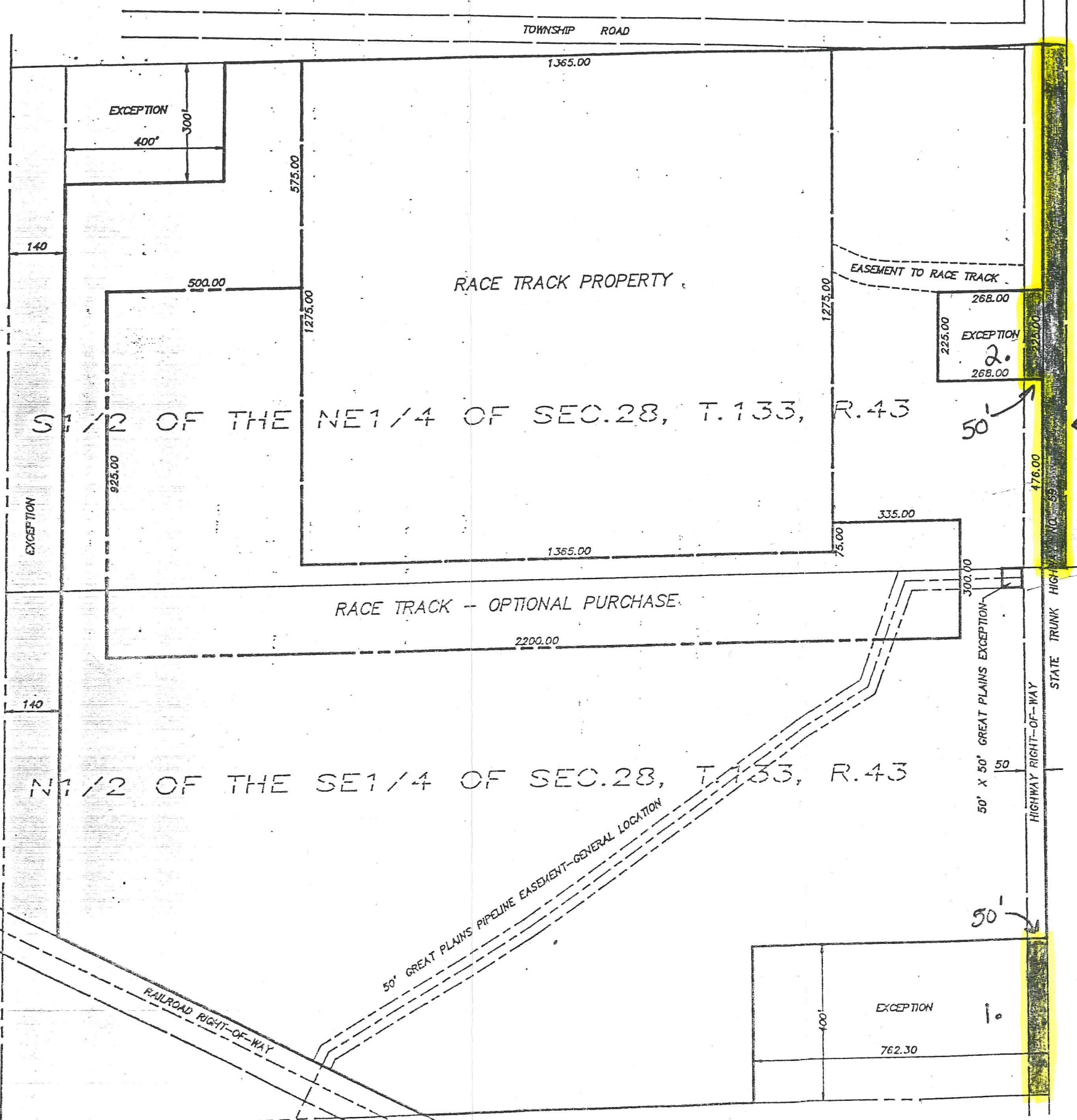


SCALE: 1 INCH = 300 FEET

LEGEND

- LAND PURCHASED FROM BAKKEN
- RACE TRACK PROPERTY
- RACE TRACK OPTION PROPERTY

R/W Annexation Request



Anderson Land Surveying, Inc.
 313 SOUTH MILL STREET
 FERGUS FALLS, MINNESOTA 56537
 (218) 739-5268
 2792

Location
Detail to Right

Proposed
Annexation
(13.33 ACRES)

REC'D. BY
MMB JUL 03 1995

CITY OF
**FERGUS FALLS,
MINNESOTA**

PROPOSED ANNEXATION
IN SECTION 32
T. 133 N., R. 43 W

Tract C

7/6/95

REC'D. BY
JUL 03 1995
MMB

