AGREEMENT BETWEEN THE CITY OF FERGUS FALLS AND BUSE TOWNSHIP

WHEREAS, The Minnesota Municipal Board of the State of Minnesota presently has before it for hearing and consideration the matter of annexing certain portions of Buse Township to the City of Fergus Falls; and,

WHEREAS, The City of Fergus Falls (hereinafter referred to as "City") and the Township of Buse (hereinafter referred to as "Town") are parties to said hearing; and,

WHEREAS, There is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Board can be settled.

NOW THEREFORE, The City of Fergus Falls and Buse Township propose that the following joint resolution be adopted:

Resolved by the City of Fergus Falls and the Township of Buse as follows:

1. That the following described areain Buse Township is properly subject to Minnesota Statutes 414.035, and the parties hereto do hereby designate this area as subject to the jurisdiction of the Minnesota Muncipal Board as provided by statute:

See attached sheet marked Exhibit "A" for description

That the Town does upon the passage of this resolution and its adoption by the Council of the City confer jurisdiction upon the Minnesota Municipal Board so as to accomplish the terms of this resolution.

2. The Town will not object to the annexation during 1981 of the tracts of lands described as follows, to-wit:

TRACT NO. 1:

All of the North Half (N½) of Section Four (4), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West except that part presently within the corporate limits of the City of Fergus Falls; and all of the Quarter (SW½) of Section Four (4), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West except that part South of the North right-of-way line of T.H. 94 and except that part presently within the corporate limits of the City of Fergus Falls and all of the Northeast Quarter (NE½) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying East of the present corporate limits and North of the North edge of the Otter Tail River flowage; and all of the North Half of the Northwest Quarter (N½ of NW½), Section Nine (9), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, lying Northeast of the Northeast right-of-way line of T.H. 94 except that part presently within the corporate limits of the City of Fergus Falls.

TRACT NO. 2:

The Northeast Quarter of the Northeast Quarter (NE% of NE%) of Section Ten (10), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West.

The North Half (N_2), Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43), West lying West of the West right-of-way line of the Burlington-Northern Railroad, except the following described tracts:

- A. Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter (NE½ of NW½) of said Section 11, thence South 89 degrees 43 minutes 29 seconds East, 56 feet to point of beginning, said point being on East right-of-way line of T.H. 59; thence South 89 degrees 43 minutes 29 seconds East 1,270.51 feet along North line of said Section 11; thence South 89 degrees 44 minutes 00 seconds West, 963.07 feet, along North line of said Section 11; thence South 6 degrees 45 minutes 47 seconds West, 495.00 feet; thence North 89 degrees 48 minutes 35 seconds West, 2,181.04 feet to East right-of-way line of T.H. 59; thence Northerly along East right-of-way line of T.H. 59, 495 feet more or less to point of beginning.
- B. Commencing at the Southwest Corner of the Northeast Quarter of the Northwest Quarter (NE½ of NW½); thence North O degrees 21 minutes 58 seconds East, 175.00 feet; thence South 89 degrees 35 minutes 02 seconds East 78.38 feet to point of beginning, said point being on East right-of-way line of T.H. 59; thence South 89 degrees 35 minutes 02 seconds East, 340.00 feet; thence South O degrees 12 minutes 30 seconds East, 175.00 feet to South line of said Northeast Quarter of the Northwest Quarter (NE½ of NW½); thence North 89 degrees 35 minutes 07 seconds West 48.28 feet; thence South 165.34 feet; thence South 6 degrees 05 minutes 49 seconds East, 115.40 feet; thence South 7 degrees 17 minutes 06 seconds East, 176.43 feet; thence South 44 degrees 05 minutes 09 seconds West, 108.81 feet; thence North 88 degrees 32 minutes 27 seconds West, 206.58 feet to the East right-of-way line of T.H. 59; thence Northerly and Westerly along East right-of-way line of T.H. 59 to point of beginning.

That part of the Northeast Quarter of the Southwest Quarter (NE\(\) of SW\(\)) of Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, lying East of West right-of-way line of T.H. 59 except the following described tract: Beginning at the Southeast corner of said Northeast Quarter of the Southwest Quarter (NE\(\) of SW\(\)); thence North 00 degrees 24 minutes 30 seconds West, 878.98 feet; thence South 62 degrees 55 minutes 52 seconds West, 696.03 feet to the East right-of-way line of T.H. 59; thence South 24 degrees 10 minutes 00 seconds East, 615.72 feet along said East right-of-way line to the South line of said Northeast Quarter of the Southwest Quarter (NE\(\) of SW\(\)); thence Easterly along said South line 370 feet more or less to the point of beginning, and T.H. 59 right-of-way adjacent to the above described tract.

That part of the Southeast Quarter (SE $\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying East of the West right-of-way line of T.H. 59.

That part of the West Half of the Southwest Quarter (W½ of $SW\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}$ of $NW\frac{1}{4}$) of Section Twelve (12), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, lying South and West of Southwesterly right-of-way line of Burlington-Northern Railroad.

The West Half of the Northwest Quarter ($W^{\frac{1}{2}}$ of $NW^{\frac{1}{4}}$) and the Northwest Quarter of the Southwest Quarter ($NW^{\frac{1}{4}}$ of $SW^{\frac{1}{4}}$) of Section Thirteen (13), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West.

That part of the Northeast Quarter (NE $\mbexigcite{1mu}$) and the Northeast Quarter of the Southeast Quarter (NE $\mbexigcite{1mu}$) of Section Fourteen (14), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, lying East of the West right-of-line of T.H. 59.

TRACT NO. 3:

That part of Section Two (2), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, described as follows: All of the Southeast Quarter of the Southwest Quarter (SE½ of SW½) except that part presently within the corporate limits of the City of Fergus Falls; and all of the Southeast Quarter (SE½) lying North of the South right-of-line of T.H. 210 and West of the East right-of-way line of the Burlington-Northern Railroad, except that part presently within the corporate limits of the City of Fergus Falls; and that part of the Southwest Quarter of the Northeast Quarter (SW½ of NE½) lying West of the East right-of-way line of the Burlington-Northern Railroad; except that part presently within the corporate limits of the City of Fergus Falls.

- 3. No annexation shall take place anywhere within the area designated in paragraph 1 except that portion thereof designated in paragraph 2, unless the area involved is or is about to become urban or suburban in character and unless the City has available and is capable of providing municipal services in accordance with the provisions of Minnesota Statutes Chapter 414, and future amendments thereto.
- 4. Any persons owning lands annexed to the City pursuant to this agreement shall receive a "tax break" consisting of a staged, graduated increase in mill rates from the Township rate to the City rate over a six (6) year period in the following manner:

First year following annexation Second year following annexation Third year following annexation Fourth year following annexation Fifth year following annexation Sixth year following annexation Sixth year following annexation 16.66% of City rate 49.99% of City rate 83.33% of City rate 100.00% of City rate

Notwithstanding the foregoing, any lands annexed to the City which are classified as agricultural lands shall be classified by the City as agricultural lands and shall be taxed only at the tax rate provided by law for such agricultural lands and not at the full City tax rate for as long as said lands retain their classification as agricultural lands as herein otherwise provided.

- 5. Any persons owning lands annexed to the City pursuant to this agreement shall have the following rights with regard to the payment of assessments or projects previously completed by City which may be assessable against said annexed property:
 - (a) The property owner may elect to pay, within thirty (30) days after the effective date of such assessments, the entire principal balance of said assessments, assessable against the annexed property, without interest as though said assessment had been paid within the statutory grace period for payment of

similar assessments as of the date at which the first assessment for said project was made; or (b) The property owner so annexed may elect to pay the entire principal balance plus interest accrued to the date of assessment, in fifteen (15) equal annual installments plus interest on said installments at the rate established for that assessable project for all other property owners thereby assessed. No assessments for improvements or other assessable projects shall be made against any lands included in this resolution, until such time as said lands are annexed. After annexation, the owners of said lands shall have the same rights with respect to payment of taxes and assessments as provided in paragraphs 3 and 4 above, together with any other rights that are afforded to property owners under the City's public improvement assessment policy, including but not in limitation the following: Public improvements will be extended only when petitioned for by property owners as provided for by law, or by resolution of the City Council. All assessments shall have a minimum fifteen year payback at prevailing municipal interest rates. (c) Public improvements across or adjacent to agricultural classified property shall be deferred under stated law until use of property changes. There shall be no apportionment of real estate tax income for the year in which any annexation takes place. The Township shall receive all such income. State per capita aids and federal revenue sharing aids shall likewise not be apportioned and the Township shall receive all such income for the year in which annexation takes place unless apportionment is required with respect to federal revenue sharing aids pursuant to 31 CFR Section 51.23. The City agrees not to apply for any division of the Township's general funds or other assets. The City shall further reimburse to Township, for tax revenue loss from the annexed area described in paragraph 2 above, over a six-year phased formula. City shall reimburse Township based upon the 1981 town mill rate and assessed value. The parties agree that the tax revenue loss for said area for 1981 is calculated at the rate of 9.5 mills or the sum of \$4,979.00. The six-year phased reimbursement to Township shall be in the following manner: \$4,150.00 \$3,320.00 1983 1984 \$2,490.00 \$1,660.00 1985 830.00 1986 \$ 1987 None Such reimbursement shall be payable in equal installments on August 15 and December 15 of each designated year. Subject only to the two exceptions provided in paragraph 9, below, there will be no annexation of any lands within the following described tracts prior to the date designated with respect to each tract and thereafter, there shall be annexation only under the conditions specified in this agreement.

A. City shall not pursue annexation prior to January 1, 1986:

TRACT NO. 4:

All of the East Half (E½) and that part of the Northwest Quarter (NW½) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying Northeasterly of the Northeast right-of-way line of T.H. 94 except that part presently within the corporate limits of the City of Fergus Falls.

TRACT NO. 6:

All of the Southeast Quarter ($SE^{\frac{1}{4}}$) of Section Two (2), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, except that part presently within the corporate limits of the City of Fergus Falls and except the following described tract:

All of the Southeast Quarter of the Southwest Quarter (SE½ of SW½) except that part presently within the corporate limits of the City of Fergus Falls; and all of the Southeast Quarter (SE½) lying North of the South right-of-way line of T.H. 210 and West of the East right-of-way line of the Burlington-Northern Railroad, except that part presently within the corporate limits of the City of Fergus Falls; and that part of the Southwest Quarter of the Northeast Quarter (SW½ of NE½) lying West of the East right-of-way line of the Burlington-Northern Railroad; except that part presently within the corporate limits of the City of Fergus Falls;

AND that part of the North Half (N½) of Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE½ of NW½) of said Section 11, thence South 89 degrees 43 minutes 29 seconds East, 56 feet to point of beginning, said point being on East right-of-way of T.H. 59; thence South 89 degrees 43 minutes 29 seconds East 1,270.51 feet along North line of said Section 11; thence South 89 degrees 44 minutes 00 seconds West, 963.07 feet, along North line of said Section 11, thence South 6 degrees 45 minutes 47 seconds West, 495.00 feet; thence North 89 degrees 48 minutes 35 seconds West, 2,181.04 feet to East right-of-way line of T.H. 59; thence Northerly along East right-of-way line of T.H. 59 495 feet more or less to point of beginning.

B. City shall not pursue annexation prior to January 1, 1991:

TRACT NO. 5:

All of the North Half (N_2^1) and the North Half of the South Half (N_2^1 of S_2^1) of Section Ten (10), Township One Hundred Thirty-two (132)

North, Range Forty-three (43) West except the Northeast Quarter of the Northeast Quarter (NE½ of NE½) and except that part presently within the corporate limits of the City of Fergus Falls; and the North Half of the Southwest Quarter (N½ of SW½), Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying West of the West right-of-way line of T.H. 59.

TRACT NO. 7:

All of Section One (1), Township One Hundred Thirty-two (132) North Range Forty-three (43) West.

- C. On any other lands located within the description at paragraph 1 above, there shall be no time restrictions on the City's right to commence annexation proceedings.
- 9. Exceptions to Time Limitations of Paragraph 8:
- A. If sanitary sewer collection systems must be constructed within the above described area because of orders from the Minnesota Pollution Control Agency or other agency of federal or state government, the time limitation of the preceding paragraph shall be inapplicable with respect to the area required to be served by such sanitary sewer collection systems and such areas may be annexed pursuant to the other provisions of this agreement and as soon as the area qualifies for annexation pursuant thereto. This exception is granted only in order that the City be enabled to lay any necessary water pipes or storm sewers at the same time that the sanitary sewer collection systems are constructed.
- B. If a majority of the land owners of any tract abutting upon the City's boundaries petition for annexation of such tract, such tract may be annexed pursuant to the other provisions of this agreement and as soon as the tract qualifies for annexation pursuant thereto without regard to the time limitation specified by paragraph 8 for the area containing such tract.
- 10. The Town agrees to exclude the area designated as described in paragraph 1 (excepting those tracts which are in fact annexed by City) from its subdivision ordinances in order that the City may extend the application of its subdivision regulations thereto pursuant to M.S.A. 462.358. The City shall have the right to enforce such regulations in the area to the same extent as if such property were situated within the City's corporate limits. It is agreed by and between City and Town that the area designated as described in paragraph 1 (excepting those tracts which are in fact annexed by City) shall be subject to the Town's zoning regulations. However, a joint board shall be established consisting of a three member committee with one member appointed from each of the City, Town and County governing bodies. This joint board shall adopt zoning regulations pursuant to the zoning regulations heretofore adopted by Town. It is agreed by and between the City and Town that the City shall be designated as the governing body and board of appeals and adjustment for purposes of administering the Town's zoning regulations within the described area.
- ll. If the effect of annexations on population statistics is not provided for by applicable laws, such effect shall be resolved wherever possible by agreement of the parties. If there is a failure to reach such an agreement, the question shall be resolved by the Minnesota Municipal Board at a hearing and the determination shall be included in the commission order.

CITY OF FERGUS FALLS
Passed and adopted by the City of Fergus Falls this 18th day of May, 1981.
ATTEST: James Mitchel APPROVED: Kell Feifer
City Administrator Mayor
TOWNSHIP OF BUSE
Passed and adopted by the Township of Buse, this 11th day of May, 1981.
ATTEST: Carolin Sund APPROVED: Elmer V. Bill Chairman

12. Both parties agree to dismiss the pending annexation petition (Minnesota Municipal Board File No. A-3777).

City of Fergus Falls-Buse Township

EXHIBIT "A" LEGAL DESCRIPTION

TRACT #1

All of the North half (N½) of Section Four (4), Township One hundred Thirty-two (132) North Range Forty-three (43) West except that part presently within the corporate limits of the City of Fergus Falls; and all of the Southwest quarter (SW½) of Section Four (4), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West except that part South of the North right-of-way line of T.H. 94 and except that part presently within the coporate limits of the City of Fergus Falls; and all of the Northeast Quarter (NE¼) of Section Five (5) Township One Hundred Thirty-two (132) North, Range Forth-three (43) West lying East of the present corporate limits and North of the North edge of the Otter Tail River flowage; and all of the North half of the Northwest quarter (N½ NW½), Section Nine (9) Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, lying Northeast of the Northeast right-of-way line of T.H. 94 except that part presently within the corporate limits of the City of Fergus Falls.

TRACT #2

- (1) The Northeast Quarter of the Northeast Quarter (NE% of NE%) of Section Ten (10), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West.
- (2) North Half ($N\frac{1}{2}$) Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying West of the West right-of-way line of the Burlington-Northern Railroad, except the following described tracts:
- (A) Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter (NE½ of NW½) of said Section 11, thence South 89 degrees 43 minutes 29 seconds East, 56 feet to point of beginning, said point being on East right-of way of T.H. 59; thence South 89 degrees 43 minutes 29 seconds East 1,270.51 feet along North line of Said Section 11; thence South 89 degrees 44 minutes 00 seconds West, 963.07 feet, along North line of said Section 11; thence South 6 degrees 45 minutes 47 seconds West, 495.00 feet; thence North 89 degrees 48 minutes 35 seconds West, 2,181.04 feet to East right-of-way line of T.H. 59; thence Northerly along East right-of-way line of T.H. 59; thence Northerly along East right-of-way line of T.H. 59 feet more or less to point of beginning.
- (3) That part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{2}$ of SW $\frac{1}{2}$) of Section Eleven (11) Township One Hundred Thirty-two (132) North Range Forty-three (43) West lying East of West right-of-way line of T.H. 59.
- (4) That part of the Southeast Quarter (SE½) and the Southeast Quarter of the Southwest Quarter (SE½ of the SW½) of Section (11) Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying East of the West right-of-way line of T.H. 59.
- (5) That part of the West half $(W.\frac{1}{2})$ of the Southwest Quarter $(SW\frac{1}{4})$ and the Southwest Quarter of the Northwest Quarter $(SW\frac{1}{4})$ of the $NW\frac{1}{4}$) of Section Twelve (12), Township One Hundred Thirty-two (132)N.,Range Forty-three (43) West, lying South and West of Southwesterly right-of-way line of Burlington-Northern Railroad.

- (6) The West One Half $(W.\frac{1}{2})$ of the Northwest Quarter $(NW\frac{1}{2})$ and the Northwest Quarter of the Southwest Quarter $(NW\frac{1}{2})$ of Section Thirteen (13) of Township One Hundred Thirty-two (132) N., Range Forty-three (43) West.
- (7) That part of the Northeast Quarter (NE 1 _Z) and the Northeast Quarter of the Southeast (NE 1 _Z of the SE 1 _Z) of Section Fourteen (14) Township One Hundred Thirty-two (132) N. Range Forty-three (43) West, lying East of the West right-of-line of T.H. 59.

TRACT #3

That part of Section Two (2), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, described as follows: All of the Southeast Quarter of the Southwest Quarter (SE½ of SW½) except that part presently within the Corporate Limits of the City of Fergus Falls; and all of the Southeast Quarter (SE½) lying North of the South right-of-line of T.H. 210 and West of the East right-of-way line of the Burlington-Northern Railroad, except that part presently within the Corporate Limits of the City of Fergus Falls; and that part of the Southwest Quarter of the Northeast Quarter (SW½ of the NE½) lying West of the East right-of-way line of the Burlington-Northern Railroad; except that part presently within the Corporate Limits of the City of Fergus Falls.

TRACT #4

All of the East half (E^{1}_{2}) and that part of the Northwest Quarter (NW^{1}_{4}) of Section Five (5), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying Northeasterly of the Northeast right-of-way line of T.H. 94 except that part presently within the Corporate Limits of the City of Fergus Falls.

TRACT #5

All of the North half (N_2^1) and the North half of the South half (N_2^1) of Section 10, Township One undred Thirty-two (132) North, Range Forty-three (43W) West except the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{2}$ NE $\frac{1}{2}$) and except that part presently within the Corporate Limits of the City of Fergus Falls; and the North half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{2}$) Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West lying West of the West right-of-way line of T.H. 59.

TRACT #6

All of the SE_4 Section 2, Township One Hundred Thirty-two (132) North Range Forty-three (43) West, except that part presently within the Corporate Limits of the City of Fergus Falls and except the following described tract;

All of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) except that part presently within the Corporate Limits of the City of Fergus Falls; and all of the Southeast Quarter (SE $\frac{1}{4}$) lying North of the South right-of-way line of T.H. 210 and West of the East right-of-way line of the Burlington-Northern Railroad, except that part presently within the Corporate Limits of the City of Fergus Falls; and that part of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) lying West of the East right-of-way line of the Burlington-Northern Railroad; except that part presently within the Corporate Limits of the City of Fergus Falls:

and that part of the North half (N^{1}_{2}) of Section 11, Township One hundred Thirty-two (132) North, Range Forty-three (43) West described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of the Northwest Quarter (NE½ of NW½) of said Section 11, thence South 89 degrees 43 minutes 29 seconds East, 56 feet to point of beginning, said point being on East right-of-way of T.H. 59; thence South 89 degrees 43 minutes 29 seconds East 1,270.51 feet along North line of said Section 11; thence South 89 degrees 44 minutes 00 seconds West, 963.07 feet, along North line of said Section 11, thence South 6 degrees 45 minutes 47 seconds West, 495.00 feet; thence North 89 degrees 48 minutes 35 seconds West, 2,181.04 feet to East right-of-way line of T.H. 59; thence Northerly along East right-of way line of T.H. 59 feet more or less to point of beginning.

TRACT #7

All of Section 1, Township One Hundred Thirty-two (132) North, Range Forty-three (43)West.





