

July 20, 1983

REC'D. BY
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JOINT RESOLUTION BETWEEN THE TOWN
OF OAKPORT AND THE CITY OF MOORHEAD
DESIGNATING AN AREA FOR ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES 414.0325

BE IT RESOLVED by the Town of Oakport (the "Town"), by and through its Board of Supervisors, and the City of Moorhead (the "City"), by and through its City Council, jointly agree to the following:

1. That the following described area in the Town (see map Exhibit A) is subject to orderly annexation pursuant to Minnesota Statutes 414.0325, and the parties hereto designate this area for orderly annexation:

Parcel 1. Clay County - All that part of Auditor's Outlot 32-C, Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), described as follows: Beginning at a point 705.0 feet East of the Southwest (SW) corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48); thence North a distance 330 feet; thence East a distance of 319.42 feet; thence South a distance of 330 feet; thence West a distance of 319.42 feet to point of beginning, containing 2.42 acres more or less.

Parcel 3. Robert C. Ballard - Beginning at the Southwest (SW) corner of Section Thirty-three (33), Township One Hundred Forty (140) North, Range Forty-eight (48) West of the Fifth Principal Meridian; thence North 90° 00' East along the South line of said Section Thirty-three (33) a distance of 925.71 feet; thence North 00° 08' East a distance of 330.00 feet; thence North 90° 00' West, parallel to the South line of said Section 33, a distance of 926.19 feet, more or less, to a Point of Intersection with the West line of said Section Thirty-three (33); thence South 00° 03' West, along said West section

line, a distance of 330.00 feet, more or less, to the Point of Beginning. Said tract of land contains 7.015 acres, more or less.

Parcel 12. Estate of George Van Vlissingen - One (1) acre Lot in Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), more fully described as: Beginning at a point 50 feet West of center line or Trunk Highway No. 75 and 50 feet North of East and West Quarter line of Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), thence West parallel with the said East and West Quarter line of said Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), a distance of 209 feet, thence North parallel with the center line of said Trunk Highway No. 75 a distance of 209 feet; thence East parallel with the said East and West Quarter line of said Section Thirty-two (32), a distance of 209 feet, thence South parallel with the center line of said Trunk Highway No. 75 a distance of 209 feet to the place of beginning said described tract of land containing an area of one (1) acre, more or less. AND A certain tract of land located in the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48) described as follows: Beginning at a point which lies 50 feet West of and 259 feet North of the Intersection of East-West Quarter line in said Section Thirty-two (32) and the center line of Old Trunk Highway No. 75, said 50 feet being measured parallel to the said East-West Quarter line and said 259 feet being measured parallel to the said highway center line; thence North along a line which is parallel to the said highway center line of Old Trunk Highway No. 75 a distance of 100 feet; thence West parallel to the East-West Quarter

line in said Section Thirty-two (32) a distance of 209 feet; thence South parallel to the aforementioned highway center line a distance of 100 feet; thence East parallel to the said East-West Quarter line a distance of 209 feet, more or less to the point of beginning. Said tract of land contains 0.457 acres, more or less and is immediately adjacent to the North line of the tract of land described in deed recorded in Book 170 of Deeds, page 469.

Parcel 17. Garnet M. Blouin & Joyce M. Blouin - Part of the Northeast Quarter of the Northwest Quarter (Lot 2), Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), described as follows: Commencing at a point on the Section line between Section 29 and 32, 1889.80 feet West of the Northeast corner of the Northwest Quarter of the Northeast Quarter of Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), thence South 0°34' East 299.2 feet, thence East 298.1 feet, thence North 2°43' East 233.4 feet, thence North 32°43' East 74.0 feet to said section line; thence South 89°47' West on said section line 352.1 feet to point of beginning. Containing 2.08 acres, more or less.

Parcel 18. Arnold F. Miller - The South two-thirds, also described as the South 15.06 2/3 acres, of the West 22.60 acres of Lot Two (2), Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), Clay County, Minnesota.

Parcel 19. Independent School District #152 - That part of Auditor's Outlot "32-C", in Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), described as follows: Beginning at the Southeast corner of said Section Thirty-two (32), thence West along the South line of said Section Thirty-two (32), a

distance of 297.42 feet; thence due North a distance of 330 feet; thence due East a distance of 297.42 feet; thence due South a distance of 330 feet, to the point of beginning, containing 2.25 acres, more or less.

Parcel 20. Robert Ballard & Carolyn S. Ballard (Mobile Home) - Auditor's Outlot 32-D, Auditor's Subdivision of Section Thirty-two (32) and Thirty-three (33), Township One Hundred Forty (140), Range Forty-eight (48).

Parcel 22. Bernard E. Lamb - Beginning at a Point which lies 1,508.39 feet North of and 45.00 feet East of the Southwest Corner of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48) West of the Fifth Principal Meridian, said 1,508.39 feet being measured along the East one-sixteenth line in said Section Thirty-two (32) and said 45.00 feet being measured along a line which is perpendicular to said East one-sixteenth line, said Point of Beginning being located also on the East Right-of-Way of County Road Number 3 (old Trunk Highway 75); thence North along the aforementioned East Right-of-Way line a distance of 660.00 feet; thence East perpendicular to the said East Right-of-Way line a distance of 660.00 feet; thence South along a line which is parallel to the said East Right-of-Way line a distance of 660.00 feet; thence West a distance of 660.00 feet, more or less, to the Point of Beginning. Said tract of land contained 10.000 acres, more or less, exclusive of all Highway Rights-of-Way.

Parcels 23, 24, and 25. Steven M. Johnson & Linda L. Johnson - All of Outlot 32-F; all of Outlot 32-G; and all of Outlot 32-H located in

Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48) West of the Fifth Principal Meridian, Clay County, Minnesota.

Parcel 26. Jean M. Wells and Georgia A. Wells - Auditor's Outlot "32-J" Oakport Township, Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), Clay County, Minnesota.

Parcel 27. Lester T. Hegland and Lela A. Hegland - Auditor's Outlot 32-K, Oakport Township, Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48), Clay County, Minnesota, according to the certified plat thereof.

Parcel 28. Franklin Charon - The North Seventy-one feet (71') of Auditor's Outlot 32-L, being a portion of Auditor's Outlots, Section Thirty-two (32), Township One Hundred Forty (140), Range Forty-eight (48) West of the Fifth Principal Meridian.

Parcel 29. Timothy Simonson & Barbara Simonson - Lot Two (2), Block One (1), Roen's First Subdivision, a subdivision of Government Lot Five (5), Section Twenty-nine (29), and a part of Government Lot Two (2), Section Thirty-two (32), both in Township One Hundred Forty (140), Range Forty-eight (48), Clay County, Minnesota, subject to a 50-foot easement along the Red River of the North within said Lot Two (2), and reserving unto parties of the first part (Roens) their heirs and assigns, an easement for the maintenance and placement of existing water and power lines over and across said Lot Two (2).

2. It is specifically found that certain properties within the Town abutting upon the City are presently urban or suburban in nature and that

the City has provided or is capable of providing urban services to such properties and is capable of providing additional services to this property to adequately protect the public health, safety, and welfare of the properties.

3. That the Town does, upon passage of this Resolution and its adoption by the City Council of the City, and acceptance by the Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the various provisions contained in this agreement.

4. Parcels 1, 3, 19, 20, 22, 23, 24, 25, 26, 27, and 28 shall not have completed all the annexation proceedings prior to December 1, 1987. Annexation proceedings shall include the ordering in by the Municipal Board, three readings of the ordinance by the City, publication of the ordinance and a 30-day period after publication of the ordinance. Upon annexation the above indicated parcels' taxes shall be phased into the City and phased out to the Town over a six-year period, in accordance with the formula set forth in Exhibit "B" attached to this agreement.

5. Parcels 12, 17, 18, and 29 shall be annexed to the City no earlier than July 1, 1993; upon annexation, the above indicated parcels' taxes shall be phased into the City and phased out of the Town over a six-year period, in accordance with the formula set forth in Exhibit "B" attached to this agreement.

6. Such properties upon annexation shall be zoned accordingly; parcel 18 - Transition Zone; parcels 12, 17, and 29 - R-1 Single Family District; Parcel 20 - R-5A Mobile/Manufactured Home Park District; Parcels 23, 24, 25, 26, 27, and 28 - C-2 Commercial; Parcels 1, 3, 19, and 22 - I-1 Light Industrial.

7. Assessments against developed Parcels 19, 1, 20, 28, 27, 26, 23, 12, 17, the southerly 200 feet of 22 and the southerly 120 feet of 18 shall become eligible for payment at the time of annexation. With the exception of water mains and the pending improvements and upgrading of 11th Street, i.e. widening, curb, gutter and storm sewer, assessments shall be based upon the prorated costs as determined by Exhibit C. Assessments for water mains if applicable will be deferred and assessed to respective properties at the existing rate as determined by the Public Service Commission at the time of hookup to the City water mains. Assessment payment durations shall be 20 years for curb, gutter and paving, 20 years for storm sewer and 10 years for connection charges, water and sanitary sewer service. Interest rates will be determined based upon the current rate then in use and adopted by the City for special assessments.

8. Assessments against developed Parcels 28, 27, 26, 23, 12, 17, 29, the southerly 200 feet of 22 and the southerly 120 feet of 18 for the pending improvements for upgrading 11th Street North, i.e. widening, curb, gutter, and storm sewer, etc. shall be assessed at the time of annexation using one of two methods, whichever is the least costly. The first method utilizes the weighted average of the curb, gutter, paving and storm sewer construction costs for the year of annexation and the previous two years multiplied by the percentage of the 11th Street North project costs actually assessed to the benefitted property owners. The second method utilizes the percentage of the original improvement costs actually assessed plus the annual interest charges. In either case, the improvements shall not be prorated.

9. Assessments including improvements for 11th Street North if applicable for undeveloped Parcels 3, 24, 25, 29, the northerly 460 feet of

22 and the northerly 393 feet of 18 shall be deferred until after annexation but only until the parcel is sold, newly platted, a building permit is taken out for the property, or, in the case of water assessment only, a hookup is made. Assessments, with the exception of water mains, shall be based upon the prorated costs as determined by Exhibit C. Assessments for water mains will be deferred and assessed to respective properties at the existing rate as determined by the Public Service Commission at the time of hookup to the City water mains. If any of the above stated properties are built upon in the interim period between adoption of the Orderly Annexation document by the Municipal Board and the date of annexation, they shall be assessed at the time of annexation in accordance with the assessment procedures outlined in paragraphs 7 and/or 8.

10. Upon approval of this agreement by the City and Town and acceptance by the Municipal Board, the City shall provide full fire service and pest control to all parcels listed in this agreement.

11. Any existing horses residing on Parcels 18 or 26 shall be allowed to continue to do so after the date of annexation provided the animals do not present a health hazard to adjoining residents. Such determination shall be made by the City health inspector.

12. Developed properties utilizing septic and/or well systems upon the date of annexation shall not be required to hookup to adjacent City sanitary sewer and water lines provided such existing systems do not pose a health hazard as determined by the City health inspector. Upon annexation undeveloped parcels that undergo development shall be required to hook up to existing sanitary sewer and water lines provided such existing lines are within 100 feet of the property line. If City sewer lines are further than 100 feet but are constructed within 100 feet after the property puts in a

septic system, the property owner shall not be assessed or required to hookup to the City sanitary sewer lines provided the septic system does not pose a health hazard as determined by the City health inspector. At time of hookup, assessments for sewer shall be prorated as determined by Exhibit C.

13. So long as State law permits, the City shall continue the same valuation practices as approved by the County upon annexation of any parcels in this Orderly Annexation Agreement as are currently applied to such parcels as they are now located within the City.

14. It shall be understood by all parties that a property owner may petition one of the signatories to the joint agreement (either township or City) at his or her cost for annexation in advance of the perscribed dates. Under such circumstances, while the year of annexation may change, the property is still subject to the provisions of this agreement.

15. It is acknowledged and understood that future amendments to this agreement must be mutually approved by both bodies and accepted by the Municipal Board to be valid.

16. To facilitate the timing of annexation, it is agreed to that the City may petition the Municipal Board for annexation up to six months in advance of the date when the properties are eligible for annexation. In no case, however, will any property be annexed prior to the dates established in this agreement unless requested by a property owner.

17. Both the Town and the City agree that no alteration of the stated boundaries of this agreement is appropriate. Furthermore, both parties agree that no consideration by the Board is necessary. Upon receipt of the initiating resolution, the Board may review and comment, but shall, within

30 days, order the annexation in accordance with the terms of the joint resolution.

18. That the City and Town further resolve to fully cooperate with the Minnesota Municipal Board in connection with this orderly annexation resolution and agreement.

PASSED by the City Council of the City of Moorhead, Minnesota, this 1st day of August, 1983.

APPROVED BY:

Morris L. Lanning
MORRIS L. LANNING, Mayor

ATTEST:

Everett B. Lecy
EVERETT B. LECY, City Clerk

(SEAL)

PASSED AND ADOPTED by the Town Board of Oakport this 1st day of August, 1983.

APPROVED BY:

Albert E. Sipe
ALBERT E. SIPE, Chairman

ATTEST:

Peggy E. Atherton
PEGGY E. ATHERTON, Town Clerk

(SEAL)

83-814

5.

EXHIBIT B

To offset the lost tax base to the Town of Oakport (The "Town") scheduled payments to the Town pursuant to Minnesota Statute 414.036 shall be based upon the assessed value of the property as carried by the Town immediately prior to the date of annexation. The Town's mill rate shall be based upon the mill rate for the year in which annexation occurs. In either case, the City shall remit the payments to the Town no later than October 31st in the year after the tax has been levied. For example, taxes levied in 1988 will be paid to the Town no later than October 31, 1989.

<u>Taxable Year After Annexation</u>	<u>Percent of Oakport Computed Tax to be Returned to the Town</u>
1	100%
2	85%
3	70%
4	55%
5	40%
6	25%

To phase in the City's mill rate, a sub tax district for the properties described in this agreement shall be created. The established mill rate for the City shall be applied against the properties in the subdistrict in substantial equal proportions over a period of six years from the date of annexation to equality with the mill rate for properties outside the subdistrict and already within the City in accordance with the following schedule:

<u>Taxable Year After Annexation</u>	<u>Percent of City's Mill Rate to be Applied Against the Property</u>
1	15%
2	30%
3	45%
4	60%
5	75%
6	100%

EXHIBIT C

DEFERRED ASSESSMENTS

PAVING: Prorated life of existing curb, gutter and paving

The following table shows the cost spread of deferred special assessments to newly annexed properties abutting existing streets and avenues.

<u>Curb, Gutter and Paving</u>	<u>City Share</u>	<u>Assessment Share</u>
0 - 5 years	10%	90%
6 - 10 years	25%	75%
11 - 15 years	50%	50%
16 - 20 years	75%	25%
Over 20 years	100%	0%

Using the above table the cost spread for deferred curb, gutter and paving assessment shall be as follows:

The curb, gutter and paving assessment shall be based on the weighted average of the curb, gutter and paving construction costs for three years. The three-year period shall include the year of annexation, sale, platting or building permit as prescribed and the two years prior to that date. The weighted average shall then be prorated using the above table.

Example: If the weighted average is determined to be \$40.00/Lineal Foot of benefitted property and the curb, gutter and pavement is eleven years old, the assessed cost to be spread to the benefitted property shall be 50% of the weighted average or \$20.00/Lineal Foot.

EXHIBIT C

DEFERRED ASSESSMENTS

SANITARY AND STORM SEWER: Prorated life of sewer system

The following table shows the cost spread of deferred special assessments to newly annexed properties benefitted by the storm or sanitary sewer systems.

<u>Sewer Life</u>	<u>City Share</u>	<u>Assessment Share</u>
0 - 20 years	20%	80%
21 - 25 years	40%	60%
26 - 30 years	60%	40%
31 - 35 years	80%	20%
Over 36 years	100%	0%

Using the above table the cost spread for deferred special assessments for storm or sanitary sewer shall be as follows:

The sanitary sewer and/or storm sewer assessment shall be based on the weighted average of sanitary sewer and/or storm sewer construction costs for three years. The three-year period shall include the year of annexation, sale, platting or building permit as prescribed and the two years prior to that date. The weighted average shall then be prorated using the above table.

Example: If the sewer is determined to be 21 years old and the three-year weighted average for the assessment is determined to be \$20.00/Lineal Foot of benefitted property, the assessed cost to be spread to the benefitted property shall be 60% of the weighted average or \$12.00/Lineal Foot.