

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION  
OF THE CITY OF PERHAM AND PERHAM  
TOWNSHIP DESIGNATING CERTAIN AREAS  
AS IN NEED OF ORDERLY ANNEXATION  
PURSUANT TO MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR  
ORDERLY ANNEXATION**

WHEREAS, property owner, Hanzon Properties of Little Pine Lake, LLC, a Minnesota limited liability company, operates a commercial restaurant on property located within Perham Township (the "Township") and legally described herein, (hereinafter referred to as the "Subject Area"); and

WHEREAS, the subsurface sewage treatment system serving the commercial restaurant located in the Subject Area recently failed, presenting an imminent threat to public health and safety; and

WHEREAS, the owner of the subject property has approached and petitioned the City of Perham (the "City") requesting annexation to the City in order to connect its property and the commercial restaurant located thereon to the City's sanitary sewer and centralized water systems to facilitate its use of this property for urban or suburban purposes by continuing to operate said commercial restaurant thereon; and

WHEREAS, the Subject Area is located in close proximity to the City and no part thereof is located in an incorporated area; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the area legally described herein; and

WHEREAS, the City has available capacity to provide services to the above-mentioned property following annexation; and

WHEREAS, the City and Township agree that the property legally described herein is urban or suburban or about to become so and that orderly annexation of the described property would be in the best interest of the property owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the Subject Area legally described herein is designated as in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the Subject Area legally described herein without the need for a hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of Perham Township and the City Council of the City of Perham, as follows:

1. Designation of Orderly Annexation Area – City of Perham and Perham Township. The Township and the City hereby designate the Subject Area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
2. Acreage. The Township and City agree that the above-mentioned Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 3.32 acres.
3. Population. The Township and City agree that the population of the Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is 4.
4. Map of Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference.
5. No Hearing Required. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. The City and Township agree that upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in an amount equal to one hundred (100) percent of the property taxes distributed to the Township in regard to the annexed area in the last year that property taxes from the annexed area were payable to the Township for the period and in accordance with the following schedule: (a) In the first year following the year the City could first levy on the annexed area, an amount equal to \$1,983.00; and (b) In the subsequent four years, an amount equal to \$1,983.00; and (c) In the sixth year, an amount equal to \$1,487.25, 75% of the original amount; and (d) in the seventh year, an amount equal to \$991.50, 50% of the original amount; and (e) in the eighth and final year, an amount equal to \$495.75, 25% of the original amount.
7. Notice of Intent Not Applicable. This Joint Resolution is not subject to the notice and publication requirements of Minn. Stat. § 414.0325, subd. 1b since this Joint Resolution designates the Subject Area for immediate annexation and all of the property owners of the Subject Area have petitioned the City to be annexed.
8. Termination. This Joint Resolution shall remain in full force and effect until completion of tax reimbursement to the Township in accordance with paragraph 6 of this Joint Resolution.

9. Governing Law. The Township and City agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
10. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
11. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution 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 Township and City.
12. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.
13. 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 U.S. mail, postage prepaid, as follows:

If to the City:

City Manager  
 Perham City Hall  
 PO Box 130  
 125 Second Ave NE  
 Perham, MN 56573

If to the Township:

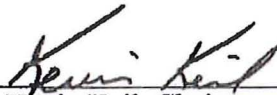
Kevin Keil  
 Perham Township Supervisor  
 40598 450<sup>th</sup> Ave  
 Perham, MN 56573

14. Effective Date. This Joint Resolution shall be effective on the date that the last party hereto signs and dates said document.
15. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings Municipal Boundary Adjustments Office and pay the required filing fee.

*[Signature page to follow]*

Passed, adopted, and approved by the Town Board of Supervisors of Perham Township, Otter Tail County, Minnesota, this 2<sup>nd</sup> day of October, 2018.

PERHAM TOWNSHIP

By:   
Kevin Keil, Chairman

ATTEST:

  
LaDonna Tellinghuisen, Town Clerk

Passed, adopted, and approved by the City Council of the City of Perham, Otter Tail County, Minnesota, this 8<sup>th</sup> day of October, 2018.

CITY OF PERHAM

By:   
Timothy Meehl, Mayor

ATTEST:

By:   
Jonathan Smith, City Manager

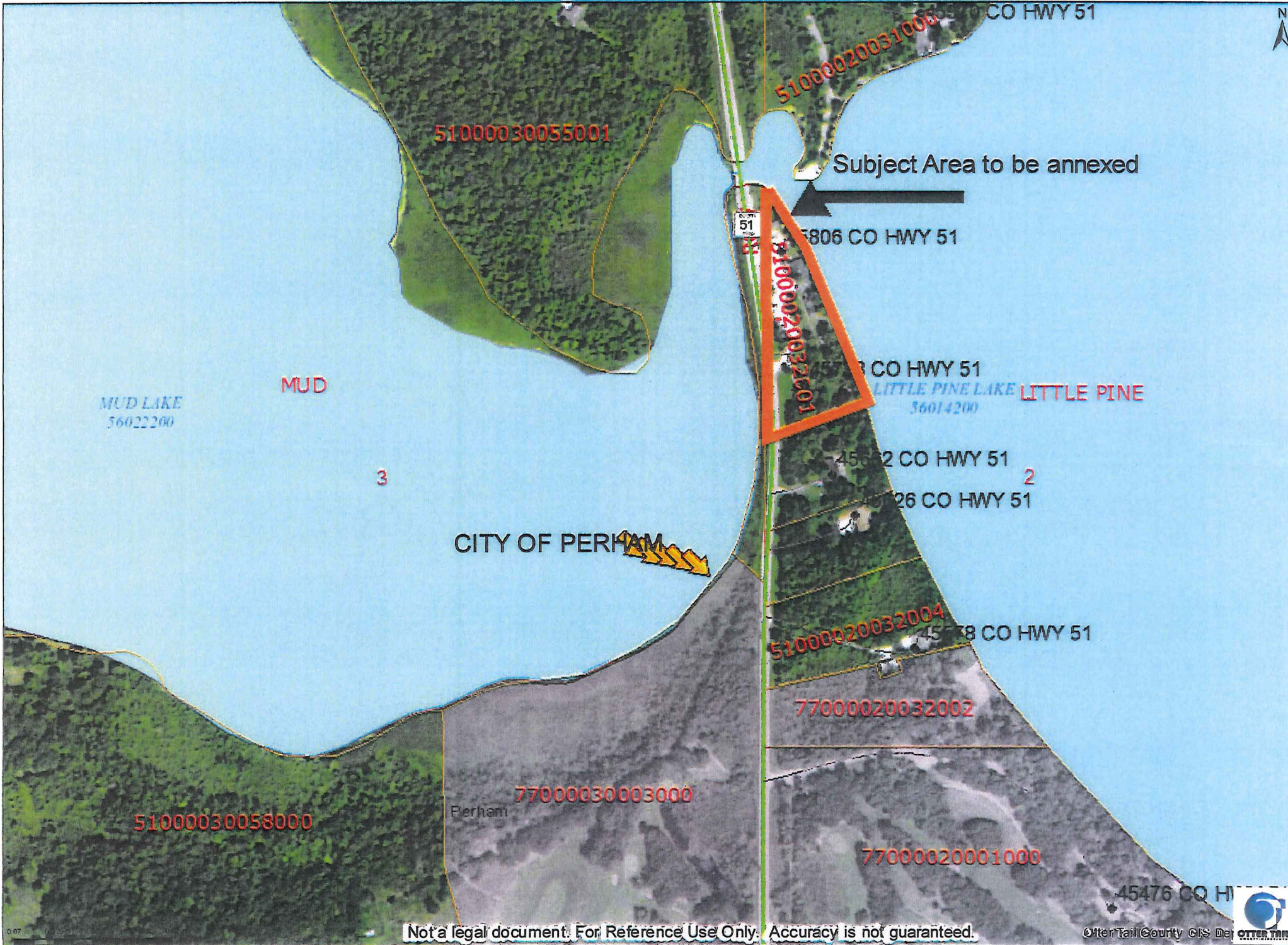
**EXHIBIT A**  
**Legal Description**

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

That part of Government Lot 5, Section 2, Township 136, Range 39, lying Southerly of the Red River now known as the Otter Tail River and Northerly of the following described line: Commencing at the southwest corner of said Section 2; thence on an assumed bearing of North on the West line of said Section 2 for a distance of 3193.07 feet; thence North 4 degrees 17' East 453.87 feet to point of beginning; thence South 70 degrees 40' West to the shoreline of Mud Lake; thence North 70 degrees 40' East to the shoreline of Little Pine Lake and there terminating, subject to highway easement for County State Aid Route No. 51

**EXHIBIT B**  
**Boundary Map**

The following is a municipal boundary map as referenced in the attached Joint Resolution, showing the current City of Perham and its relation to the Subject Area to be annexed, which are legally described in Exhibits A:



Not a legal document. For Reference Use Only. Accuracy is not guaranteed.

