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By: OAH on April 23, 2025

OAH 71-0330-40538

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ANNEXATION OF
CERTAIN REAL PROPERTY TO THE CITY OF
DETROIT LAKES FROM LAKE VIEW TOWNSHIP

**JOINT RESOLUTION
AND
AGREEMENT**

(MBAU Docket A- 8497)

JOINT RESOLUTION AND AGREEMENT FOR ORDERLY ANNEXATION
BY AND BETWEEN LAKE VIEW TOWNSHIP AND
THE CITY OF DETROIT LAKES, IN SETTLEMENT OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS 71-0330-40538
PURSUANT TO MINN. STAT. 414.0325

RECITALS

A. The City of Detroit Lakes filed a Petition for Annexation on December 27, 2024 with the Minnesota Office of Administrative Hearings, Municipal Boundary Adjustments (hereinafter “MBAU”), seeking annexation of certain unincorporated real property approximately 132.45 acres in size located within Lake View Township pursuant to Minnesota Statutes, Section 414.031(2024) legally described as follows:

All of the NW 1/4 SW1/4, Government Lots 6 & 7, and part of Government Lot 5 of Section 14, T138N, R41W, County of Becker, State of Minnesota, more particularly described as follows:

Beginning at the West corner of said Section 14; thence South 00 degrees 52 minutes 45 seconds East on an assumed bearing along the West line of said SW 1/4 of said Section 14 a distance of 1569.79 feet; thence North 89 degrees 32 minutes 35 seconds East a distance of 445.00 feet; thence South 00 degrees 52 minutes 45 seconds East parallel with the West line of said Section 14 a distance of 466.00 feet; thence South 89 degrees 32 minutes 35 seconds West a distance of 445.00 feet to the West line of said Section 14; thence South 00 degrees 52 minutes 45 seconds East along said West line a distance of 605.15 feet to the Southwest corner of said Section 14; thence South 89 degrees 48 minutes 37 seconds East along the South line of Government Lot 5 a distance of 1538 feet more or less to the Shoreline of Abbey Lake; thence Northerly and Easterly along said shoreline to a point where said shoreline intersects with the East line of Government Lot 7; thence North 00 degrees 39 minutes 32 seconds West along said East line of Government Lot 7 a distance of 965 feet more or less to the Northeast

corner of Government Lot 7; thence North 89 degrees 52 minutes 39 seconds West along the extended North line of Government Lot 7 a distance of 3953.38 feet to the point of beginning.

Identified as Becker County Tax Parcel No. 19.0287.001 and depicted on the map attached hereto and incorporated herein (hereinafter the "Designated Property"); and

B. The Designated Property is owned by Chad A. Wendel. The landowner Chad A. Wendel is not a party to this matter and has not communicated an objection to the Petition or proposed annexation.

C. Lake View Township is not a party to this matter and has advised the Office of Administrative Hearings that it does not wish to be a party to this proceeding and does not oppose the proposed annexation.

D. The Administrative Law Judge has ordered compelled meetings pursuant to Minn. Stat. 414.01, Subd. 16 (2024) and determined that Lake View Township is an "involved town and directed Lake View Township to participate in meetings with the City of Detroit Lakes; and

E. Minn. Stat. 414.0325 provides a procedure whereby the City of Detroit Lakes and Lake View Township may agree on a process of orderly annexation in a designated area;

F. Lake View Township and the City of Detroit Lakes have met as directed and agree that orderly annexation of the Designated Property is in the best interests of both communities in order to meet the current and future needs of development of the Designated Property; and

G. Lake View Township and the City of Detroit Lakes agree that orderly annexation will promote the public health, safety, and welfare of the community; and

H. Lake View Township and the City of Detroit Lakes desire to accomplish the orderly annexation of the Designated Property in a mutually acceptable manner without the need for a contested hearing; and

I. On March 29, 2025 a notice of intent to include the Designated Property in an orderly annexation area was published pursuant to the requirements of Minn. Stat. 414.0325 Subd. 1b; and

J. The City of Detroit Lakes and Lake View Township have agreed to all the terms and conditions for the annexation of the Designated Property and the signatories hereto agree that no alteration of the boundaries of the Designated Property is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.

NOW, THEREFORE, BE IT RESOLVED jointly by the City Council of the City of Detroit Lakes Becker County, Minnesota and the Township Board of Lake View Township, Becker County, Minnesota as follows:

1. Designated Property. The above described Designated Property is subject to and in need of orderly annexation pursuant to Minn. Stat. 414.0325 and in accordance with the terms and conditions of this Joint Resolution, the City of Detroit Lakes and Lake View Township hereby agree that the Designated Property be immediately annexed to the City of Detroit Lakes.
2. Acreage, Population, Location and Utilities. The Designated Property is approximately 132.45 acres in size, is currently undeveloped with no population, but lies adjacent to a residential area of the City that is developed as residential subdivision abutting the north boundary of the Designated Property for 3,953.38 feet, contiguous with the current southerly boundary of the City. Soil conditions are conducive to residential and commercial development. The Designated Property is already within the service territory of and could be served by Detroit Lakes Public Electric Utilities, so that there will be no cost impact to electric utility services resulting from the annexation.
3. Jurisdiction. The City of Detroit Lakes and Lake View Township, by submission of this Joint Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer jurisdiction upon the Chief Administrative Law Judge so as to accomplish the orderly annexation of the Designated Property to the City of Detroit Lakes in accordance with the terms and conditions of this Joint Resolution.
4. Need. The Designated Property is about to become urban or suburban in character. The City of Detroit Lakes is capable of providing municipal services to the Designated Property within a reasonable time. Water, sewer and electric utilities have been installed on the north side of the Designated Property by the City that are designed to handle capacity from the Designated Property, and upon request can easily be extended into the Designated Property. Annexation is in the best interests of the Designated Property and the best interests of the City of Detroit Lakes and Lake View Township.
5. No Hearing Required/Review and Comment. Upon receipt of a copy of this Joint Resolution passed and adopted by each party, the Chief Administrative Law Judge, the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, pursuant to Minnesota Statutes, Section 414.0325, may review and comment, but shall, within thirty (30) days of receipt of said resolution, order the annexation of the Designated Property in accordance with the terms and conditions of this Joint Resolution. The City and Lake View Township agree that no alteration of the boundaries of the Designated Property as described in the filed resolution is appropriate, that no consideration by the Chief Administrative Law Judge is necessary, and that all terms and conditions for annexation of the Designated Property are provided for in this Joint Resolution.
6. Objections. Lake View Township shall not object to an annexation of the Designated Property. As of the effective date of this Joint Resolution, there is no election requirement in the law to accomplish an annexation. No such election shall be required or apply to any annexation provided herein either now or during any period during which this Joint Resolution is in effect.

7. Provision of Services. The City of Detroit Lakes and Lake View Township agree that after annexation of the Designated Property pursuant to the terms of this Joint Resolution, municipal governmental services may be available to such area from the City within a reasonable time. Owner(s) of properties annexed may be assessed for their share of the costs of projects benefitting their properties, pursuant to the laws of the State of Minnesota and the then current Special Assessment Policy of the City of Detroit Lakes.
8. Real Estate Tax Levy and Allocation. Real Estate Taxes payable in the Designated Property immediately annexed to the City pursuant to this Joint Resolution shall be paid and transferred to the City in the calendar year following annexation of such property and thereafter, and allocated between the City of Detroit Lakes and Lake View Township as set forth in subsections a. through e. below:
 - a. In the calendar year that annexation occurs, the Township will levy taxes on the annexed property and shall receive 100% of the real estate taxes levied and paid for such property in that year;
 - b. In the calendar year following annexation of such property, the City will levy taxes on the annexed property and pay the Township an amount equal to 75% of Township taxes paid for such property in the year that annexation occurred.
 - c. In the second year following annexation, the City will levy taxes on the annexed property and pay the Township an amount equal to 50% of the Township taxes paid for such property in the year that annexation occurred.
 - d. In the third year following annexation, the City will levy taxes on the annexed property and pay the Township an amount equal to 25% of the Township taxes paid for such property in the year that annexation occurred.
 - e. In the fourth year following annexation and thereafter the City will levy taxes on the annexed property and the City shall receive 100% of the real estate taxes paid for such property.

Lake View Township affirms that there are no special assessments or debt owed to or by Lake View Township with respect to the annexed Designated Property.

9. Withdrawal of City Annexation Petition. The City agrees to withdraw its annexation petition filed December 27, 2024, as soon as practicable after execution and filing of this Joint Resolution with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, concurrent with the order of annexation of the Designated Property in accordance with the terms and conditions of this Joint Resolution.

10. Planning in the Designated Property. Upon annexation, planning and land use authority within the Designated Property, including zoning and subdivision controls, shall be governed by City of Detroit Lakes zoning and subdivision ordinances.
11. Adopt and Enforce Regulations. The City of Detroit Lakes and Lake View Township agree to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the stipulations contained in this Joint Resolution.
12. Acquisition of Property. Lake View Township agrees to cooperate with the City of Detroit Lakes in the acquisition of any property or easement rights necessary for the installation of any municipal services contemplated herein, provided that all costs of such acquisitions are borne by the City.
13. Governing Law. This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
14. Modification/Amendment. This Joint Resolution shall not be modified, amended, or altered except upon the written joint resolution of the City of Detroit Lakes and Lake View Township, duly executed and adopted by the City Council and the Township Board of Supervisors and filed with Municipal Boundary Adjustment Unit of the Office of Administrative Hearings or its successor.
15. Term. This Joint Resolution shall be in full force and effect for a term of fifteen (15) years from the date of execution of this Joint Resolution, unless otherwise terminated earlier or extended by mutual written joint resolution of the City of Detroit Lakes and Lake View Township. This Joint Resolution shall be filed by the City with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings after adoption by the City of Detroit Lakes and Lake View Township.
16. Severability. In the event that any provision 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 practicable in light of such determination, implement and give effect to the intentions of the parties hereto.
17. Headings and Captions. Headings and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
18. Entire Agreement. The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future exhibits and attachments, 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 of Detroit Lakes and Lake View Township.

19. Disputes and Remedies. The City and Township agree as follows:

a. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and the 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. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, 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, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

20. Notice. Any notices required under the provisions of this Joint Resolution shall be in writing, and deemed sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, to the following:

If to the City of Detroit Lakes:
City Administrator
City of Detroit Lakes
1025 Roosevelt Avenue
Detroit Lakes, MN 56501

If to Lake View Township:
Lake View Town Clerk
P.O. Box 69
Detroit Lakes, MN 56502

Passed, adopted and approved by the Township Board of Supervisors of Lake View Township, Becker County, Minnesota this 14th day of April, 2025.

Lake View Township

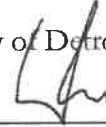
By: 
Its: Board Chair

ATTEST:

, Town Clerk

Passed, adopted and approved by the City Council of the City of Detroit Lakes, Becker County, Minnesota this 8th day of April, 2025.

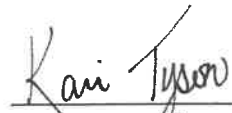
City of Detroit Lakes



By: Matt Brenk

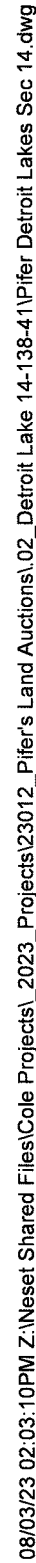
Its: Mayor

ATTEST:



Kari Tyson, City Clerk

ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, GOVERNMENT LOTS 6 & 7, AND PART OF GOVERNMENT LOT 5 OF SECTION 14, T138N, R41W
BECKER COUNTY, MINNESOTA



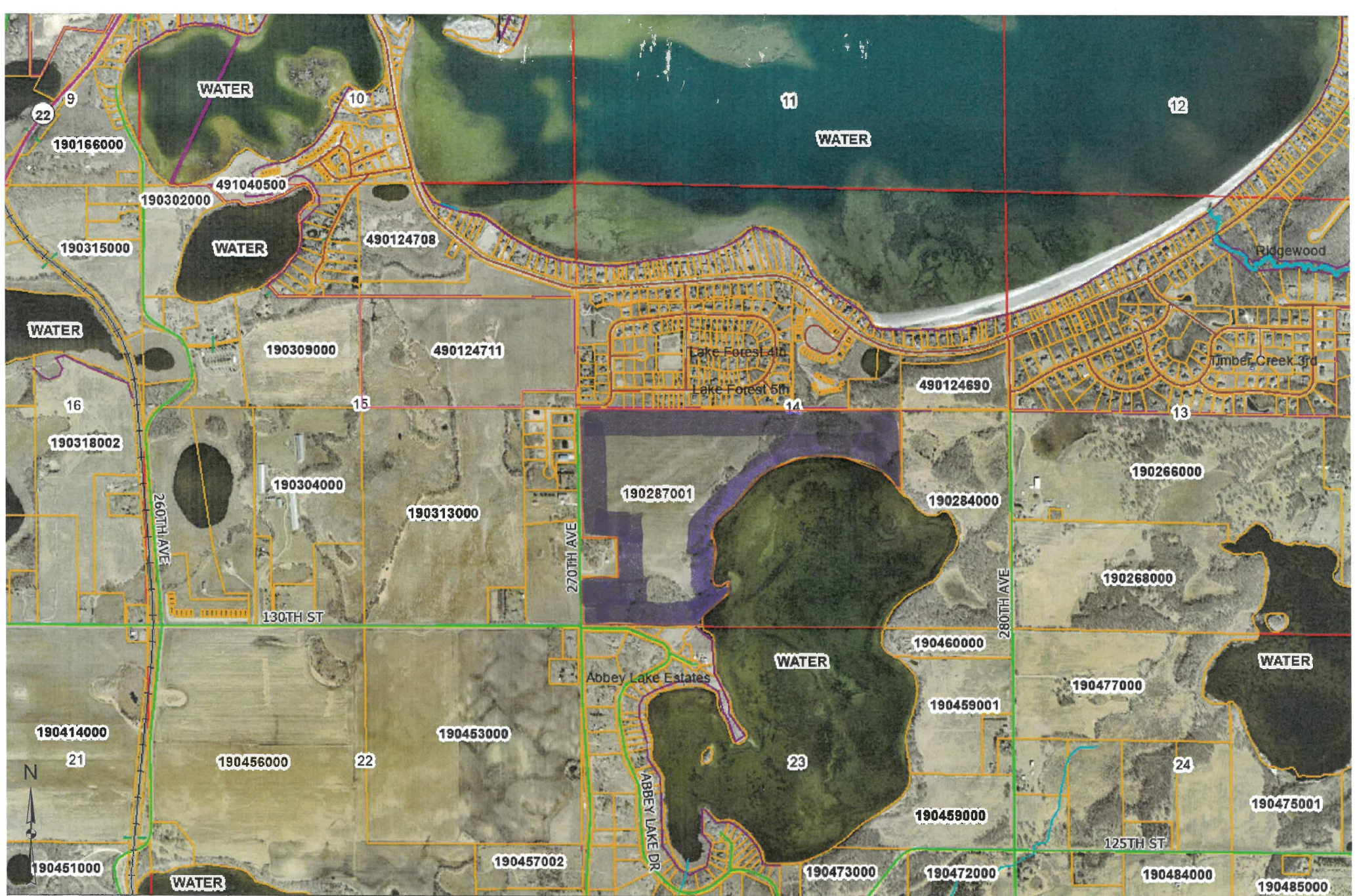
ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, GOVERNMENT LOTS 6 & 7, AND PART OF GOVERNMENT LOT 5 OF SECTION 14, T138N, R41W
BECKER COUNTY, MINNESOTA

I, COLE A. NESET, HEREBY CERTIFY THAT THIS SURVEY, PLAN, AND/OR REPORT WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

A circular notary seal for Amanda Dammen, a Notary Public in the State of North Dakota. The seal features her name 'AMANDA DAMMEN' at the top, 'NOTARY' below it, and 'PUBLIC' at the bottom. The words 'STATE OF NORTH DAKOTA' are written along the bottom inner edge of the seal. In the center, it reads 'MY COMMISSION EXPIRES Mar. 30, 2026'. The entire seal is enclosed in a double-lined circular border.

Amanda Dammann
NOTARY PUBLIC, COUNTY: CASS STATE: NORTH DAKOTA

PAGE 2 OF 2
DRAWN BY: EJB
CHECKED BY: CAN
DATE: 08/03/2023



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

Wendel- Lake View Annexation Area 14-138-41

1:26,901

Date: 12/20/2024

This map is not a substitute for accurate field surveys or for locating actual property lines and any adjacent features.

Becker County

