

12-14-95

~~Draft~~

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chair
Paul B. Double	Vice Chair
Lea De Souza Speeter	Commissioner

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

JOINT RESOLUTION OF THE CITY OF FERGUS FALLS
AND THE TOWN OF AURDAL

WHEREAS, the City of Fergus Falls has received inquiries from residents of Aurdal Township relating to the annexation of certain lands to the City of Fergus Falls; and

WHEREAS, the City of Fergus Falls (hereinafter "City") and the Township of Aurdal (hereinafter "Town") have been meeting periodically to implement annexation of an area of Aurdal to the City; and

WHEREAS, the parties have agreed upon the provisions for an Orderly Annexation Agreement,

NOW, THEREFORE BE IT RESOLVED, the following Joint Resolution be adopted by the City and Town, and submitted 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 portion of Aurdal Township in several regards.

RESOLVED, by the City and Town as follows:

1. Orderly Annexation Area. The following described area in Aurdal Township is properly subject to orderly annexation pursuant to Minnesota Statutes 414.0325. The parties designate this area as in need of orderly annexation as provided by statute.

(See attached real estate description marked Schedule I).

The Town, upon the passage of this Resolution and its adoption by the Council of the City, confers jurisdiction (which jurisdiction is limited by and strictly within the terms of this Resolution) upon the Minnesota Municipal Board so as to accomplish said orderly annexation in accordance with the terms of this Resolution.

2. No Municipal Board Hearing - 1995 Annexation. The Town will not object to the annexation effective December 31, 1995 of the tract of land described as follows, to-wit:

(See real estate description in attached Schedule II)

(These tracts are commonly referred to as Highway Terrace, Hoot Lake Acres, Bayview Heights, Lakewood Addition and the area to the west and south of Minnehuta Drive.)

It is agreed that with respect to said real estate described in Schedule II that it is in need of annexation pursuant to Minnesota Statutes §414.0325. 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, but shall, within thirty (30) days, order Annexation in accordance with the terms of this Resolution.

3. Remainder of Orderly Annexation Area. As to the remainder of the tract of land set forth in Schedule I, which remainder is described in Schedule III, the City and Town agree as follows:

- a. The real estate described of this remainder tract is as follows, to-wit:

(See real estate description in attached Schedule III).

(This tract is commonly referred to as the Sorlie tract.)

- b. The City agrees that it will not initiate any annexation proceeding over the tract of land described in Schedule III for a period of fifteen (15) years terminating December 31, 2010, unless:

1. The City is in receipt of a Petition for Annexation which is signed by a majority of the land owners of any tract or parcel within the area described in Schedule III, 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 regards to the time limitation specified above.
2. If a sanitary sewer collection system, or any other municipal utility, must be constructed within the above described orderly annexation area (Schedule III tract), because of orders from the Minnesota

Pollution Control Agency or other agencies of Federal or State Government, the time limitations on the preceding paragraph shall be inapplicable with respect to the area required to be served by such municipal utility and such areas may be annexed pursuant to the other provisions of this Agreement. Upon annexation, said area shall receive the same or similar benefits as are provided for in the area described as Schedule II in this agreement.

3. The area as described in Schedule III is replatted, or further residential development occurs.

c. Town agrees that it will not object to the annexation of said area which is instituted by City pursuant to the provisions in paragraph b (1-3) above. No consideration of the Municipal Board shall be necessary. The Municipal Board may review and comment only.

d. The Town shall be compensated for the lost real estate and tax revenue and all Federal, State and Local enhancements as determined in a manner similar to the determination of consideration set forth in paragraphs 6 and 7.

4. Other Real Estate in Aurdal Township. The City and Town agree as follows:

a. The City agrees it will not initiate annexation proceedings over any other tracts of land located in Aurdal Township for a period of fifteen (15) years terminating December 31, 2010 unless:

1. The provisions of M.S. 414.033 apply; or
 2. If a sanitary sewer collection system, or any other municipal utility must be constructed within other areas of Aurdal Township, because of orders from the Minnesota Pollution Control Agency or other agencies of Federal or State Government, the time limitations on the preceding paragraph shall be inapplicable with respect to the area required to be served by such municipal utility and such areas may be annexed pursuant to the other provisions of this agreement.
- b. Town agrees that it will not object to the annexation of said area which is instituted by the City pursuant to the provisions of paragraphs a(1 - 2) above. No consideration of the Municipal Board shall be necessary. The Municipal Board may review and comment only.
5. Public Improvements. It is agreed as follows concerning the tracts of land located in the area described in Schedule II:
- a. Upon receipt of an appropriate petition for a public improvement requesting sanitary sewer and water main construction, pursuant to Minnesota Statutes §429, the City will make its best effort to bid and commence street, sewer and water projects in 1996. Street replacement will be accomplished only if the installation of the sanitary sewer and water main projects affect the streets.

b. **Streets.** After installation of sanitary sewer and water main lines under street surfaces, City will, as soon as possible, reopen the streets for travel with temporary gravel surface. In the year following completion of the sanitary sewer and water main projects, City will construct additional blacktop surfacing to match the condition, design and specifications of the streets as they exist prior to annexation, at no cost to the abutting property owners. Thereafter, City will provide all routine maintenance of the streets as reconstructed. When City has determined the streets as reconstructed have reached the end of their useful life, it will initiate a public improvement to replace them with standard city design. The cost for replacing with standard city design will be assessed against abutting property owners pursuant to Minnesota Statutes §429.

c. **Deferred Connection Option - Special Assessments.** No property owner will be required to connect to city sewer and water during the first fifteen (15) years after connection becomes possible unless City and property owners determine that property owners' private well or septic system has failed or the Minnesota Pollution Control Agency, or Minnesota Department of Health, or any other State or Federal Agencies, so orders. The special assessment for the sewer/water project will be amortized over a period of fifteen (15) years beginning on the year of the connection and use thereof by any property owner. Thus, if a property owner does not connect for 15 years after the connection becomes possible, the

first installment will be due and payable in the 16th year and the last installment assessment will not be due until the 30th year. The interest rate for unpaid installments of special assessments will be established at the time of the final cost hearing by the City, but no interest will begin to run as to an individual property owner's special assessment payment obligation until the property owner has connected or until the 16th year after the final cost hearing, whichever date occurs sooner.

d. **Immediate Connection Option.** For each property owner who elects to connect to sewer and water prior to completion of the construction project, City will construct the distribution lines from the interceptor to within five feet of the house entry point designated by the property owner at no cost for the particular connection, but rather the cost of providing such distribution lines will be a part of the special assessments. Property owners who do not connect at the time of construction will be provided with a distribution line as a part of the project cost only to the stated right-of-way line or acquired easement line.

e. Placement of sanitary sewer and water main lines. For the properties that border on Hoot Lake, Wright Lake and the channel between Hoot Lake and Wright Lake and within the area described in Schedule II, the City will make its best effort to design the location of the sanitary sewer and water main lines to be in an area between the houses located on such properties and the lake or channel. The positions and locations of the lines will be

located so that there will be gravity drainage from each of the houses to the sewage line, provided it is topographically possible to engineer and design gravity drainage. The water line will run parallel to or near the sanitary sewer line location. Digging into existing streets or walkways will be held at a minimum and easements will be located to cause minimal damage to trees and shrubs. Whenever municipal utility lines are located on private property, the City will negotiate with the individual private property owner for such easements as are necessary for the construction of said municipal utility.

6. Tax Rate - Allocation. The real estate tax rate and allocation as between City and Town in Schedule II area will be as follows:

a. Tax Rate. The annual real property tax levy charged to property owners in the entire annexed area will, for six full fiscal years after annexation, (1996 through 2001) remain at the same rate as the levied by the Town on other property in the Town for comparable property not subject to annexation.

b. Allocations. The real property taxes generated from the affected property tax payable in 1996 will be allocated one hundred percent (100%) to the Town. The real property taxes generated from the affected property tax payable for 1997 through 2001 will be allocated one hundred percent (100%) to the City.

7. Consideration in Lieu of Allocation of Real Estate Taxes.

The City agrees that in lieu of the Township receiving any other allocation of the real estate taxes for the entire annexed

area for this six year period of time, City will, upon acceptance and order of the Minnesota Municipal Board of this agreement and resulting annexation of the area described in Schedule II, pay to the Town the sum of \$478,200.00 (principal \$320,000.00)(interest \$158,200.00) as follows:

- a. \$31,880.00 on June 30, 1996; and
- b. The sum of \$31,880.00 to be payable on June 30 of each subsequent year for a period of fourteen (14) years, terminating on June 30, 2010.

8. Garbage Collection. On July 1, 1996, all garbage and recyclable collection in the annexed area (Schedule II) will be served by the City or special arrangements made by City as would be provided to other residents of the City.

9. Ward and Precinct. The area subject to annexation described in Schedule II shall, upon annexation, become a part of the Second Ward, Second Precinct of City for voting purposes.

10. Street Lights. The City will cause the erection of appropriate street lights in the area described in Schedule II based upon City policy and upon request of affected property owners.

11. Use of Private Wells. After annexation and connection to the municipal water supply, each respective property owner shall not be allowed to use their existing well for domestic household purposes, but said well may be used for any other purpose, e.g. watering of lawns, heat pumps, etc.

12. Use of Septic Systems. After annexation and connection to the municipal sewer line, each respective property owner shall

be required to comply with applicable local, state or federal regulations relating to the discontinuance of septic systems.

11. Population. The Town and City agree that the population of the area described in Schedule II is 207 people. Upon annexation, the City's population shall increase by 207 and the Town's population shall decrease by 207 people.

CITY OF FERGUS FALLS:

Passed and adopted by the City of Fergus Falls this 18th day of December, 1995.

ATTESTED:

James L. Nichols
City Administrator

APPROVED:

Karl Ferber
Mayor

TOWNSHIP OF AURDAL:

Passed and adopted by the Town of Aurdal this 14th day of December, 1995.

ATTESTED:

William T. Davis
Township Clerk

APPROVED:

Terlin Menze
Chairman

REC'D BY DEC 29 1995
MMA

RE: City of Fergus Falls - Township of
Aurdal Annexation

Schedule I.

That portion of the Northwest Quarter (NW $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Thirty-Three (133), Range Forty-Two (42), Otter Tail County, Minnesota described as follows.

Beginning at the Northwest Corner of Section Thirty (30); thence South along the West line of said section a distance of 5036.34 feet to the South right of way line a County Highway No. 1; thence North 56°42' East 593.5 feet along said right of way line; thence South 8°0' West 231.00 feet; thence South 180.00 feet; thence East 32.00 feet; thence South 20.00 feet; thence South 67°30' East 115.00 feet; thence South 25°30' East 30.00 feet; thence South 27°30' West 56.00 feet to the South line of Section Thirty (30); thence South 89°55' East along said section line 2020.66 feet to the South Quarter Corner; thence North 0°26'16" East 1403.98 feet to the North right of way Line of County Highway No. 1; thence North 89°38'25" West 673.78 feet; thence Southwesterly on a tangential curve to the left, with a radius of 1507.34 feet, a distance of 640 feet more or less to the East right of way Line of a township road; thence North 0°21" East 453.4 feet along said right of way line; thence North 35°36" West 112.5 feet along said right of way line to the (North-South) sixteenth line; thence North 0°21" East 3512 feet more or less to the North line of Section Thirty (30); thence West along said section line 1290 more or less to the point of beginning. That point being the Northwest corner of Section 30; consisting of 198 acres, more or less.

198 Acres

REC'D. BY
M M R

DEC 29 1995

CO. HWY. NO. III

HOOT

LAKE

CO. HWY. NO. 1

SECOND		ADD.
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BAYVIEW

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WRIGHT

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RE: City of Fergus Falls - Township of
Aurdal Annexation

Schedule II.

That portion of the Northwest Quarter (NW $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Thirty-Three (133), Range Forty-Two (42), Otter Tail County, Minnesota described as follows.

Beginning at the Northwest Corner of Section Thirty (30); thence South along the West line of said section a distance of 5036.34 feet to the South right of way line a County Highway No. 1; thence North 56°42' East 593.5 feet along said right of way line; thence South 8°0' West 231.00 feet; thence South 180.00 feet; thence East 32.00 feet; thence South 20.00 feet; thence South 67°30' East 115.00 feet; thence South 25°30' East 30.00 feet; thence South 27°30' West 56.00 feet to the South line of Section Thirty (30); thence South 89°55' East along said section line 2020.66 feet to the South Quarter Corner; thence North 0°26'16" East 1403.98 feet to the North right of way Line of County Highway No. 1; thence North 89°38'25" West 673.78 feet; thence Southwesterly on a tangential curve to the left, with a radius of 1507.34 feet, a distance of 640 feet more or less to the East right of way Line of a township road; thence North 0°21" East 453.4 feet along said right of way line; thence North 35°36" West 112.5 feet along said right of way line to the (North-South) sixteenth line; thence North 0°21" East 3512 feet more or less to the North line of Section Thirty (30); thence West along said section line 1290 more or less to the point of beginning. That point being the Northwest corner of Section 30; consisting of 198 acres, more or less.

EXCEPT:

That portion of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Thirty-Three (133), Range Forty-Two (42), Otter Tail County, Minnesota described as follows.

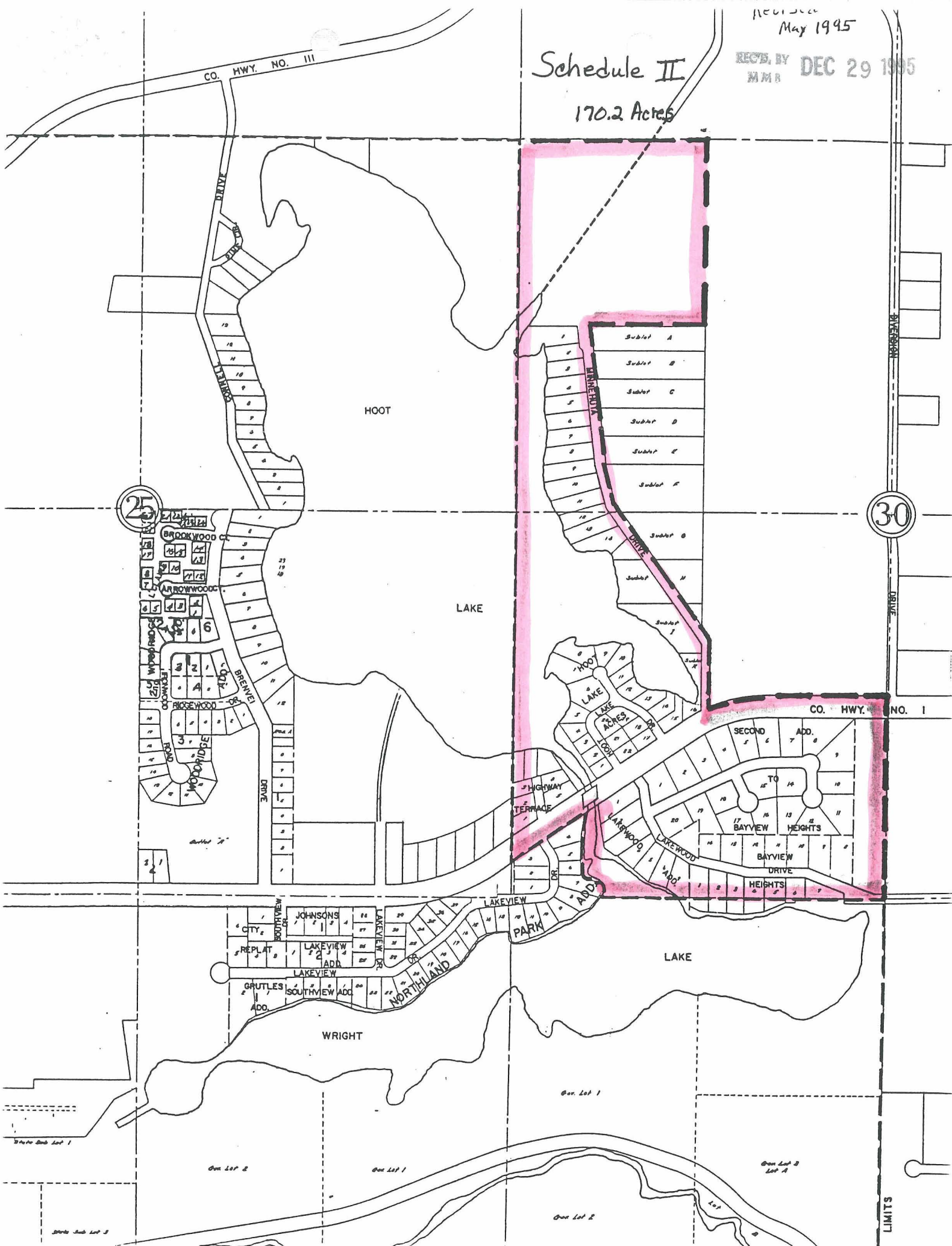
Beginning at the Northeast corner of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$); thence South 0°21' West 2145 feet more or less to the Northeasterly right of way line of a township road; thence North

35°34' West 1039.70; thence North 14°04' West 280.00 feet; thence North 7°04' West 1050.8 feet along the easterly right of way line of said township road to the North line of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Thirty (30); thence East 815.00 feet to the point of beginning. That point being the Northeast corner of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) Section Thirty (30).

This tract consists of 170.4 acres more or less.

REC'D BY DEC 29 1995
MMB

170.2 Acres



RE: City of Fergus Falls - Township of
Aurdal Annexation

Schedule III.

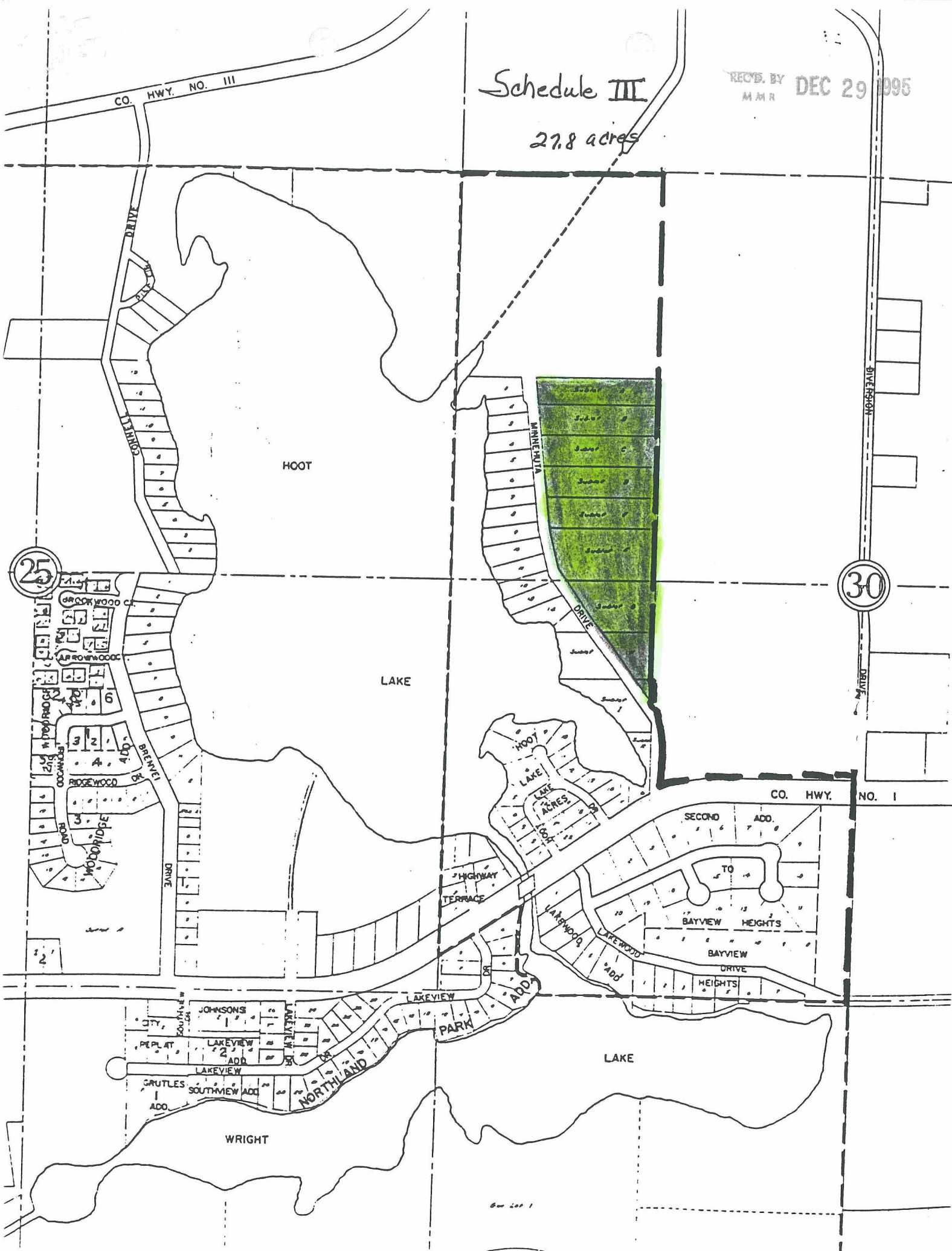
EXCEPT:

That portion of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty (30), Township One Hundred Thirty-Three (133), Range Forty-Two (42), Otter Tail County, Minnesota described as follows.

Beginning at the Northeast corner of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$); thence South 0°21' West 2145 feet more or less to the Northeasterly right of way line of a township road; thence North 35°34' West 1039.70; thence North 14°04' West 280.00 feet; thence North 7°04' West 1050.8 feet along the easterly right of way line of said township road to the North line of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section Thirty (30); thence East 815.00 feet to the point of beginning. That point being the Northeast corner of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) Section Thirty (30), consisting of 27.6 acres more or less.

REC'D. BY DEC 29 1995
M M R

27.8 acres



REC'D BY DEC 29 1990

OA-416

Schedule I Area:

Yellow - 170.2 Acres
Green - 27.8 Acres
198.0 Acres

Schedule II Area:

Yellow - 170.2 Acres

Schedule III Area:

Green - 27.8 Acres

OA-416-1

Proposed
Annexation
(170.2 Acres)

Location
(Detail to Left)

CITY OF
FERGUS FALLS,
MINNESOTA

Proposed Annexation
In Section 30
Twp. 133 N, R 43 W

2/6/95