

STATE OF MINNESOTA

OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

IN THE MATTER OF THE PETITION
FOR THE ANNEXATION OF CERTAIN
LAND TO THE CITY OF FERGUS FALLS
PURSUANT TO MINNESOTA STATUTES,
SECTION 414.0325

JOINT RESOLUTION FOR
ORDERLY ANNEXATION
BY AND BETWEEN AURDAL
TOWNSHIP AND THE CITY
OF FERGUS FALLS

WHEREAS, the City of Fergus Falls has received inquiries from residents of Aurdal Township for 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 met to implement annexation of an area of Aurdal Township to the City; and

WHEREAS, the parties have heretofore entered into a resolution adopted and accepted by the Township and the City dated December 14, 1995, and December 18, 1995, respectively, and subsequently approved by the Municipal Board, known as Resolution 247-1995; and

WHEREAS, the parties have agreed upon the provisions for a subsequent amendment to said orderly annexation agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fergus Falls and the Town Board of Supervisors of the Town of Aurdal as follows:

I. Immediate Annexation

- A. The City hereby designates the following area for immediate annexation pursuant to Minnesota Statutes Section 414.0325:

1. Sorlie tract

That part of Government Lot Three (3) and Four (4) (also known as Lots A, B, C, D, E, F, G, H, and I, in Section Thirty (30), Township One Hundred Thirty-three (133) North, Range Forty-two (42) West, Otter Tail County, Minnesota, lying northerly and easterly of the following described line:

Beginning at a point on the North line of said Government Lot Three (3) distance 890.6 feet West of the Northeast corner thereof; thence South 07 degrees 04 minutes East 1,064.6 feet; thence South 14 Degrees 04 minutes East 298.7 feet; thence South 35 degrees 34 minutes East 1,157.5 feet to the East line of said Government Lot Four (4); except easements, and public road right-of-way;

Excepting the following tract of land, to-wit: All that part of Sublots F and G of Government Lots (3) and Four (4), Section Thirty (30), Township One Hundred Thirty-three (133), Range Forty-two (42), Otter Tail County, Minnesota, described as follows:

Commencing at the South Quarter (S $\frac{1}{4}$) corner of said Section Thirty (30); thence on an assumed bearing of North 00 degree 27 minutes 22 seconds East along the North-South Quarter (N-S $\frac{1}{4}$) line of said Section Thirty (30), a distance of 2,814.29 feet; thence North 89 degrees 32 minutes 38 seconds West a distance of 1,635.22 feet to point of beginning of the land to be described; thence South 03 degrees 27 minutes 56 seconds East a distance of 351.35 feet; thence on a bearing of West a distance of 169.39 feet; thence North 35 degrees 33 minutes 56 seconds West a distance of 283.44 feet; thence North 14 degrees 04 minutes 40 seconds West a distance of 73.96 feet to the intersection with a line which bears South 81 degrees 40 minutes 52 seconds West from the point of beginning; thence North 81 degrees 40 minutes 52 seconds East a distance of 334.52 feet to the point of beginning, containing 88,000 square feet more or less, subject to easements and reservations of record, if any.

- B. The City and Township agree that the area described above and designated as in need of immediate annexation is 25 acres.

A boundary map showing the area legally described herein is attached to as Exhibit A and incorporated herein by reference. None of the area described above has been platted.

- C. The City and Township agree that the population of the area legally described as in need of immediate annexation is zero (0).

- D. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the area legally described herein are contained in this Joint Resolution for Orderly Annexation (the "Joint Resolution") and that no consideration by Minnesota Planning is necessary. Upon the execution and filing of this Joint Resolution, Minnesota Planning may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area legally described above in accordance with the terms and conditions contained in this Joint Resolution.
- E. The City shall have the right to levy its real estate taxes immediately upon annexation. The City shall, upon acceptance and order of the Minnesota Planning Municipal Boundary Adjustment Office of this agreement and resulting annexation of the area described herein, pay to the Town the sum of \$1,134.77 as and for reimbursement to the Town for real estate taxes for a period of fifteen (15) years from and after the date of the annexation.
- F. The City has received property owner petitions for annexation for the area described above, that the area is urban or suburban or about to become so, that the area is in need of municipal services, and that annexation is necessary for the public health, safety and welfare, and that annexation is in the best interests of the property owners.
- G. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Minnesota Planning Municipal Boundary Adjustment Office.

II. Governing law

This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

III. Modification/Amendment

This Resolution shall not be modified, amended or altered except upon the written joint resolution of the City and Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with Minnesota Planning or its successor.

IV. Severability

In the event that any provisions 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 practical in light of such determination, implement and give effect to the intentions of the parties hereto.

V. Headings and Captions

Heading and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

VI. Entire Agreement

The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, 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 and Township.

VII. Ratification of Prior Annexation Agreement

That the resolution adopted and accepted by the Township and the City dated December 14, 1995, and December 18, 1995, respectively and subsequently approved by the Municipal Board (now Office of Strategic and Long Range Planning) as Resolution 247-1995, is hereby affirmed, except as modified by this Joint Resolution.

VIII. Disputes and Remedies

The City and Township agree as follows:

- A. Negotiations. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and 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. Arbitration. When the parties to the Joint Resolution are unable to resolve disputes, claims or counterclaims, or unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.
- C. When the parties to this Joint Resolution are unable to resolve disputes, claims, or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, 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, non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

IX. 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 mail, postage prepaid, as follows:

If to the City:

Mr. Mark Sievert, City Administrator (or its successors)
City of Fergus Falls
112 Washington Avenue West
Fergus Falls, MN 56537

If to the Township:

Norman Pierce, Jr., Chairman of Aurdal Township (or his successors)
23160 Oakview Heights Drive
Fergus Falls, MN 56537

Passed, adopted and approved by the Township Board of Supervisors of Aurdal Township, Otter Tail County, Minnesota, this 9th day of May, 2002.

AURDAL TOWNSHIP

By: Norman Pierce Jr.
Norman Pierce, Jr., Chairman

ATTEST:

William T. Davis
William T. Davis, Town Clerk

Passed, adopted and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 20th day of May, 2002.

CITY OF FERGUS FALLS

Keg Payer
Mayor

ATTEST:

Mark Sievert
Mark Sievert, City Administrator

EXHIBIT "A"

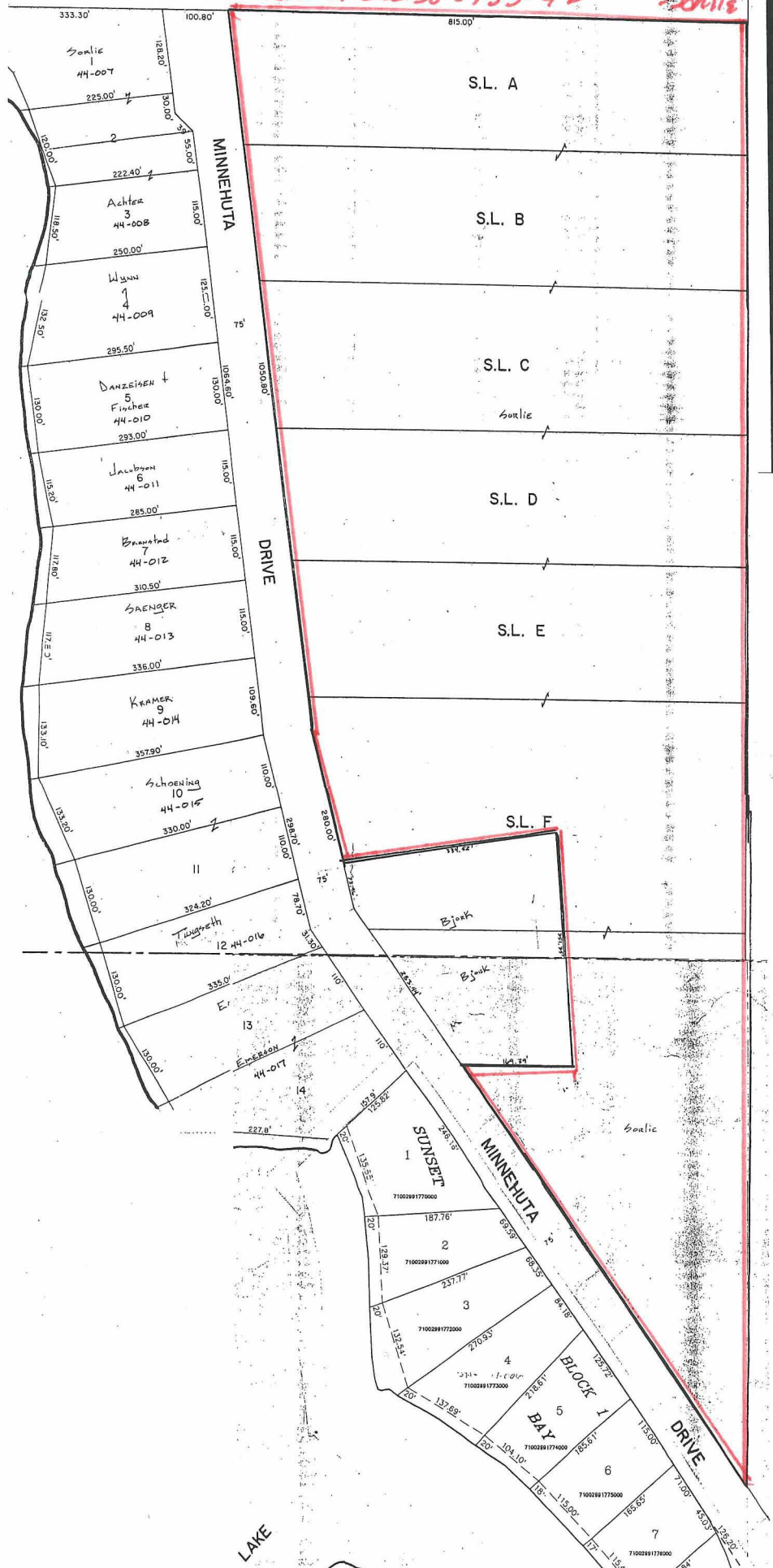
Township of Aurora - City
of Longs Mills

Part of Sec 36 - 133-42

Sorlie's

REC'D BY
M.M.B

MAY 28 2002



24

19

REC'D BY
MMB
MAY 28 2002

25

30

36

31

←
Gorlie
Annexation

