

OA-416-2 Fergus Falls  
City Signed Resolution 5-20-02  
Town Signed Resolution 5-9-02

BEFORE THE DIRECTOR OF THE OFFICE OF  
STRATEGIC AND LONG RANGE PLANNING  
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE ORDERLY ANNEXATION )  
 AGREEMENT BETWEEN THE CITY OF FERGUS FALLS ) ORDER  
 AND THE TOWN OF AURDAL PURSUANT TO )  
 MINNESOTA STATUTES 414 )

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Fergus Falls and the Town of Aurdal; and

WHEREAS, a joint resolution was received from the City of Fergus Falls and the Town of Aurdal indicating their desire that certain property be annexed to the City of Fergus Falls pursuant to M.S. 414.0325, Subd. 1; and

WHEREAS, M.S. 414.0325, M.S. 414.11, and M.S. 414.12 states that in certain circumstances the Director of the Office of Strategic and Long Range Planning may review and comment, but shall within 30 days order the annexation of land pursuant to said subdivisions; and

WHEREAS, on June 14, 2002, the Director of the Office of Strategic and Long Range Planning has reviewed and accepted the resolution for orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in accordance with the terms of the resolution to the City of Fergus Falls, Minnesota, the same as if

it had originally been made a part thereof:

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.

Dated this 14<sup>th</sup> day of June, 2002.

For the Director of the Office of Strategic &  
Long Range Planning  
658 Cedar Street - Room 300  
St. Paul, Minnesota 55155

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo  
Executive Director  
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-416-2, the Director of Strategic and Long Range Planning finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph/item E of the agreement provides for a division of tax revenue from the area annexed. While it is not clear whether the intent is for a lump sum payment to the township representing fifteen years of property taxes, or, a division of tax revenue based upon a 15 year reimbursement schedule neither is contemplated by the statute under which this order is made. By making this order, the Director makes no determination as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director.

The parties are encouraged to consider this comment in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

*Cms*