

**JOINT RESOLUTION BETWEEN THE TOWN OF MOORHEAD, TOWN OF
GLYNDON, AND THE CITY OF MOORHEAD DESIGNATING AN AREA FOR
ORDERLY ANNEXATION PURSUANT TO MINNESOTA STATUTE 414.0325**

Moorhead Municipal Airport and Adjacent 700 Acres City-Land

BE IT RESOLVED by the Town of Moorhead, by and through its Board of Supervisors; the Town of Glyndon, by and through its Board of Supervisors; and the City of Moorhead, hereinafter referred to as "the City", by and through its City Council, that the Town of Moorhead, Town of Glyndon, and City do hereby jointly agree to the following:

1. **Definitions**

For the purposes of this Joint Resolution the following definitions will mean:

1. City. Will mean the City of Moorhead, Minnesota, a municipal corporation duly organized and existing under the laws of the State of Minnesota, except whenever in the provisions of this document reference is made to water or electrical services, then and in that case, "City" will include within its meaning both the City of Moorhead and the Moorhead Public Service Commission, a board to which the control, management and operation of all City water and electrical systems have been committed by Section 12.02 of the Moorhead City Charter.
2. Contiguous Property. Will mean that area of the Town not included within the Orderly Annexation Area, legally described as:

Parcel 1. (Steven and Candice Christman) A tract of land located in the northeast quarter of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, described as follows: beginning 276.53 feet south and 33 feet west of the northeast corner of Section 23; thence south 305 feet; thence west 331.02 feet; thence north 305 feet; thence east 331.25 feet to the point of beginning. Said tract contains 2.3 acres more or less.

Parcel 2. (Patrick Hust) A tract of land located in the northeast quarter of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, described as follows: beginning 581.53 feet south and 33 feet west of the northeast corner of Section 23; thence south 180 feet; thence west 331.02 feet; thence north 180 feet; thence east 331.02 feet to the point of beginning. Said tract contains 1.4 acres more or less.

Parcel 3. (Craig and Brenda Mazour) A tract of land located in the southwest quarter of Section 24, Township 139 North, Range 48 West of the Fifth Principal Meridian, described as follows: beginning at the northwest corner of the southwest quarter of Section 24; thence east 350 feet; thence south 410 feet; thence west 350 feet; thence north 410 feet to the point of beginning. Said tract contains 3.3 acres more or less.

Parcel 4. (Joshua Nelson) A tract of land located in the southwest quarter of Section 24, Township 139 North, Range 48 West of the Fifth Principal Meridian, described as follows: beginning 410 feet south of the northwest corner of the southwest quarter of Section 24; thence east 350 feet; thence south 185 feet; thence west 350 feet; thence north 185 feet to the point of beginning. Said tract contains 1.5 acres more or less.

3. County. Will mean the County of Clay, Minnesota, a body corporate and politic duly organized and existing under the laws of the State of Minnesota.
4. Effective Date of Annexation. Will mean the date Minnesota Planning issues its order approving the annexation contemplated in the initiating Resolution.
5. Effective Date of this Joint Resolution. Will mean the date Minnesota Planning accepts this Joint Resolution for filing.
6. Initiating Resolution. Will mean this Joint Resolution adopted by the City and filed with Minnesota Planning.
7. Joint Resolution. Will mean the Joint Resolution between the Town of Moorhead, Town of Glyndon, and the City designating an area for orderly annexation pursuant to Minnesota Statute Section 414.0325.
8. Minnesota Planning. Will mean Minnesota Planning, which is created by Minnesota Statute Section 414.01.
9. Orderly Annexation Area. Will mean that area of the Town of Moorhead and the Town of Glyndon legally described as:

PARCEL A

All of Section 24 of Moorhead Township, Township 139 N, Range 48 W, Clay County Minnesota, located south of the south right-of-way line of Interstate 94 less two tracts described as follows: Beginning at the Northwest corner of the Southwest Quarter of Section 24 thence East 350 feet, thence South 410 feet, thence West 350 feet, thence North 410 feet to the point of beginning; and Beginning 410 feet South of the Northwest corner of the Southwest Quarter of Section 24, thence East 350 feet, thence South 185 feet, thence West 350 feet, thence North 185 feet to the point of beginning. Said tract contains 597.5 acres more or less.

PARCEL B

The Eastern 128 acres of the Southeast Quarter of Section 23 of Moorhead Township, Township 139 North, Range 48 West, Clay County, Minnesota. Said Tract contains 128 acres or less.

PARCEL C

That part of the Section 19, Township 139 North, Range 47 West, described as follows: beginning at the Southeast Corner of Section 19; thence North 89 degrees 55 minutes 46 seconds West along the southerly line of the Section 19 a distance of 622 feet; thence North 00 degrees 07 minutes 01 second East parallel with the easterly line of the Southeast Quarter of said Section 19 for a distance of 561 feet; thence North 89 degrees 55 minutes 48 seconds West a distance of 11.29 feet; thence North 63 degrees 19 minutes 30 seconds a distance of 4,630.99 feet West; thence North 89 degrees 58 minutes 05 seconds West a distance of 330.18 feet; thence North 00 degrees 43 minutes 43 seconds East along the western line of Section 19 a distance of 1054.34 feet; thence South 63 degrees 19 minutes 30 seconds East a distance of 2351.00 feet; thence South 89 degrees 58 minutes 05 seconds East a distance of 2,991.64 feet to the east line of Section 19; thence South 00 degrees 07 minutes 01 seconds West along the east line of Section 19 a distance of 2638.1 feet to the point of beginning. Said tract contains 162.5 acres more or less.

and a map of which is attached as Exhibit A.

10. Town of Moorhead. Will mean the Town of Moorhead, a body corporate and politic, duly organized under the laws of the State of Minnesota.
11. Town of Glyndon. Will mean the Town of Glyndon, a body corporate and politic, duly organized under the laws of the State of Minnesota.

II. Population

The population of the Orderly Annexation Area is zero and the population of the City of Moorhead will not increase as a result of annexation.

III. Reason for Annexation

It is specifically found that:

1. Certain Properties Urban or Suburban. Certain areas within the Town of

Moorhead and the Town of Glyndon abutting upon the City and/or City-owned property are presently or are about to become urban or suburban in nature.

2. **City Capable of Providing Services.** City has provided or is capable of providing wastewater collection services and water distribution and is capable of providing additional municipal service to this property to adequately protect the public health, safety, and general welfare of the property.
3. **City-Owned Property and Airport.** The property is owned by the City of Moorhead and includes the City of Moorhead Municipal Airport.
4. **Buffalo River Aquifer.** The property and surrounding areas are adjacent to sensitive areas of the Buffalo River Aquifer which serve as a portion of the water supply for the City of Moorhead, City of Dilworth, and surrounding rural development areas and may be adversely affected by non-farm rural development.

IV. **Annexation Date**

All property within the Orderly Annexation Area will be annexed to the City upon the date that Minnesota Planning issues its order approving annexation following Minnesota Planning's acceptance of this Joint Resolution and based on the City filing an Initiating Resolution with the Board.

V. **Zoning/Subdivision/Land Use Control Regulations**

Upon the effective date of annexation, the Orderly Annexation Area will be zoned TZ, Transitional Zone, so that the entire Orderly Annexation Area will be governed by the City's comprehensive land use plan and subdivision regulations as such plan and regulations may be amended, modified or replaced from time to time.

VI. **Electric Service**

The provisions of electric service vests with the Moorhead Public Service Commission, a board to which the control, management, and operation of the City's electrical system has been committed by Section 12.02 of the Moorhead City Charter. The policy of the Moorhead Public Service Commission and the City of Moorhead is to have the Moorhead Public Service Department provide electric service to all property located within the City of Moorhead.

VII. **No Referendum**

As all of the conditions for annexation are contained within and have been mutually agreed upon by the Town of Moorhead, Town of Glyndon, and City, at the time of annexation of the Orderly Annexation Area no referendum will be conducted.

VIII. **Modifying/Amending Joint Resolution**

The parties to this agreement concur that this agreement will not be modified or amended,

nor will the stated boundaries be altered unless mutually agreed to through resolution of each party and acceptance by Minnesota Planning.

IX. **Ordering in of Annexation**

Upon receipt of an Initiating Resolution under this Joint Resolution, Minnesota Planning may review and comment, but will, within 30 days, order the annexation in accordance with the terms of this Joint Resolution.

X. **Town/City Cooperation**

The Town of Moorhead, Town of Glyndon, and City resolve to fully cooperate with Minnesota Planning in connection with this Joint Resolution and its agreements.

XI. **Contiguous Property**

The City and Town of Moorhead agree that the City shall be prohibited for a period of ten years from the effective date of annexation from unilaterally initiating annexation proceedings pursuant to Minnesota Statute, Sections 414.031, 414.0325, and 414.033 regarding any property defined as contiguous property under this Joint Resolution. Provided, however, that nothing in this section will prohibit any property defined as Contiguous Property under this Joint Resolution from petitioning the City pursuant to Minnesota Statute 414.033. Should any property defined as contiguous property under this Joint Resolution petition the City pursuant to Minnesota Statute 414.033, then the City and the contiguous property will commence negotiations pertaining to said request.

The City will make a good faith effort to notify owners of Contiguous Property of pending development proposals for said Orderly Annexation Area and the Contiguous Property. The City will attempt to provide notice of proposed plats, zoning changes, or utility installations to owners of Contiguous Property at least 90 days prior to final City action. Failure of a property owner to receive said notice will not invalidate or have any effect upon proceedings or actions of private property owners, private parties, or the City of Moorhead.

- XII. **Road Maintenance.** The City and Town of Moorhead agree that the City will be responsible for 85% of the annual maintenance costs for the existing gravel township road lying on the section line shared by Sections 23 and 24 of Moorhead Township between Interstate '94 and Clay County 76.

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Moorhead Municipal Airport and Adjacent 700 Acres City-Land

PASSED AND ADOPTED by the Town Board of Moorhead, Minnesota, this 23 day of February 2001.

APPROVED BY:

Arvid Leiseth
ARVID LEISETH, Chairperson
Town of Moorhead

ATTEST:

Leland Vette
LELAND VETTE, Town Clerk
Town of Moorhead

(SEAL)

PASSED AND ADOPTED by the Town Board of Glyndon, Minnesota, this 9 day of MARCH 2001.

APPROVED BY:

Fred Koehl
FRED KOEHL, Chairperson
Town of Glyndon

ATTEST:

Nancy Nelson
NANCY NELSON, Town Clerk
Town of Glyndon

(SEAL)

PASSED by the City Council of the City of Moorhead this 26th day of Feb. 2001.

APPROVED BY:

Morris L. Lanning
MORRIS L. LANNING, Mayor

ATTEST:

Kaye E. Buchholz
KAYE E. BUCHHOLZ, City Clerk

(SEAL)

**CITY OF MOORHEAD
 MOORHEAD TOWNSHIP
 GLYNDON TOWNSHIP
 ORDERLY ANNEXATION
 AGREEMENT**

REC'D. BY MAR 14 2001
 MFB

**MOORHEAD MUNICIPAL
 AIRPORT AND ADJACENT
 CITY OWNED PROPERTY**



**DEPARTMENT OF COMMUNITY
 AND ECONOMIC DEVELOPMENT
 BOX 779
 MOORHEAD, MN 56561
 218-299-5370**

