

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 FERGUS FALLS PURSUANT TO)
MINNESOTA STATUTES 414)

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

WHEREAS, a joint resolution was received from the City of Fergus Falls and the Town of Fergus Falls 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 March 15, 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:

I. City Owned (Norgren)

Tract 1:

The East Half of the Southeast Quarter (E½ of SE¼) of Section Twenty-three

(23), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota.

Tract 2:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of the SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, except the East 200 feet of the South 355 feet thereof.

Tract 3:

The East Half of the Southwest Quarter (E $\frac{1}{2}$ of SW $\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota, EXCEPT THE FOLLOWING DESCRIBED TRACTS:

- 1) All that part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43) lying southeasterly of the centerline of County Highway No. 111.
- 2) The South 355 feet of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), containing 10.5 acres, more or less, and the East 200 feet of the Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$), containing 6.11 acres, more or less, all in Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43).
- 3) That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota, described as follows: Commencing at the South Quarter Section corner of said Section 24; thence South 89 degrees 34 minutes 33 seconds West (assumed bearing) along the South line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) a distance of 726.99 feet to the centerline of County Road Number 111, said point being the point of beginning; thence continuing South 89 degrees 34 minutes 33 seconds West along said South line a distance of 522.13 feet to the Southwest corner of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence North 00 degrees 36 minutes 15 seconds West along the West line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) a distance of 699.92 feet; thence North 89 degrees 54 minutes 54 seconds East a distance of 668.28 feet; thence South 03 degrees 12 minutes 44 seconds East a distance of 575.20 feet to the centerline of County Road Number 111; thence southwesterly along said centerline on a nontangential curve concave to the southeast a distance of 210.68 feet to the point of beginning, said curve having

a central angle of 08 degrees 25 minutes 37 seconds, a radius of 1432.39 feet and a Chord Bearing of South 54 degrees 20 minutes 16 seconds West, containing 10.70 acres, subject to an easement for County Road Number 111 over and across the southeasterly 50.00 feet.

- 4) That part of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the South Quarter Section corner of said Section 24; thence North 00 degrees 06 minutes 16 seconds West (assumed bearing) along the North-South Quarter Section line of said Section 24 a distance of 318.43 feet to the centerline of County Road Number 111, said point being the point of beginning; thence South 78 degrees 16 minutes 19 seconds West along said centerline a distance of 101.32 feet; thence southwesterly on a tangential curve concave to the southeast along said centerline a distance of 179.51 feet; said curve having a central angle of 07 degrees 10 minutes 50 seconds and a radius of 1432.39 feet; thence North 04 degrees 20 minutes 34 seconds West not tangent to the last described curve a distance of 1078.22 feet to the North line of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$); thence North 89 degrees 35 minutes 48 seconds East along said North line a distance of 352.04 feet to the Northeast corner of said Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$), said point also being the Northwest corner of said Lot 12; thence North 89 degrees 36 minutes 40 seconds East along the North line of said Lot 12 a distance of 555.30 feet to the West line of the East 100.00 feet of said Lot 12; thence South 00 degrees 04 minutes 58 seconds East along the West line of the East 100.00 feet of said Lots 12 and 13 a distance of 898.22 feet to the centerline of County Road Number 111; thence South 78 degrees 16 minutes 19 seconds West along said centerline a distance of 566.57 feet to the point of beginning, subject to an easement over and across the southerly 50.00 feet thereof for County Road Number 111. Also subject to any other easements or restrictions of record.

Said tract of land consists of 200.05 acres more or less.

II. City owned (water tower)

That part of the Southeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty-seven (27), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, described as follows: Commencing at the East Quarter Section Corner of said Section Twenty-seven (27); thence North 00° 13' 12" West (assumed bearing) along the East line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) a distance of 253.00 feet

to the point of beginning; thence North 89° 40' 12" West a distance of 250.00 feet; thence North 00° 13' 12" West a distance of 333.08 feet; thence North 89° 46' 48" East a distance of 249.99 feet to the East line of said Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$); thence South 00° 13' 12" East along said East line a distance of 335.48 feet to the point of beginning, containing 1.92 acres, subject to an easement for County Road No. 27 over and across the East 50.00 feet thereof;

Said tract of land consisting of 1.92 acres, more or less.

III. Otter Tail Power Co. Tract

The South 355 feet of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$), containing 10.5 acres, more or less, and the East 200 feet of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of the SW $\frac{1}{4}$), containing 6.11 acres, more or less, all in Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43); also the East 200 feet of the South 355 feet of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-four (24), Township One Hundred Thirty-three (133), Range Forty-three (43).

Said tract of land containing 18.24 acres more or less.

IV. Bilden Tract

That part of the Southeast Quarter of the Northeast Quarter of Section 27, Township 133, Range 43, Otter Tail County, Minnesota, described as follows:

Beginning at the East Quarter corner of said Section 27; thence North 89 degrees 40 minutes 12 seconds West on an assumed bearing along the south line of the Northeast Quarter of said Section 27, a distance of 990.00 feet; thence North 00 degrees 19 minutes 48 seconds east a distance of 660.00 feet; thence North 82 degrees 51 minutes 20 seconds East a distance of 622.16 feet; thence North 0 degrees 13 minutes 12 seconds West a distance of 110.00 feet; thence North 89 degrees 46 minutes 48 seconds East a distance of 366.00 feet to the east line of said Section 27; thence South 0 degrees 13 minutes 12 seconds east along said east line, a distance of 854.48 feet to the point of beginning; save and except the following described tract of land, to-wit:

That part of the Southeast Quarter of the Northeast Quarter of Section 27, Township 133 North, Range 43 West, Otter Tail County, Minnesota described as follows:

Commencing at the East Quarter Section Corner of said

Section 27; thence North 00 degrees 13 minutes 12 seconds West (Assumed Bearing) along the East line of said Southeast Quarter of the Northeast Quarter a distance of 253.00 feet to the point of beginning; thence North 89 degrees 40 minutes 12 seconds West a distance of 250.00 feet; thence North 00 degrees 13 minutes 12 seconds West a distance of 333.08 feet; thence North 89 degrees 46 minutes 48 seconds East a distance of 249.99 feet to the East line of said Southeast Quarter of the Northeast Quarter; thence South 00 degrees 13 minutes 12 seconds East along said east line a distance of 335.48 feet to the point of beginning (Containing 1.92 Acres, more or less).

Said tract of land consisting of 15 acres, more or less.

V. Batzlaff Tract

Commencing at the Northwest corner of Section 26, Township 133N, Range 43W; thence on an assumed bearing of South 00 degrees 02 minutes 15 seconds West on the Westerly line of said Section 26 for a distance of 580.04 feet; thence North 89 degrees 52 minutes 38 seconds East 50 feet to the Northwest corner of Lot 1, Block 2 of WOODLAND HEIGHTS 3RD ADDITION and the point of beginning; thence continuing North 89 degrees 52 minutes 38 seconds East on the Northerly line of said WOODLAND HEIGHTS 3RD ADDITION for a distance of 400.28 feet; thence South 00 degrees 07 minutes 20 seconds East 5.01 feet; thence North 89 degrees 52 minutes 40 seconds East 72.72 feet; thence South 00 degrees 00 minutes 15 seconds West 464.63 feet; thence South 42 degrees 57 minutes 14 seconds West 31.22 feet; thence South 00 degrees 24 minutes 46 seconds East 277.47 feet; thence South 89 degrees 55 minutes 39 seconds East 23.80 feet; thence South 00 degrees 02 minutes 15 seconds West 230.55 feet to the Southeast corner of Lot 5, Block 2, WOODLAND HEIGHTS 3RD ADDITION; thence North 89 degrees 57 minutes 45 seconds West 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West 210.00 feet; thence South 89 degrees 57 minutes 45 seconds East 201.76 feet; thence South 00 degrees 02 minutes 15 seconds West 174.95 feet to the Southeast corner of WOODLAND HEIGHTS 3RD ADDITION; thence South 83 degrees 39 minutes 15 seconds West on the Southerly line of

WOODLAND HEIGHTS 3RD ADDITION for a distance of 480.98 feet to the intersection with the East line of the West 50.00 feet to said Section 26; thence North 00 degrees 02 minutes 15 seconds East parallel to the Westerly line of said Section 26 for a distance of 1437.63 feet to the point of beginning, which is platted as Lots 1, 2, 3, and 4, Block 1 and Lots 1, 2, 3, 4, 5, and 7, Block 2, Woodland Heights, 3rd Addition, together with the adjacent right of way of Otter Tail County Highway 27.

Said tract of land consisting of 15.79 acres, more or less.

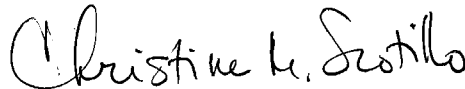
VI. Froehlich Tract:

The West Half of the Southeast Quarter (W $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Twenty-nine (29), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota.

Said tract of land consisting of 80 acres, more or less.

Dated this 15th day of March, 2002.

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



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-819-1 Fergus Falls

MEMORANDUM

In ordering the annexation contained in Docket No. OA-819-1, 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.

In addition, as written, sections III G., and IV C., regarding an election requirement or future changes to Minnesota Statute Chapter 414 are ineffective. Laws governing the alteration of municipal boundaries is an area reserved exclusively to the legislature whose authority in these matters cannot be overridden by contractual consent.

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.

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