

DEPARTMENT OF ADMINISTRATION

STATE OF MINNESOTA

BEFORE THE ACTING DIRECTOR OF

STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF FERGUS FALLS)	<u>ORDER</u>
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 resolution was received from the City of Fergus Falls indicating their desire that certain property be annexed to the City of Fergus Falls pursuant to M.S. 414.0325; and

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

WHEREAS, on January 15, 2004, the Acting Director 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 joint resolution to the City of Fergus Falls, Minnesota, the same as if it had originally been made a part thereof:

Reserve B of the Auditor's Plat of Woodland Heights, being also described as follows: That part of the Southwest Quarter of the Northwest Quarter (SW¼ of NW¼) of Section Twenty-six (26), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota, within the following described lines: Beginning at a point on the South line of said Southwest Quarter of Northwest Quarter a distance of 50 feet due East from the Southwest corner thereof; thence East 993.40

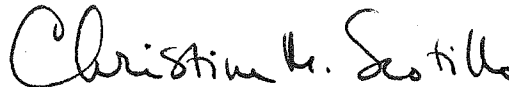
feet; thence North 556.3 feet; thence North 45 degrees West 138.2 feet; thence West 347.0 feet; thence South 83 degrees 45 minutes West 550.8 feet to a point which is 50 feet West of the West line of said Southwest Quarter of Northwest Quarter; thence South 00 degrees 8 minutes West 594.0 feet to the point of beginning; AND

Reserve C of the Auditor's Plat of Woodland Heights, being also described as follows: That part of Government Lot Four (4), Section Twenty-six (26), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota, within the following described lines: Beginning at a point on the West line of said Government Lot 4 which is South 00 degrees 18 minutes West 413.0 feet from the Northwest corner thereof; thence due East 1,045.50 feet; thence North 413.0 feet; thence West 1,043.40 feet to the West line of said Government Lot 4; thence South 00 degrees 18 minutes West along said West line a distance of 413.0 feet to the point of beginning; AND

The 50.00 foot road right-of-way adjacent to Reserve B and C of the Auditor's Plat of Woodland Heights.

Dated this 15th day of January, 2004.

For the Acting Director
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

OA-819-2 Fergus Falls

MEMORANDUM

In ordering the annexation contained in Docket No. OA-819-2, the Acting Director 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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