

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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 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, Reorganization Order No. 192, effective March 8, 2005, has transferred the duties of the Director to the Chief Administrative Law Judge.

WHEREAS, on June 14, 2007, the Chief Administrative Law Judge 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:

Bunkowske Tract:

Part of the Northwest Quarter (NW¼) of Section Thirty-two (32),
Township One Hundred Thirty-three (133) North, Range Forty-three

(43) West, Otter Tail County, Minnesota, described as follows:

Commencing at the northeast corner of the Northwest Quarter (NW¼) of said Section Thirty-two (32); thence on an assumed bearing of South 00 degrees 49 minutes 45 seconds West, along the East line of said Northwest Quarter (NW¼), a distance of 960.29 feet to the point of beginning; thence continuing South 00 degrees 49 minutes 45 seconds West, along the East line of said Northwest Quarter (NW¼), a distance of 285.03 feet to the northeast corner of Diamond Center Business Park, as platted and recorded in said Otter Tail County; thence North 89 degrees 59 minutes 19 seconds West, along the North line of said Diamond Center Business Park, a distance of 179.27 feet; thence North 00 degrees 49 minutes 45 seconds East, along a line that is 179.25 feet west of and parallel with the East line of said Northwest Quarter (NW¼), a distance of 285.03 feet to a point on a line that is 285.00 feet North of and parallel with the North line of said Diamond Center Business Park; thence South 89 degrees 59 minutes 19 seconds East, along a line that is 285.00 feet North of and parallel with the North line of said Diamond Center Business Park, a distance of 179.27 feet to the point of beginning.

Said described parcel containing a calculated area of 51,091 square feet or 1.17 acres, more or less.

- B. The City and Township hereby designate the following area for immediate annexation pursuant to Minnesota Statutes Section 414.0325:

Connell Drive Right-of-Way Tract:

That part of the Southwest Quarter of the Southeast Quarter of Section 24, Township 133 North, Range 43 West, Otter Tail County, Minnesota, described as follows:

Beginning at the Southeast corner of Sublot 13, State Subdivision of the Southeast Quarter of said Section 24, which is a point on the South line of said Section 24 a distance of 645.76 feet West of the Southeast corner of the Southwest Quarter of the Southeast Quarter thereof, Thence North 00 degrees 12 minutes 00 seconds West along the East line of said Sublot 13 456.95 feet to the center line of a county road, Thence South 78 degrees 34 Minutes 00 Seconds West on said center line of a county road 67.29 feet, Thence South 00 degrees 12 Minutes 00 Seconds East 443.60 feet to the South line of the Southwest Quarter of the Southeast Quarter, Thence East on said line 66.00 feet to the

Point of Beginning.

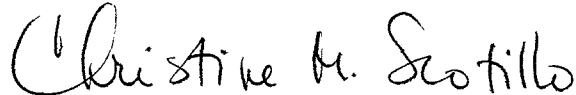
The East line of the above said tract is the West line of Sublot 14, State Subdivision of the Southeast Quarter of Section 24, Township 133 North, Range 43 West.

Said tract contains 0.63 acres net for road and highway purposes.

IT IS FURTHER ORDERED: That pursuant to Minn. Stat. 414.036, the Town of Fergus Falls will be reimbursed by the City of Fergus Falls in accordance with the terms of Joint Resolution signed by the City of Fergus Falls on February 19, 2002 and the Town of Fergus Falls on February 12, 2002.

Dated this 14th day of June, 2007.

For the Chief Administrative Law Judge
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-819-4, the Chief Administrative Law Judge 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.

CWS