

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

IN THE MATTER OF THE PETITION
FOR THE ANNEXATION OF CERTAIN
LAND TO THE CITY OF FERGUS FALLS
PURSUANT TO MINNESOTA STATUTES,
SECTION 414.0325

JOINT RESOLUTION FOR ORDERLY ANNEXATION
BY AND BETWEEN FERGUS FALLS TOWNSHIP AND THE
CITY OF FERGUS FALLS

WHEREAS, the City of Fergus Falls has received a request from residents of Fergus Falls Township for the annexation of certain lands to the City of Fergus Falls; and

WHEREAS, the City of Fergus Falls (hereinafter "City") and the Township of Fergus Falls (hereinafter "Town") have been meeting periodically to implement annexation of an area of Fergus Falls Township to the City; and

WHEREAS, the City of Fergus Falls and the Township of Fergus Falls have designated areas of the township in need of orderly annexation; and

WHEREAS, the parties have agreed upon the provisions for an orderly annexation agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fergus Falls and the Town Board of Supervisors of the Town of Fergus Falls as follows:

I. Annexation

- A. The City and Township hereby request annexation of designated areas pursuant to Minnesota Statutes Section 414.0325:

LUNDE REVOCABLE TRUST TRACT

All that part of the West 25 acres of Government Lot 2, Section 31, Township 133 North, Range 43 West, Otter Tail County, Minnesota, and Described as Follows:

Commencing at the East quarter corner of said Section 31; Thence on an assumed bearing of North 89 degrees 02 minutes 59 seconds West along the East-West quarter line of said Section 31, a distance of 1969.45 feet; Thence South 19 degrees 03 minutes 46 seconds West a distance of 34.72 feet to the Northerly line of a tract of land described in Document Number 651151, as filed of public record in the office of the Otter Tail County Recorder; Thence North 89 degrees 02 minutes 59 seconds West along said Northerly line of the tract of land described in Document Number 651151, a distance of 69.44 feet to the Northwest corner of said tract of land described in Document Number 651151; Thence South 19 degrees 03 minutes 46 seconds West along the Westerly line of said tract of land described in Document 651151, a distance of 170.00 feet; Thence South 12 degrees 03 minutes 12 seconds East along the Westerly line of said tract of land described in Document Number 651151, a distance of 181.28 feet; Thence South 71 degrees 08 minutes 08 seconds East along the Southerly line of said tract of land described in Document Number 651151 a distance of 264.87 feet to the East line of said West 25 acres of Government Lot 2, the Point of Beginning of the land to be described; Thence North 71 degrees 08 minutes 08 seconds West along the Southerly line of said tract of land described in Document Number 651151 a distance of 105.37 feet; Thence South 00 degrees 30 minutes 04 seconds West a distance of 767.98 feet; Thence South 64 degrees 53 minutes 14 seconds East a distance of 109.99 feet to said East line of the West 25 Acres of Government Lot 2; Thence North 00 degrees 30 minutes 04 seconds East along said East line, a distance of 780.59 feet to the Point of Beginning.

Containing 1.78 Acres more or less.

Together with an adjacent 75 foot wide tract on its southerly side for a Road Right-of-Way extension of Eagle Ridge Road, containing 0.19 acres more or less.

AND

I-94 INTERSTATE HIGHWAY TRACT

That part of Interstate Highway 94 right of way located in Government Lot One (1) (SE¼SE¼) of Section 32 south of the Burlington Northern Railroad Right-of-Way.

Containing 3.16 Acres more or less.

- B. The City and Township agree that the area described above and designated as in need of annexation is 5.15 acres.

An aerial map and a boundary map showing the area legally described herein are attached and incorporated herein by reference.

- C. The City and Township agree that the population of the area legally described as in need of annexation is zero.
- D. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the area legally described herein are contained in this Joint Resolution for Orderly Annexation (the "Joint Resolution") and that no consideration by Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, Office of Administrative Hearings may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area set forth in paragraph A above in accordance with the terms and conditions contained in this Joint Resolution.
- E. The City shall have the right to levy its real estate taxes immediately upon annexation and will reimburse the Township 100% for real estate taxes that it would have received had the annexation not taken place for a period of not more than ten (10) years from and after the date of annexation.
- F. The City has received a 100% owner initiated annexation petition for first tract described above, that the area is urban or suburban or about to become so, that the area is in need of municipal services, and that annexation is necessary for the public health, safety and welfare, and that annexation is in the best interests of the property owner.
- G. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings.

II. Governing law

This Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.

III. Modification/Amendment

This Resolution shall not be modified, amended or altered except upon the written joint resolution of the City and Township duly executed and adopted by the City Council and the Township Board of Supervisors and filed with Office of Administrative Hearings or its successor.

IV. Severability

In the event that any provisions of this Joint Resolution is determined and adjudged to be unconstitutional, invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions of this Joint Resolution shall remain in full force and effect, and the parties hereto shall negotiate in good faith and agree to such amendments or modifications of or to this Joint Resolution or other appropriate actions as shall, to the maximum extent practical in light of such determination, implement and give effect to the intentions of the parties hereto.

V. Headings and Captions

Heading and captions are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.

VI. Entire Agreement

The terms, covenants, conditions and provisions of this Joint Resolution, including the present and all future attachments or exhibits, shall constitute the entire agreement between the parties hereto, superseding all prior agreements and negotiations. This Joint Resolution shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Township.

VII. Disputes and Remedies

The City and Township agree as follows:

- A. Negotiations. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the City and Township will direct staff members as they deem appropriate to meet at least one

(1) time at a mutually convenient time and place to attempt to resolve the dispute through negotiation.

- B. Arbitration. When the parties to the Joint Resolution are unable to resolve disputes, claims or counterclaims, or unable to negotiate an interpretation of any provision of this Joint Resolution, the parties may mutually agree in writing to seek relief by submitting their respective grievances to binding arbitration.
- C. When the parties to this Joint Resolution are unable to resolve disputes, claims, or counterclaims, are unable to negotiate an interpretation of any provision of this Joint Resolution or are unable to agree to submit their respective grievances to binding arbitration, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

VIII. Notice

Any notices required under the provisions of this Joint Resolution shall be in writing and sufficiently given if delivered in person or sent by mail, postage prepaid, as follows:

If to the City:

Mark Sievert (or his successors)
City Administrator
City of Fergus Falls
112 Washington Avenue West
Fergus Falls, MN 56537

If to the Township:

Craig Goese (or his successors)
Chairman of the Township Board
26692 County Highway 27
Fergus Falls, Minnesota 56537

Passed, adopted and approved by the Township Board of Supervisors of Fergus Falls Township, Otter Tail County, Minnesota, this 19th day of December, 2014

FERGUS FALLS TOWNSHIP

By: *Craig Gorse*
Its Chairman

ATTEST:

Elaine M. Schoening
Town Clerk

Passed, adopted and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 15th day of December, 2014.

CITY OF FERGUS FALLS

BY *Harold Leland*
Harold Leland, Mayor

ATTEST:

Mark Sievert
Mark Sievert, City Administrator

barb/clients/acityoffergusfalls/annex/bmc properties

LUNDE ANNEXATION

Joel Lunde
Fergus Falls Township
Section 31 - Twp 133 N, Range 43 West
That part of Gov. Lot 2
1.78 Acres

Joel Lunde
Fergus Falls Township
Section 31 - Twp 133 N, Range 43 West
Eagle Ridge Road Right-Of-Way
0.19 Acres



I - 94 Interstate Highway Annexation



I - 94 Interstate Highway Right-Of-Way
Fergus Falls Township
Section 32 - Twp 133 N, Range 43 West
S.E. 1/4 of S.E. 1/4
3.16 Acres

REC'D BY
MBA
JAN 09 2015

NO SCALE
4/22/04

REC'D BY
MBA
JAN 09 2015




CITY OF FERGUS FALLS 2014 FERGUS FALL TOWNSHIP ANNEXATIONS

Buck Run Properties LLC
Section 31 - Twp 133 N, Range 43 West
That part of Gov. Lot 2
1.78 Acres

1-94 Interstate Highway Right-Of-Way
Section 32 - Twp 133 N, Range 43 West
S.E. 1/4 of S.E. 1/4
3.16 Acres

Buck Run Properties LLC
Section 31 - Twp 133 N, Range 43 West
Eagle Ridge Road Right-Of-Way
0.19 Acres

Legend

-  2014 Annexations
-  Municipal Boundary
-  Lakes

NO SCALE
1/7/15

