

## STATE OF MINNESOTA

## OFFICE OF STRATEGIC AND LONG-RANGE PLANNING

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 inquiries from residents of Fergus Falls Township and owners of land located in 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 parties have heretofore entered into various agreements relating to orderly annexation and are of the collective opinion that all of such former agreements relating to orderly annexation should be rescinded and terminated; and

WHEREAS, the parties have agreed upon the provisions for a new 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. Termination of Pre-existing Agreements Relating to Annexation

- A. The Joint Resolution for Orderly Annexation adopted by City on July 17, 1974, and by Town on July 8, 1974, together with the Joint Resolution of the City and Town of Fergus Falls amending the 1974 Orderly Annexation Agreement, dated August 15, 1994, and identified as Resolution #236-1994, and any and all other orderly annexation agreements by and between the City and the Town are hereby rescinded and terminated. The terms and conditions contained in this joint Resolution for Orderly Annexation shall be exclusive and supersede all prior Joint Resolutions for Orderly Annexation or other

agreements pertaining to annexation executed in accordance with Minnesota Statutes 414.0325.

## II. Immediate Annexation

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

1. City owned tract (Norgren)
2. City owned tract (water tower)
3. Otter Tail Power Company tract
4. Bilden tract
5. Batzlaff tract
6. Froelich tract

The above tracts of land are legally described on the descriptions in attached Exhibit A.

B. The City and Township agree that the area described above and designated as in need of immediate annexation is 331 acres.

A boundary map showing the area legally described herein is attached to as Exhibit B and incorporated herein by reference. Plat maps for the area legal described herein are attached as Exhibit C (Batzlaff Tract).

C. The City and Township agree that the population of the area legally described as in need of immediate annexation is zero (0).

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 Minnesota Planning is necessary. Upon the execution and filing of this Joint Resolution, Minnesota Planning may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area legally described in Exhibit A 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 for real estate taxes that it would have received had the annexation not taken place for a period of not more than five (5) years from and after the date of annexation.

- F. The City has received property owner petitions for annexation for the area 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 owners.
- G. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Minnesota Planning Municipal Boundary Adjustment Office.

III. Postponement of Annexation (Woodland Heights area)

The parties to this Agreement understand and agree that pursuant to previous Agreements by and between the City and the Town, the City has the unilateral right to annex the Woodland Heights area, upon its own resolution at any time from and after January 1, 2002. Notwithstanding this fact that the City has this authority to annex this area, the City has chosen to delay said annexation in order to obtain the within Agreement with the Township. Based upon this consideration, the parties agree as follows:

- A. The City agrees that it will not initiate any annexation proceedings over the following described tract of land, described in Exhibit D (Woodland Heights), for a period of eight (8) years, terminating December 31, 2009, unless:
  - 1. The City is in receipt of a Petition for Annexation which is signed by a majority of the land owners of all or part of said area (Woodland Heights). Said tract shall be annexed pursuant to other provisions of this agreement and as soon as the tract qualifies for annexation pursuant thereto without regards to the time limitations specified above; or
  - 2. The City is in receipt of a Petition for Annexation which is signed by an individual property owner located in said area (Woodland Heights) which abuts current city limits. Said tract shall be annexed pursuant to other provisions of this Agreement and as soon as the tract qualifies for annexation pursuant thereto without regards to the time limitations specified above; or
  - 3. The City shall have the right to annex any area of the above described tract of land (Woodland Heights) if said land is owned by the City, completely surrounded by the City, or the City and Township agree to early annexation.

4. The sanitary sewer collection system, or any other municipal facility must be constructed within the above-described area because of orders from the Minnesota Pollution Control Agency or other agencies of the Federal or State Government. The time limitations of the preceding paragraph shall be inapplicable with respect to the area required to be served by such municipal utility and such areas may be annexed pursuant to other provisions of this agreement.
  
- B. The area known as Woodland Heights and legally described in Exhibit D, which is attached hereto and incorporated by reference is designated for orderly annexation pursuant to Minnesota Statutes, Section 414.0325.
  
- C. The City and Township agree that the area described in Exhibit D and designated as in need of orderly annexation is 230 acres.
  
- D. A boundary map showing the area legally described in Exhibit D is attached hereto as Exhibit B and incorporated herein by reference. Plat maps for the area legally described in Exhibit D are also attached hereto and incorporated herein by reference by Exhibit E (1-4).
  
- E. The City and Township hereby agree that on or after January 1, 2010, the City may initiate and the Township will not object to annexation of the area legally described in Exhibit D.
  
- F. 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 in Exhibit D are contained in this Joint Resolution, and that no consideration by Minnesota Planning is necessary. On filing of a Resolution by the City with Municipal Planning or its successor, providing for the annexation of the area legally described in Exhibit D, Minnesota Planning may review and comment thereon, but shall, within thirty (30) days of receipt of said Resolution and a copy of this Joint Resolution for Orderly Annexation, order the annexation of the area legally described in Exhibit D or the remainder of the area not already annexed under the foregoing provisions of this Joint Resolution, in accordance with the terms and conditions contained in this Joint Resolution.

- G. No election will be required because there is not election required by law in effect as of January 1, 2002. This provision shall continue to be in force notwithstanding the fact that the law may change at the time of the actual annexation.
- H. In the event that an annexation becomes operative under the conditions contained in paragraph III-3, that annexation shall be accomplished in accordance with the procedures provided in paragraphs III, F and G. above.
- I. Subsequent to the date of annexation, any and all public improvements that may be installed or constructed in said area would be subject to the requirements and dictates of Minnesota Statutes Section 429.

IV. Orderly Annexation Area

The City and Township hereby agree that the remainder of Fergus Falls Township, shall be designated as in need of orderly annexation pursuant to Minnesota Statutes Section 414.0325. The City and Town agree as follows:

- A. The City agrees that it will not initiate any annexation proceedings over any of the land described above, for a period of fifteen (15) years, terminating December 31, 2016, unless
  - 1. The City is in receipt of a Petition for Annexation which is signed by a property owner or upon the petition of a majority of property owners of any tract or parcel within the area described. Such tract may be annexed pursuant to other provisions of this agreement and as soon as the tract qualifies for annexation pursuant thereto without regards to any time limitations; or
  - 2. The City may annex an area if the land is owned by the City, completely surrounded by the City, or the City and Township agree to early annexation.
  - 3. If a sanitary sewer collection system or any other municipal utility must be constructed within the above described orderly annexation area because of orders from the Minnesota Pollution Control Agency or other agencies of federal or state government, the time limitations on the preceding paragraph shall be inapplicable with respect to the area required to be

served by such municipal utility and such areas may be annexed pursuant to other provisions of this agreement.

- B. Said area may be annexed by the City filing a resolution with Minnesota Planning or its successor; Minnesota Planning, upon receipt of a resolution designating an area for annexation and a copy of this Joint Resolution for Orderly Annexation, may review and comment on the annexation, but shall, within thirty (30) days of receipt of a resolution from the City and a copy of this Joint Resolution, order annexation of the area legally described in the Resolution in accordance with the terms and conditions contained in this Joint Resolution for Orderly Annexation .
- C. No election will be required because there is no election requirement by law in effect as of January 1, 2002. This provision would continue to be enforced notwithstanding the fact that the law may change at the time of actual annexation.
- D. The City shall have the right to levy its real estate taxes immediately upon annexation and shall reimburse the Township for real estate taxes that it would have received had the annexation not taken place, for a period of five (5) years, from and after the date of annexation.
- E. The Township will not object to annexation to any area provided for in paragraph IV.

V. Governing law

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

VI. 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 Minnesota Planning or its successor.

VII. 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.

VIII. Headings and Captions

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

IX. 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.

X. 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

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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.

XI. 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:

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

If to the Township:

Elaine M. Schoening, Town Clerk (or her successors)  
RR 3, Box 64, Fergus Falls, MN 56537

XII. Termination Date

The parties agree that this agreement shall terminate by mutual agreement of the parties by Joint Resolution, upon the annexation of all of Fergus Falls Township, or upon the date of December 31, 2016, whichever dated first occurs.

Passed, adopted and approved by the Township Board of Supervisors of Fergus Falls Township, Otter Tail County, Minnesota, this 19<sup>th</sup> day of February, 2002.

FERGUS FALLS TOWNSHIP

By: Howard Goese  
Howard Goese, Chair



REC'D BY  
M M B

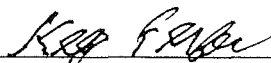
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ATTEST:

  
Elaine M. Schoening, Town Clerk

Passed, adopted and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 19<sup>th</sup> day of February, 2002.

CITY OF FERGUS FALLS

  
Kelly Ferber, Mayor

ATTEST:

  
Mark Sievert, City Administrator

DHN:kjj  
city/annex/woodlnd.hts.jointres.j24

EXHIBIT A

CITY OF FERGUS FALLS - TOWNSHIP OF FERGUS FALLS  
JOINT RESOLUTION FOR ORDERLY ANNEXATION

I. City Owned (Norgren)

Tract 1:

The East Half of the Southeast Quarter (E $\frac{1}{2}$  of SE $\frac{1}{4}$ ) 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.

**EXHIBIT D****CITY OF FERGUS FALLS - TOWNSHIP OF FERGUS FALLS  
JOINT RESOLUTION FOR ORDERLY ANNEXATION**

(Woodland Heights Area)

The West Half (W $\frac{1}{2}$ ) of Section Twenty-six (26) not presently within the corporate limits of the City (which includes all of Auditors Plats of Woodland Heights, First Addition to Woodland Heights, Second Addition to Woodland Heights and Lot Six (6), Block Two (2) of the Third Addition to Woodland Heights, according to the plats of record on file in the office of the County Recorder, Otter Tail County, Minnesota), all in Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota.

Excepting therefrom the following described tract of land, to wit:

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.