

## 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 BUSE TOWNSHIP AND THE  
CITY OF FERGUS FALLS

WHEREAS, the City of Fergus Falls has received a request from a resident of Buse 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 Buse (hereinafter "Town") have been meeting periodically to implement annexation of an area of Buse Township to the City; 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 Buse as follows:

I. Immediate Annexation

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

Beginning at a point on the South line of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section Eleven (11), Township One-Hundred Thirty-Two North (132 N), Range Forty-Three West (43 W) where the Easterly right-of-way line of County State Aid Highway 82 (formerly MnDot Trunk Highway 59) intersects the said South line of the said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of said Section Eleven (11), Thence Easterly along and over the South line of said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ), a distance of 340 feet; Thence Northerly and parallel to the Easterly

right-of-way line of County State Aid Highway 82 a distance of 175 feet; Thence Westerly and parallel to the South line of the said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) a distance of 340 feet to the Easterly right-of-way line of said County State Aid Highway 82; Thence Southerly along and over the Easterly right-of-way line of County State Aid Highway 82 a distance of 175 feet to the Point of Beginning, Otter Tail County, Minnesota.

AND

The adjacent Easterly 95 feet of County State Aid Highway 82 right-of-way.

Containing 1.68 Acres.

- B. The City and Township agree that the area described above and designated as in need of immediate annexation is 1.68 acres.

A boundary map showing the area legally described herein is attached to as Exhibit A and incorporated herein by reference.

- C. The City and Township agree that the population of the area legally described as in need of immediate 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 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 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 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 owner.

- 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.

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 Minnesota Planning 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:

Schan Sorkness (or his successors)  
Chairman of the Township Board  
19765 195<sup>th</sup> Avenue  
Fergus Falls, Minnesota 56537



Passed, adopted and approved by the Township Board of Supervisors of Buse Township, Otter Tail County, Minnesota, this 14<sup>th</sup> day of April, 2009.

BUSE TOWNSHIP

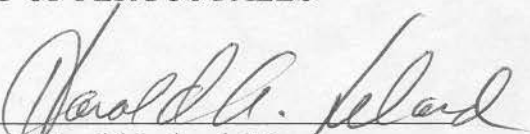
By:   
Its Chairman

ATTEST:

  
Town Clerk

Passed, adopted and approved by the City Council of the City of Fergus Falls, Otter Tail County, Minnesota, this 20<sup>th</sup> day of April, 2009.

CITY OF FERGUS FALLS

BY   
Harold Leland, Mayor

ATTEST:

  
Mark Sievert, City Administrator

barb/clients/city/annex/anderson/mary ann toso

## TOSO-ANDERSON PROPERTY

