

**JOINT RESOLUTION BETWEEN THE TOWN OF MOORHEAD AND THE CITY OF
MOORHEAD DESIGNATING AN AREA FOR ORDERLY ANNEXATION PURSUANT
TO MINNESOTA STATUTE 414.0325**

Hampton Place LLC, Contractor's Leasing, and City of Moorhead

BE IT RESOLVED by the Town of Moorhead, hereinafter referred to as "the Town", by and through its Board of Supervisors; and the City of Moorhead, hereinafter referred to as "the City", by and through its City Council, that the Town and City do hereby jointly agree to the following:

I. Definitions

For the purposes of this Joint Resolution the following definitions will mean:

1. City. Will mean the City of Moorhead, Minnesota, a municipal corporation duly organized and existing under the laws of the State of Minnesota, except whenever in the provisions of this document reference is made to water or electrical services, then and in that case, "City" will include within its meaning both the City of Moorhead and the Moorhead Public Service Commission, a board to which the control, management and operation of all City water and electrical systems have been committed by Section 12.02 of the Moorhead City Charter.
2. County. Will mean the County of Clay, Minnesota, a body corporate and politic duly organized and existing under the laws of the State of Minnesota.
3. Effective Date of Annexation. Will mean the date Minnesota Department of Administration – Municipal Boundary Adjustment issues its order approving the annexation contemplated in the initiating Resolution.
4. Effective Date of this Joint Resolution. Will mean the date Minnesota Department of Administration – Municipal Boundary Adjustment accepts this Joint Resolution for filing.

5. Initiating Resolution. Will mean this Joint Resolution adopted by the City and filed with Minnesota Department of Administration – Municipal Boundary Adjustment.
6. Joint Resolution. Will mean the Joint Resolution between the Town and the City designating an area for orderly annexation pursuant to Minnesota Statute Section 414.0325.
7. Minnesota Department of Administration – Municipal Boundary Adjustment. Will mean Minnesota Department of Administration – Municipal Boundary Adjustment, which is created by Minnesota Statute Section 414.01.
8. Orderly Annexation Area. Will mean that area of the Town of Moorhead, Clay County, Minnesota, legally described as:

PARCEL 1 – Hampton Place LLP

A certain tract of land located in Section 29, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: Commencing at the northeast corner of said Southwest Quarter; thence South 89 degrees 43 minutes 42 seconds West, assumed bearing along the north line of said Southwest Quarter, a distance of 75.00 feet to the west line of Minnesota State Trunk Highway Number 75, the point of beginning of the tract to be described; thence South 00 degrees 23 minutes 05 seconds East 1122.00 feet along the west line of said Minnesota State Trunk Highway Number 75; thence South 89 degrees 43 minutes 42 seconds West 1288.73 feet; thence North 00 degrees 16 minutes 18 seconds West 139.77 feet; thence southwesterly 122.16 feet along a non-tangential curve concave to the southeast having a central angle of 34 degrees 59 minutes 49 seconds, a radius of 200.00 feet, a chord bearing of South 69 degrees 29 minutes 47 seconds West and a chord distance of 120.27 feet; thence North 38 degrees 00 minutes 08 seconds West 80.00 feet; thence South 51 degrees 59 minutes 52 seconds West 97.41 feet; thence North 20 degrees 58 minutes 37 seconds West 1026.45 feet; thence North 00 degrees 16 minutes 18 seconds West 60.00 feet to the north line of said Southwest Quarter; thence North 89 degrees 43 minutes 42 seconds East 1888.27 feet along the north line of said Southwest Quarter to the point of beginning. Said tract contains 43.11 acres more or less and is subject to all easements of record.

PARCEL 2 – Contractor's Leasing

Part of the South Half (S ½) of the Northwest Quarter (NW ¼) of Section 21, in Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota. Said tract contains 18.00 acres more or less.

PARCEL 3 – City of Moorhead

The South 33 feet of Section 21, and the South 33 feet of the Southwest Quarter (SW ¼) of Section 22, and the North 33 feet of Section 28, and the North 33 feet of the Northwest Quarter (NW ¼) of Section 27, in Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota. Said tract contains 12.00 acres more or less.

PARCEL 4 – City of Moorhead

The North 33 feet of the Northwest Quarter (NW ¼) of Section 3, in Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota. Said tract contains 2.00 acres more or less.

and a map of which is attached as Exhibit A.

- 9 Town of Moorhead. Will mean the Town of Moorhead, a body corporate and politic, duly organized under the laws of the State of Minnesota.

II. Population

The population of the Orderly Annexation Area is zero and the population of the City of Moorhead will not increase as a result of annexation.

III. Reason for Annexation

It is specifically found that:

1. Certain Properties Urban or Suburban. Certain areas within the Town abutting upon the City are presently or are about to become urban or suburban in nature.
2. City Capable of Providing Services. City has provided or is capable of providing wastewater collection services and water distribution and is capable of providing additional municipal service to this property to adequately protect the public health, safety, and general welfare of the property.

IV. Annexation Date

All property within the Orderly Annexation Area will be annexed to the City upon the date that Minnesota Department of Administration – Municipal Boundary Adjustment issues its order approving annexation following Minnesota Department of Administration – Municipal Boundary Adjustment acceptance of this Joint Resolution.

V. **Zoning/Subdivision/Land Use Control Regulations**

Upon the effective date of annexation, the Orderly Annexation Area will be zoned TZ, Transitional Zone, so that the entire Orderly Annexation Area will be governed by the City's comprehensive land use plan and subdivision regulations as such plan and regulations may be amended, modified or replaced from time to time.

VI. **Electric Service**

The provisions of electric service vests with the Moorhead Public Service Commission, a board to which the control, management, and operation of the City's electrical system has been committed by Section 12.02 of the Moorhead City Charter. The policy of the Moorhead Public Service Commission and the City of Moorhead is to have the Moorhead Public Service Department provide electric service to all property located within the City of Moorhead.

VII. **No Referendum**

As all of the conditions for annexation are contained within and have been mutually agreed upon by the Town and City, at the time of annexation of the Orderly Annexation Area no referendum will be conducted.

VIII. **Modifying/Amending Joint Resolution**

The parties to this agreement concur that this agreement will not be modified or amended, nor will the stated boundaries be altered unless mutually agreed to through resolution of each party and acceptance by Minnesota Department of Administration – Municipal Boundary Adjustment.

IX. **Ordering in of Annexation**

Upon receipt of an Initiating Resolution under this Joint Resolution, Minnesota Department of Administration – Municipal Boundary Adjustment may review and comment, but will, within 30 days, order the annexation in accordance with the terms of this Joint Resolution.

X. **Town/City Cooperation**

The Town and City resolve to fully cooperate with Minnesota Department of Administration – Municipal Boundary Adjustment in connection with this Joint Resolution and its agreements.

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PASSED AND ADOPTED by the **Town Board of Moorhead**, Minnesota, this 15 day of March 2004.

APPROVED BY:



ARVID LEISETH, Chairperson
Town of Moorhead

(SEAL)

ATTEST:



DIANE ALLEN, Town Clerk
Town of Moorhead

PASSED by the City Council of the **City of Moorhead** this 15 day of March 2004.

APPROVED BY:



MARK VOXLAND, Mayor

(SEAL)

ATTEST:



KAYE E. BUCHHOLZ, City Clerk

