

REC'D. BY MAY 13 1991
MMB

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

IN THE MATTER OF THE ORDERLY ANNEXATION
AGREEMENT BETWEEN THE CITY OF FERGUS
FALLS AND THE TOWN OF FERGUS FALLS PURSUANT
TO MINNESOTA STATUTES 414.0325, SUBD. 1

JOINT RESOLUTION OF THE CITY OF FERGUS FALLS
AND THE TOWN OF FERGUS FALLS

WHEREAS, a Joint Resolution for Orderly Annexation was adopted by the City of Fergus Falls on July 17, 1974, and by the Township of Fergus Falls on July 8, 1974, and duly accepted by the Minnesota Municipal Board; and,

WHEREAS, the City of Fergus Falls has received a Petition for Annexation of certain lands located in the Town of Fergus Falls which are included in and subject to said Orderly Annexation Agreement; and,

WHEREAS, the City of Fergus Falls and the Town of Fergus Falls have entered into an agreement dated November 18, 1987, relating to certain lands located in the Town of Fergus Falls which are included in and subject to said Orderly Annexation Agreement; and,

WHEREAS, the City of Fergus Falls and the Town of Fergus Falls have met and have negotiated an amicable agreement as it relates to said requests for annexation; and,

WHEREAS, Minnesota Statutes 414.0325, Subd. 1, provides, in part, as follows:

"...Thereafter, an annexation of any part of the designated area may be initiated by submitting to the executive director a resolution of any signatory to the joint resolution or by the board on its own motion..."

NOW, THEREFORE, the City of Fergus Falls and the Town of Fergus Falls propose that the following Joint Resolution as to

the annexation of a part of the orderly annexation area be adopted:

RESOLVED by the City of Fergus Falls and the Town of Fergus Falls as follows:

1. The City of Fergus Falls hereby petitions to the Minnesota Municipal Board and the Township of Fergus Falls will not object to the annexation during 1991 of the tracts of land described as follows, to-wit:

TRACT I

The Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-five (25), Township One Hundred Thirty-three (133), Range Forty-three (43), Otter Tail County, Minnesota, consisting of approximately 140 acres, more or less.

TRACT II

All of the South One-Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section Twenty-eight (28), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, EXCEPT THE FOLLOWING TRACTS:

1. The West 140.00 feet of the South One-Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of said Section Twenty-eight (28);
2. The North 300.00 feet of the East 400.00 feet of the West 540.00 feet of the South One-Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of said Section Twenty-eight (28);
3. Commencing at the Southeast corner of the South One-Half of the Northeast Quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$); thence North along the east line thereof 701 feet to the point of beginning; thence West 268 feet; thence South 225 feet; thence East 268 feet to said East line; thence North 225 feet to the point of beginning.

-AND-

The North One-Half of the Southeast Quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) of Section Twenty-eight (28), Township One Hundred Thirty-three (133) North, Range Forty-three (43) West, Otter Tail County, Minnesota, EXCEPT THE FOLLOWING TRACTS:

1. The South 400.00 feet of the East 762.30 feet of the North One-Half of the Southeast Quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) of said Section Twenty-eight (28);
2. The West 140.00 feet of the North One-half of the Southeast Quarter ($N\frac{1}{2}$ of $SE\frac{1}{4}$) of said Section Twenty-eight (28);
3. That part of the South One-half of the Southeast Quarter ($S\frac{1}{2}$ of $SE\frac{1}{4}$) of said Section Twenty-eight (28), lying South of the North boundary of the Burlington Northern Railway;
4. A tract previously conveyed to Great Plains Natural Gas Co., in the Northeast corner thereof, said tract measuring 50 feet by 50 feet.

The above Tract II contains approximately 138.37 acres and is subject to an easement to Great Plains Natural Gas Company for Pipe line and other easements and reservations of record, if any.

2. The Town and City agree that the area of lands described in paragraph 1 shall be annexed without the necessity of conducting the hearing specified in Minnesota Statutes 414.0325 for the reason that the parties are satisfied that the statutory criteria to be determined as a result of said hearing have in fact been met to the satisfaction of both parties and therefore there is no need to subject the taxpayers to the expense of conducting such a hearing.

3. The Town and City agree that because of the Joint Resolution herein an annexation election is not required to be held by the Minnesota Municipal Board.

4. That upon annexation of the property described in paragraph 1 above, the mill levy of the City of Fergus Falls shall apply on the property herein described and shall be increased to equality with the mill levy of the property already within the City of Fergus Falls.

CITY OF FERGUS FALLS

Passed and adopted by the City of Fergus Falls, this 6th day of May, 1991.

ATTEST: James L. Adahal
City Administrator

APPROVED: Kep Ferber
Mayor

TOWNSHIP OF FERGUS FALLS

Passed and adopted by the Township of Fergus Falls, this 3rd day of May, 1991.

ATTEST: Elaine M. Schaering
Township Clerk

APPROVED: Harold Loe
Chairman

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