

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE JOINT RESOLUTION
OF THE CITY OF MOORHEAD AND GLYNDON
TOWNSHIP DESIGNATING CERTAIN AREAS
AS IN NEED OF ORDERLY ANNEXATION
PURSUANT TO MINNESOTA STATUTES § 414.0325

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, property owners, Dealer Sites, L.L.C. and Lowell D. Nereson, with property located within Glyndon Township (the "Township") and legally described herein, (hereinafter referred to as the "Subject Area") have approached and petitioned the City of Moorhead (the "City") requesting annexation to the City; and

WHEREAS, the above-mentioned property owner seeks to develop this property for urban or suburban commercial purposes; and

WHEREAS, the Subject Area abuts the City across the Trunk Highway 336 right-of-way; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the areas legally described herein; and

WHEREAS, the City has available capacity to provide services to the above-mentioned property following annexation; and

WHEREAS, the City and Township agree that the property legally described herein is urban or suburban or about to become so and that orderly annexation of the described property would be in the best interest of the property owner and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the property legally described herein is designated as in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the property legally described herein without the need for a hearing.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of Supervisors of Glyndon Township and the City Council of the City of Moorhead, as follows:

1. Designation of Orderly Annexation Area – City of Moorhead and Glyndon Township. The Township and the City hereby designate the area legally described in Exhibit A, attached hereto and incorporated herein by reference for immediate orderly annexation pursuant to Minnesota Statutes, Section 414.0325.

2. Acreage. The Township and City agree that the above-mentioned Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is approximately 23 acres.
3. Population. The Township and City agree that the population of the Subject Area legally described in Exhibit A and designated as in need of immediate orderly annexation is 0.
4. Map of Area. A boundary map showing the Subject Area legally described in Exhibit A is attached hereto as Exhibit B and is incorporated herein by reference.
5. No Hearing Required. Pursuant to Minnesota Statutes, Section 414.0325, the Township and City agree that no alteration of the boundaries stated herein is appropriate, that all conditions for annexation of the Subject Area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the Office of Administrative Hearings is necessary. Upon the execution and filing of this Joint Resolution, the 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 Subject Area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Tax Reimbursement. The City and Township agree that within ninety (90) days of annexation of the Subject Area legally described in Exhibit A, the City shall remit to the Township a one-time, lump sum payment of \$5,000, representing an amount sufficient to reimburse the Township for its share of the loss of property taxes from the annexation of the Subject Area for a period of ten years. Following payment of the one-time, lump sum stated herein as tax reimbursement, there shall be no further payments to the Township for the annexation of the Subject Area.
7. Filing. The Township and City agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the Office of Administrative Hearings Municipal Boundary Adjustments Office and pay the required filing fees.
8. Governing Law. The Township and City agree that this Joint Resolution is made pursuant to, and shall be construed in accordance with the laws of the State of Minnesota.
9. Headings and Captions. The Township and City agree that the headings and captions contained in this Joint Resolution are for convenience only and are not intended to alter any of the provisions of this Joint Resolution.
10. Entire Agreement. With respect only to the Subject Area legally described in Exhibit A and shown on Exhibit B, which are attached hereto and incorporated herein by reference, the terms, covenants, conditions, and provisions of this Joint Resolution shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties.

JAN 30 2006

11. Legal Description and Mapping. The Township and City agree that in the event there are errors, omissions or any other problems with the legal description provided in Exhibit A or mapping provided in Exhibit B, in the judgment of the Office of Administrative Hearings, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A or Exhibit B making the corrections requested or required by the Office of Administrative Hearings as necessary to make effective the annexation of said Subject Area in accordance with the terms of this Joint Resolution.

Passed, adopted, and approved by the Town Board of Supervisors of Glyndon Township, Clay County, Minnesota, this 6 day of Sept., 2005.

GLYNDON TOWNSHIP

By: Fred Kull
_____, Chairman

ATTEST:

Nancy Nelson
_____, Town Clerk

Passed, adopted, and approved by the City Council of the City of Moorhead, Clay County, Minnesota, this 3rd day of October, 2005.

CITY OF MOORHEAD

By: Mark Voxland
_____, Mayor

By: Bruce A. Messelt
_____, City Manager

ATTEST:

Kaye Buchholz
_____, City Clerk

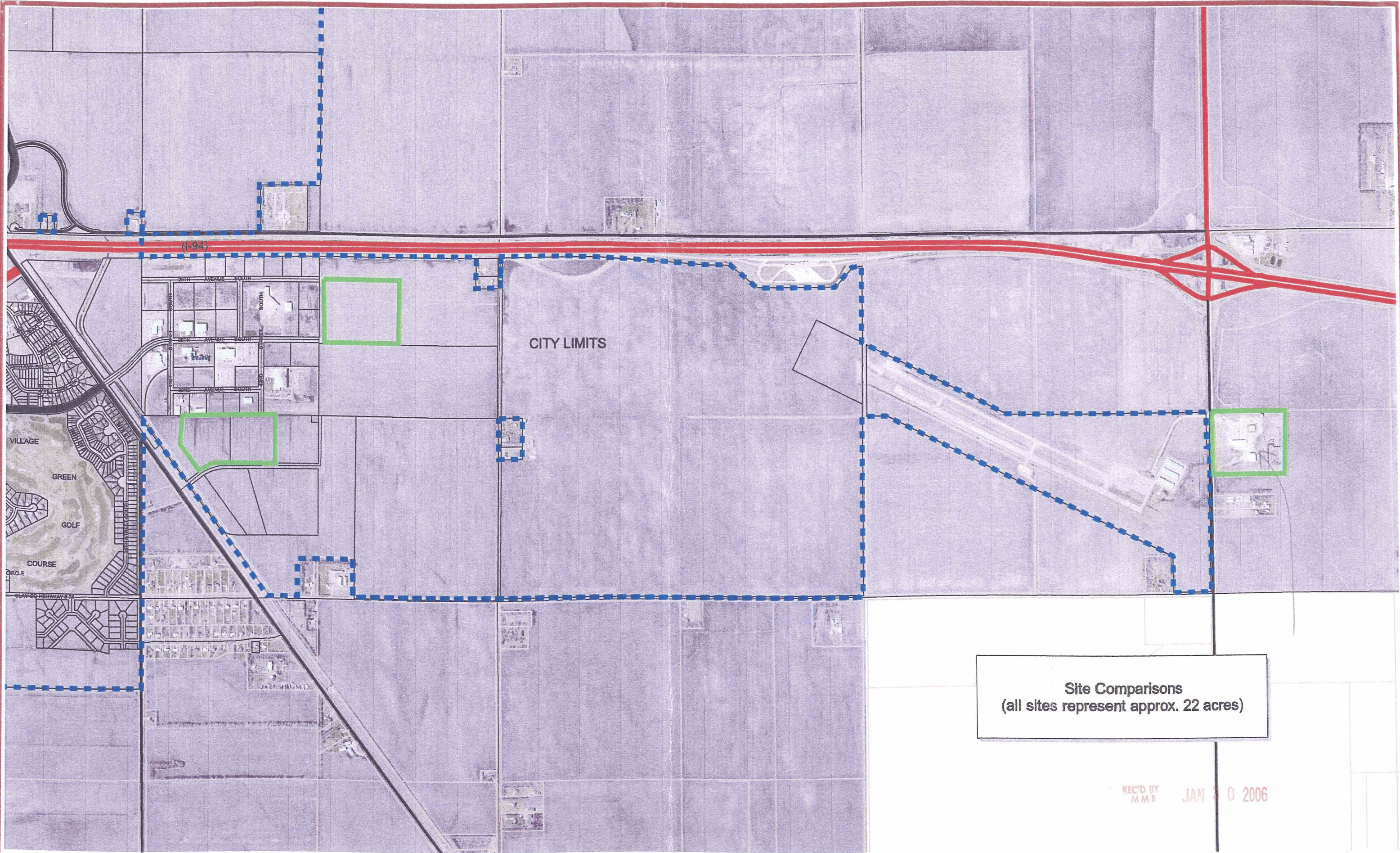
EXHIBIT A
Legal Description

The Subject Area to be annexed in the attached Joint Resolution is legally described as follows:

Part of the SW¼ of Section 20, Township 139N, Range 47 West of the 5th P.M., Clay County, Minnesota, described as follows: Commencing at the Northwest corner of the SW¼ of Section 20, Township 139, Range 47, said Northwest corner being the true point of beginning thence S 00.00'00" W along the West line of the SW¼ of Section 20 a distance of 922.95 ft; thence N 89.38'10"E a distance of 1088.32 ft; thence North 00.00'00" E parallel to the West line of the SW¼ of Section 20 a distance of 922.95 ft to the North line of SW¼ of Section 20; thence S 89.38'10" W along the North Line of said SW¼ a distance of 1088.32 ft to true point of beginning.

EXHIBIT B**Boundary Map**

The municipal boundary map referenced in the attached Joint Resolution, showing the current City of Moorhead and its relation to the Subject Area to be annexed, legally described in Exhibit A, is attached hereto.



Site Comparisons
(all sites represent approx. 22 acres)

REC'D BY
MMB

JAN 30 2006



CITY OF
MOORHEAD
MINNESOTA

1000 0 1000 Feet