

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

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

**JOINT RESOLUTION FOR
ORDERLY ANNEXATION**

WHEREAS, the City of Moorhead (the "City") currently provides water and wastewater services to property owners residing in Americana Estates pursuant to an agreement between the Americana Estates Water and Sewer District and the City made and entered into the 17th day of June, 1986; and

WHEREAS, said agreement between the Americana Estates Water and Sewer District and the City expires twenty (20) years from the date executed, unless extended by mutual consent of the parties; and

WHEREAS, the City and Moorhead Township (the "Township"), upon consultation with property owners residing in Americana Estates, agreed to work cooperatively to accomplish the orderly annexation of the areas legally described herein; and

WHEREAS, the City, as noted above, is currently providing water and wastewater services and has the capacity to provide all municipal services to the area legally described herein; 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 owners 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 Moorhead Township and the City Council of the City of Moorhead, as follows:

1. Designation of Orderly Annexation Area – City of Moorhead and Moorhead Township. The Township and the City hereby designate the Subject 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 77.26 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 approximately 100.
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 upon annexation of the Subject Area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed in said amounts and according to the following schedule:

January 1, 2007	\$7,526
January 1, 2008	\$5,853
January 1, 2009	\$4,181
January 1, 2010	\$2,509
January 1, 2011	\$836

Thereafter, the City will no longer reimburse the Township.

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.

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 Moorhead Township, Clay County, Minnesota, this 21 day of February, 2006.

MOORHEAD TOWNSHIP

By: David L. Smith
Moorhead Township, Chair

ATTEST:

Diane Allen
Moorhead Township Town Clerk

Passed, adopted, and approved by the City Council of the City of Moorhead, Clay County, Minnesota, this 21 day of February, 2006.

CITY OF MOORHEAD

By: Mark Voxland
Mark Voxland, Mayor

By: Bruce A. Messelt
Bruce A. Messelt, City Manager

ATTEST:

Kaye Buchholz
Kaye Buchholz, City Clerk

EXHIBIT A
Legal Description

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

Beginning at a point on the West line of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, which is more particularly described as follows:

Beginning at a Point on the West line of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, said Point of beginning being located approximately 2,250 feet north of the Southwest Corner of said Section 23; thence South $36^{\circ} 10' 37''$ East along the West Right of Way Line of Trunk Highway No. 231 a distance of approximately 3,820 feet; thence North $89^{\circ} 38'$ West a distance of 940.01 feet; thence South $63^{\circ} 38' 52''$ West a distance of 222.4 feet; thence North $45^{\circ} 01' 15''$ West a distance of 28.47 feet; thence North $89^{\circ} 38'$ West a distance of 1,074.33 feet more or less to a Point of Intersection with the West line of Section 26, Township 139 North, Range 48 West of the Fifth Principal Meridian, which is also the Road Center Line of County Road # 7, continuing North $00^{\circ} 24' 30''$ West along the West line of said Section 26, and continuing along the west line of said Section 23, an approximate distance of 3,160 feet to the Point of Beginning.

REC'D BY
MMB

MAR 02 2006

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.

