

RESOLUTION 26-04

ORDERLY ANNEXATION PURSUANT TO THE ORDERLY ANNEXATION AGREEMENT BETWEEN THE CITY OF DILWORTH, CITY OF MOORHEAD, AND OAKPORT TOWNSHIP

WHEREAS, the City of Dilworth (the “City”), the City of Moorhead, and Oakport Township entered into a “Joint Resolution for Orderly Annexation” agreement (the “Oakport Agreement”) on August 4, 2008; and

WHEREAS, the Oakport Agreement was accepted by the Minnesota Office of Administrative Hearings and filed as docket #OA-1419 on December 18, 2008; and

WHEREAS, the City, the City of Moorhead, and Oakport Township renewed the Oakport Agreement for an additional ten (10) year period on March 14, 2022, which was received by the Minnesota Office of Administrative Hearings on March 25, 2022; and

WHEREAS, the Oakport Agreement designates, in part, the following area as in need of orderly annexation by the City:

The S½SE¼ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota subject to all easements, rights of way, restrictions, reservations, and rights of record, LESS the four following parcels:

Excepted Parcel 1. That part of the SE¼ of Section 34; Township 140 North, Range 48, West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 34; thence North 90°00'00" West (assumed bearing), along the South line of said Section 34, for a distance of 22.02 feet; thence North 00°31'05" East for a distance of 516.38 feet to a point on the centerline of Clay County Highway No. 9; thence North 88°33'55" West for a distance of 60.00 feet to a point on the Westerly right-of-way line of said Clay County Highway No. 9, being the true point of beginning; thence North 00°31'05" East, along the Westerly right-of-way line of said Clay County Highway No. 9, for a distance of 196.00 feet; thence North 88°33'55" West for a distance of 76.00 feet; thence South 03°26'05" West for a distance of 196.09 feet; thence South 88°33'55" East for a distance of 85.98 feet to the true point of beginning, containing 0.36 acres, more or less.

AND

Excepted Parcel 2. Commencing at a found iron monument which designates the Southeast corner of said Section 34; thence North 90°00'00" West (assumed bearing) on the South line of said Section 34, 22.02 feet; thence North 00°31'05" East for a distance of 516.38

feet to a point on the centerline of Clay County Highway No. 9; thence North 88°33'55" West for a distance of 60.00 feet to a point on the Westerly right-of-way line of Clay County Highway No. 9; thence North 00°31'05" East on the Westerly right-of-way line of said Clay County Highway No. 9, for a distance of 196.00 feet to the true point of beginning; thence North 88°33'55" West, 76.00 feet to a found iron monument; thence continuing North 88°33'55" West, 137.92 feet; thence North 02°25'33" East, 248.06 feet; thence North 89°02'04" West, 384.33 feet; thence North 05°24'54" West 246.35 feet; thence North 89°49'33" East, 615.46 feet to a point on the Westerly right-of-way line of Clay County Highway No. 9; thence South 00°31'05" West on the Westerly right-of-way line of Clay County Highway No. 9, 506.81 feet to the true point of beginning.

AND

Excepted Parcel 3. Commencing at a found iron monument which designates the Southeast corner of said Section 34; thence North 90°00'00" West (assumed bearing) on the South line of said Section 34, 22.02 feet; thence North 00°31'05" East for a distance of 516.38 feet to a point on the centerline of Clay County Highway No. 9; thence North 88°33'55" West for a distance of 60.00 feet to a point on the Westerly right-of-way line of said Clay County Highway No. 9; thence North 00°31'05" East on the Westerly right-of-way line of Clay County Highway No. 9, for a distance of 196.00 feet to a found iron monument; thence North 88°33'55" West, 76.00 feet to a found iron monument; thence continuing North 88°33'55" West, 137.92 feet to a found iron monument, found monument being the true point of beginning; thence continuing North 88°33'55" West, 401.58 feet to an iron monument; thence North 00°31'05" East 489.53 feet to a found iron monument; thence South 05°24'54" East, 246.35 feet to a found iron monument; thence South 89°02'04" East, 384.33 feet to a found iron monument; thence South 02°25'33" West, 248.06 feet to the point of beginning. Said tract contains 2.37 acres, more or less. Said tract is subject to easement, restrictions, reservations, and rights whether of record or not, if any.

AND

Excepted Parcel 4. All that portion of the Clay County Highway No. 9 right-of-way lying northerly of the extended south line of above-described Excepted Parcel 1 and southerly of the extended north line of above-described Excepted Parcel 2.

AND

The N¹/₂SE¹/₄ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota.

AND

The S¹/₂NE¹/₄ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota

AND

Lot 2, Block 1, Cooperative Energy Subdivision, Part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota

AND

Lot 1, Block 1, Cooperative Energy Subdivision, Part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota

AND

The N¹/₂NE¹/₄ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota subject to all easements, rights of way, restrictions, reservations, and rights of record, LESS:

the North 65.0 feet of the Northeast Quarter (NE¹/₄) of Section 34 Township 140 North, Range 48 West of the 5th Principal Meridian, Clay County Minnesota

AND

the South 5.0 feet of the North 70.0 feet of the East 525.0 feet of the Northeast Quarter (NE¹/₄) of Section 34, Township 140 North, Range 48 West of the 5th Principal Meridian, Clay County, Minnesota

(collectively, the “Property”), a map of which is attached as Exhibit A; and

WHEREAS, the necessary criteria for annexation of the Property pursuant to the Oakport Agreement have been met; and

WHEREAS, on January 7, 2026, the Dilworth Planning Commission reviewed this annexation, believed it to be in conformance with the Dilworth Comprehensive Plan, and has forwarded a recommendation to the Dilworth City Council to annex the Property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Dilworth, Minnesota, as follows:

1. Oakport Annexation. The City is hereby authorized to annex the Property into its City limits and shall follow all procedures set forth in the Oakport Agreement to complete such annexation. Once the annexation is complete, the City shall provide notice of the same to the City of Moorhead and Oakport Township. The Property contains approximately eighty (80) acres. Upon annexation, the Property will be subject to the City's zoning and land use controls.

2. Timing of Tax Levy. For purposes of taxation, as set forth in Minnesota Statutes § 414.0325, if annexation becomes effective on or before August 1 of a levy year, the City may levy on the Property beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, Oakport Township may continue to levy on the Property for that levy year, and the City may not levy on the Property until the following levy year.

3. Lost Tax Reimbursement to Oakport Township. Pursuant to Minnesota Statute § 414.036, the City and Oakport Township have, in good faith, negotiated lost tax revenue on the Property for Oakport Township due to the annexation. The City will make the following reimbursement payments to Oakport Township for lost tax revenue over the course of two (2) years:

- A. \$ 759.02 due by May 1, 2027
- B. \$ 759.02 due by May 1, 2028

4. Assessments and Debt. Also pursuant to Minnesota Statute § 414.036, special assessments in the amount of \$0 have been levied against the Property and remain outstanding and that debt incurred by Oakport Township prior to the annexation and attributable to the Property but for which no special assessments are outstanding is \$0. The City will reimburse Oakport Township for such amounts over the course of two(2) years in the following amounts:

- A. \$ 0 due by May 1, 2027
- B. \$ 0 due by May 1, 2028

5. Governing Law. This resolution shall be governed by the laws of the State of Minnesota.

6. Effective Date. This resolution shall be effective upon the adoption by the City and concurrence by the City of Moorhead and Oakport Township.

7. Order for Annexation. The Oakport Agreement states that the parties agree the Oakport Agreement contains all conditions for annexation of the Property and that no consideration by the Chief Administrative Law Judge is necessary. Accordingly, the Chief Administrative Law Judge may review and comment on the annexation, but shall, within thirty (30) days order the annexation in accordance with the terms of this resolution. Additionally, no alteration of the stated boundaries described in this resolution is appropriate.

(Remainder of page intentionally left blank.)

ADOPTED by the City of Dilworth on the 12th day of January, 2026.

Chad Olson

Chad Olson, Mayor

ATTEST:

L. Peyton Mastera

L. Peyton Mastera, City Administrator

RESOLUTION 2026-0209-E

Resolution of Concurrence for Orderly Annexation – Oakport Township

WHEREAS, the City of Moorhead, City of Dilworth, and Oakport Township entered into a Joint Resolution for Orderly Annexation Agreement on August 4, 2008 and renewed the Agreement for an additional ten (10) year period on March 14, 2022; and

WHEREAS, the City of Dilworth approved Resolution 26-04 on January 12, 2026 to annex areas within Oakport Township; and

WHEREAS, the areas outlined within City of Dilworth Resolution 26-04 are consistent with the aforementioned Joint Resolution for Orderly Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moorhead that the City of Moorhead has no objection and concurs with the City of Dilworth annexation approved by the City of Dilworth by Resolution 26-04.

PASSED: February 9, 2026 by the City Council of the City of Moorhead.

APPROVED BY:



MICHELLE (SHELLY) A. CARLSON, Mayor

ATTEST:

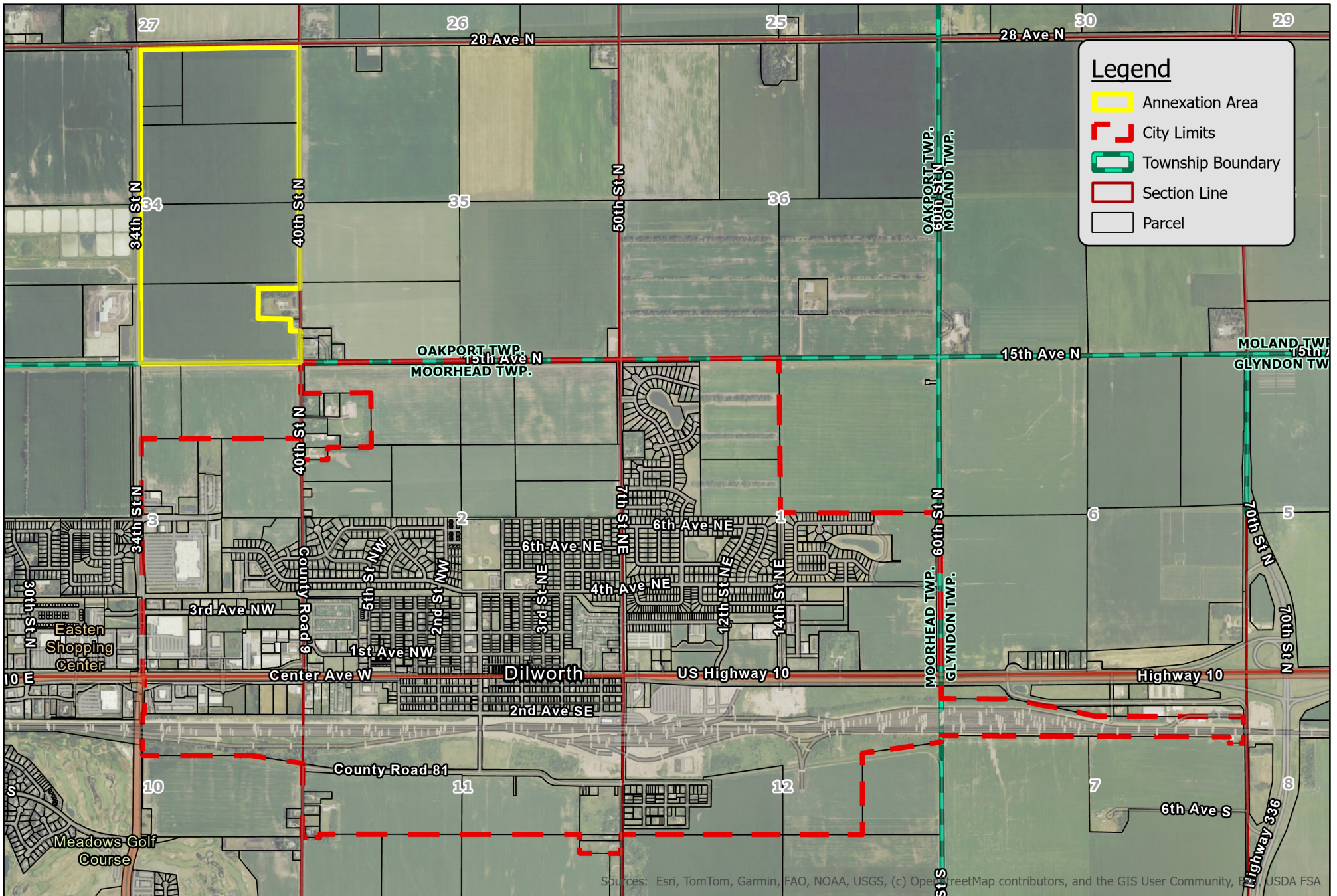


CHRISTINA RUST, City Clerk

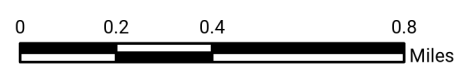
Exhibit A

PROPERTY MAP

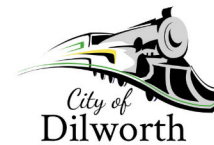




ANNEXATION AREAS DILWORTH, MINNESOTA

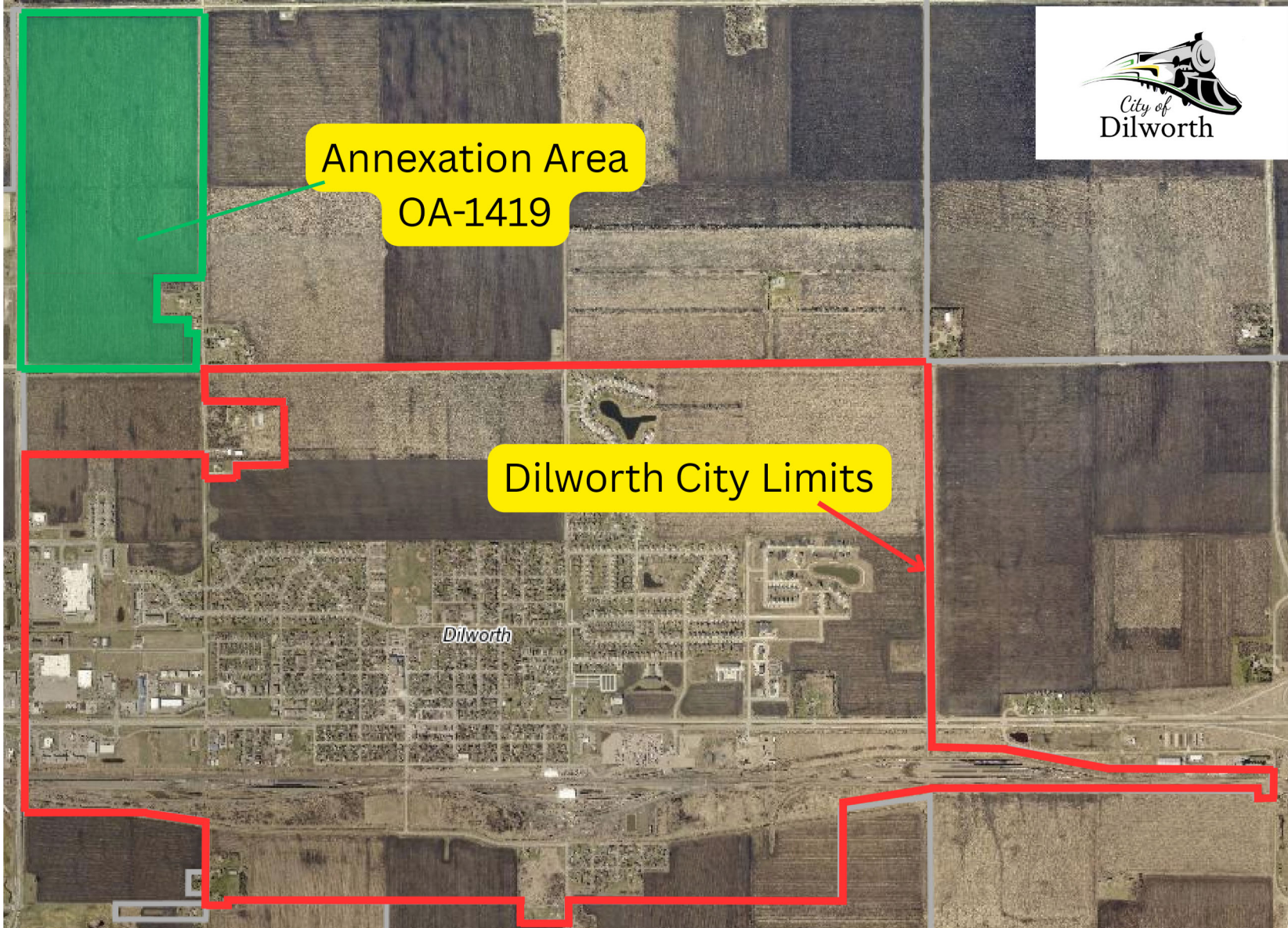


Created By: KMV Date Created: 06/01/26 Date Saved: 06/02/26 Project Number: 19570-100 Map Name: Annex_Layers_20260601
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 Coordinate System: NAD 1983 HARN Adj MN Clay Feet Vertical Datum: NAVD1988
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Annexation Area
OA-1419

Dilworth City Limits



ANNEXATION LEGAL DESCRIPTION CONSENT

WHEREAS, the City of Dilworth adopted Resolution 26-04, titled ORDERLY ANNEXATION PURSUANT TO THE ORDERLY ANNEXATION AGREEMENT BETWEEN THE CITY OF DILWORTH, CITY OF MOORHEAD, AND OAKPORT TOWNSHIP, on January 12, 2026, for the annexation of property in Oakport Township; and

WHEREAS, the City of Moorhead consented to the City of Dilworth's annexation and adoption of Resolution 26-04 with the adoption of Resolution 2026-0209-E, on February 9, 2026; and

WHEREAS, following the filing of Resolution 26-04 with the Municipal Boundary Adjustment Unit of the Minnesota Court of Administrative Hearings ("MBAU"), MBAU requested a modification to the legal description contained in Resolution 26-04; a copy of the modified legal description is attached hereto as Exhibit A (the "Modified Legal Description"), and a map thereof is attached hereto as Exhibit B; and

WHEREAS, MBAU has requested consent from both the City of Dilworth and the City of Moorhead to the Modified Legal Description and the map thereof; and

WHEREAS, the City of Dilworth and the City of Moorhead both desire to provide their consent to the Modified Legal Description and the map thereof.

NOW, THEREFORE, the City of Dilworth and the City of Moorhead hereby consent to the Modified Legal Description, as described in Exhibit A attached hereto, and the map thereof, attached as Exhibit B hereto, and authorize the modification of Resolution 26-04 to reflect the Modified Legal Description and the map thereof.

(Signatures appear on the following pages.)

CITY OF DILWORTH



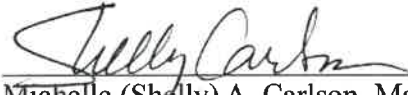
Chad Olson, Mayor



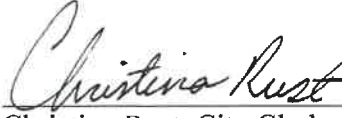
L. Peyton Mastera, City Administrator

Date: 6-8-26

CITY OF MOORHEAD



Michelle (Shelly) A. Carlson, Mayor



Christina Rust, City Clerk

Date: June 8, 2026

Exhibit A

MODIFIED LEGAL DESCRIPTION

The S½SE¼ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota subject to all easements, rights of way, restrictions, reservations, and rights of record, LESS the four following parcels:

Excepted Parcel 1. That part of the SE¼ of Section 34; Township 140 North, Range 48, West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: Commencing at the Southeast corner of said Section 34; thence North 90°00'00" West (assumed bearing), along the South line of said Section 34, for a distance of 22.02 feet; thence North 00°31'05" East for a distance of 516.38 feet to a point on the centerline of Clay County Highway No. 9; thence North 88°33'55" West for a distance of 60.00 feet to a point on the Westerly right-of-way line of said Clay County Highway No. 9, being the true point of beginning; thence North 00°31'05" East, along the Westerly right-of-way line of said Clay County Highway No. 9, for a distance of 196.00 feet; thence North 88°33'55" West for a distance of 76.00 feet; thence South 03°26'05" West for a distance of 196.09 feet; thence South 88°33'55" East for a distance of 85.98 feet to the true point of beginning, containing 0.36 acres, more or less.

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Excepted Parcel 4. All that portion of the Clay County Highway No. 9 right-of-way lying northerly of the extended south line of above-described Excepted Parcel 1 and southerly of the extended north line of above-described Excepted Parcel 2.

AND

The N½SE¼ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota.

AND

The S½NE¼ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota

AND

Lot 2, Block 1, Cooperative Energy Subdivision, Part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota

AND

Lot 1, Block 1, Cooperative Energy Subdivision, Part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota

AND

The N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 34, Township 140 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota subject to all easements, rights of way, restrictions, reservations, and rights of record, LESS:

the North 65.0 feet of the Northeast Quarter (NE1/4) of Section 34 Township 140 North, Range 48 West of the 5th Principal Meridian, Clay County Minnesota

AND

the South 5.0 feet of the North 70.0 feet of the East 525.0 feet of the Northeast Quarter (NE1/4) of Section 34, Township 140 North, Range 48 West of the 5th Principal Meridian, Clay County, Minnesota

Exhibit B

MAP OF MODIFIED LEGAL DESCRIPTION

