

RESOLUTION 22-06**RECOMMENDATION FROM THE DILWORTH PLANNING COMMISSION TO
COMMENCE ANNEXATION OF 515 AND 541 50TH STREET SOUTH, PURSUANT TO
THE ORDERLY ANNEXATION AGREEMENT BETWEEN THE CITY OF
DILWORTH, CITY OF MOORHEAD, AND MOORHEAD TOWNSHIP**

WHEREAS, the City of Dilworth, City of Moorhead, and Moorhead Township entered into a "Joint Resolution for Orderly Annexation" agreement (the "Agreement") on September 9, 2008; and

WHEREAS, the Agreement was accepted by the Minnesota Office of Administrative Hearings and filed as docket #OA-1421 on December 18, 2008; and

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

A parcel in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Eleven (11), Township One Hundred Thirty-nine (139) North, Range Forty-Eight (48) West of the Fifth Prime Meridian, Clay County, Minnesota, described as follows: Beginning at the East $\frac{1}{4}$ corner of said Section Eleven (11), which point may also be identified as the Southeast corner of Auditor's Outlot B-11 of Dilworth, which point is the beginning of the property conveyed; thence in Westerly direction along the quarter line of said Section Eleven (11) a distance of seven hundred fifteen (715) feet; thence in a southerly direction parallel with the East line of said Section Eleven (11) a distance of three hundred fifteen 63/100 (315.63) feet; thence in an Easterly direction parallel with the quarter line of said Section Eleven (11) a distance of seven hundred fifteen (715) feet to the East line of said Section Eleven (11); thence in a Northerly direction along the East line of said Section Eleven (11) a distance of three hundred fifteen and 63/100 (315.63) feet to the point of beginning and there termination, excepting therefrom the following described parcel, beginning at a point of the East line of said Section Eleven (11), Township One Hundred Thirty-nine (139) North, Range Forty-eight (48) West of the Fifth Prime Meridian, Clay County, Minnesota, which point is two thousand three hundred thirteen and 89/100 (2,313.89) feet north of the Southeast corner of said Section Eleven, this point being the true point of beginning of the excepted property; thence in a Westerly direction along a line bearing S 89°08'00" W a distance of seven hundred fifteen (715) feet; thence in a northerly direction along a line bearing N 00°42'00" W and parallel to the East line of said Section Eleven (11) a distance of two hundred thirteen (213.00) feet; thence in an Easterly direction along a line bearing N 89°08'00" E a distance of seven hundred fifteen (715) feet, more or less, to the point of intersection with the East line of said Section Eleven (11); thence in a southerly direction on a line bearing S 00°42'00" E, which line is the East line of said Section Eleven (11) a distance of two hundred thirteen (213.00) feet, more or less, to the point of

beginning and there terminating, subject to a forty-five (45) foot road easement along and parallel with the East line of said Section Eleven (11).

And

That part of the Northeast Quarter of the Southeast Quarter of Section Eleven, Township One Hundred Thirty-nine, Range Forty-eight, Clay County, Minnesota, described as follows, to-wit: Beginning at a point on the East line of Section Eleven, Township One Hundred Thirty-nine North, Range Forty-eight West of the Fifth Principal Meridian, said point being 2313.89 feet North of the Southeast corner of said Section Eleven; thence South 89°08'00" West a distance of 715.00 feet; thence North 00°42'00" West parallel to said East section line a distance of 213.00 feet; thence North 89°08'00" East a distance 715.00 feet, more or less, to a point of intersection with said East section line; thence South 00°42'00" East along said East section line a distance of 213.00 feet, more or less, to the point of beginning.

(collectively, the "Property"); and

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

WHEREAS, on January 5, 2022, 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 City Council to annex the Property.

NOW, THEREFORE, BE IT RESOLVED by the Dilworth City Council, Moorhead City Council, and Moorhead Township:

1. Annexation. The City is hereby authorized to annex the Property into its City limits and shall follow all procedures set forth in the Agreement to complete such annexation. Once the annexation is complete, the City shall provide notice of the same to the City of Moorhead and Moorhead Township. The Property contains approximately 5.19 acres. Upon annexation, the Property will be subject to the City's zoning and land use controls.

2. Timing of Tax Levy. For the purposes of taxation, as set forth in Minnesota Statutes § 414.0325, the City and Moorhead Township hereby agree that 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, Moorhead 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 Moorhead Township. Pursuant to Minnesota Statute § 414.036, the City and Moorhead Township have, in good faith, negotiated lost tax revenue on the Property for Moorhead Township due to the annexation. The City and Moorhead Township

hereby agree that the City will make the following reimbursement payments to Moorhead Township for lost tax revenue over the course of two (2) years:

- A. \$14.12 due by May 1, 2023
- B. \$14.11 due by May 1, 2024

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

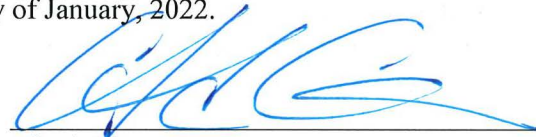
- A. \$0 due by May 1, 2023
- B. \$0 due by May 1, 2024

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 adoption by the City, the City of Moorhead, and Moorhead Township.

ADOPTED by the City of Dilworth the 24th day of January, 2022.

MAYOR:


Chad Olson, Mayor

ATTEST:


L. Peyton Mastera, City Administrator

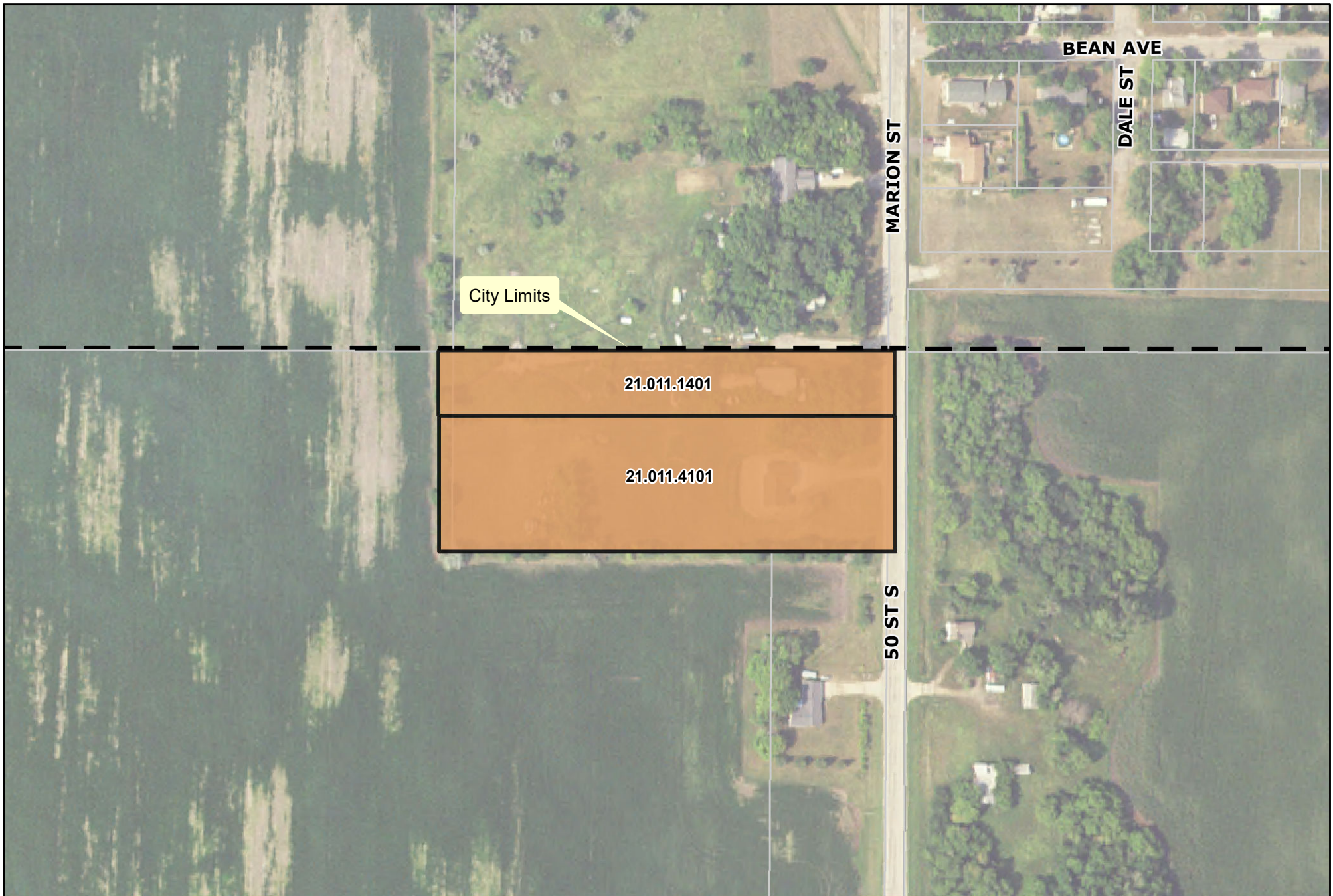
ADOPTED by the Moorhead Township the 22nd day of February, 2022.

CHAIR:


Kevin Martin, Chair

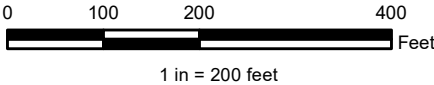
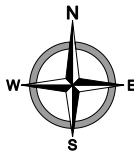
ATTEST:

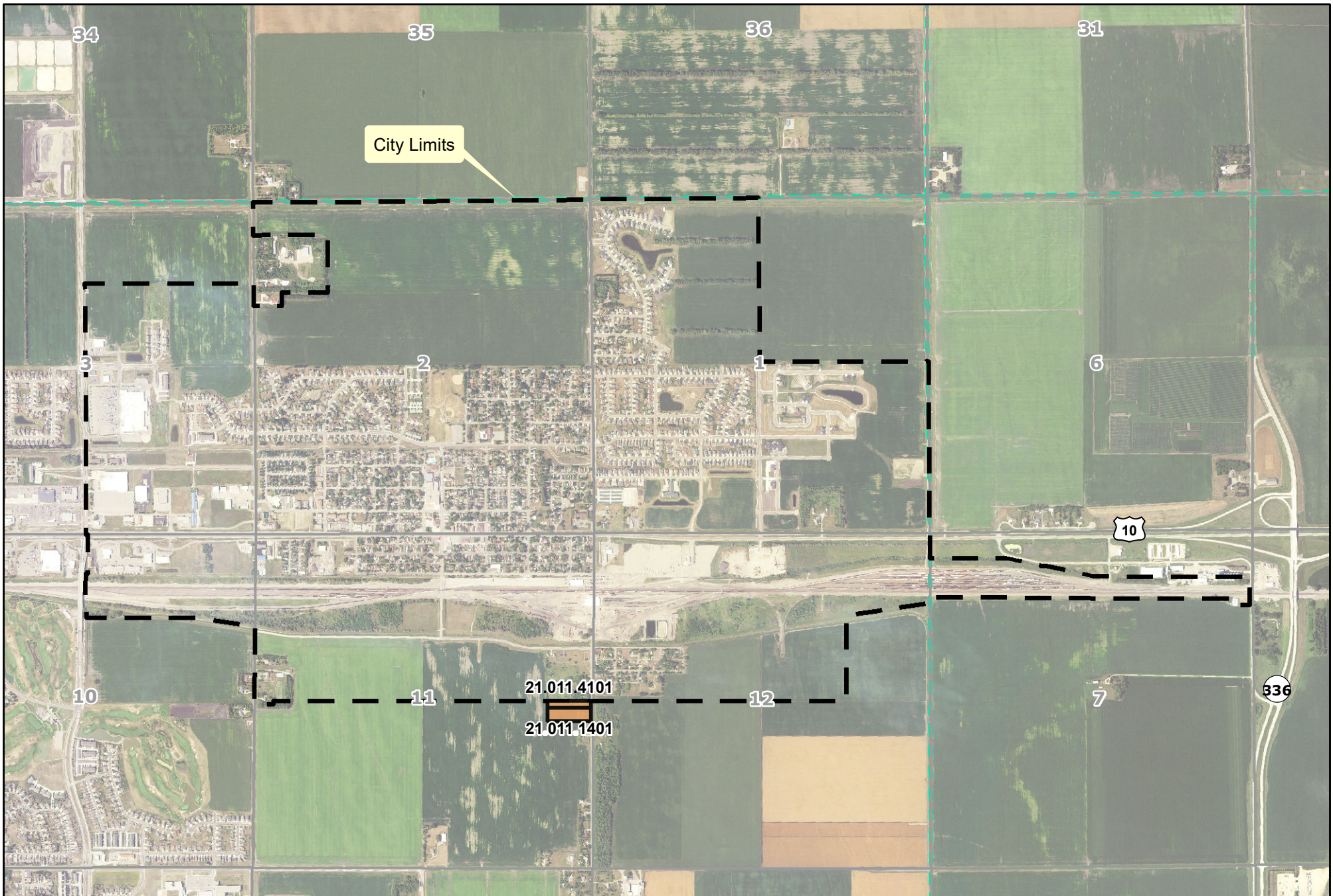

Matthew Raisl, Clerk



**ANNEXATION EXHIBIT
DILWORTH, MINNESOTA**

Created By: TJS/KMV Date Created: 03/08/22 Date Saved: 03/10/22 Date Exported: 03/10/22
Plotted By: kyle.volk Parcel Date: 12/20/21 Aerial Image: 2021 County NAIP SIDS Elevation Data: N/A
Horizontal Datum: NAD 1983 HARN Adj MN Clay Feet Vertical Datum: NAVD1988
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