

REC'D BY  
MMB FEB 28 1983

JOINT RESOLUTION BETWEEN THE TOWN  
OF OAKPORT AND THE CITY OF MOORHEAD  
DESIGNATING AN AREA FOR ORDERLY ANNEXATION  
PURSUANT TO MINNESOTA STATUTES 414.0325

BE IT RESOLVED by the Town of Oakport (the "Town"), by and through its Board of Supervisors, and the City of Moorhead (the "City"), by and through its City Council, jointly agree to the following:

1. That the following described area in the Town (see map Exhibit A) is subject to orderly annexation pursuant to Minnesota Statutes 414.0325, and the parties hereto designate this area for orderly annexation:

Parcel 4. That part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 33, Township 140, Range 48 described as follows: commencing at the Southwest corner of the said Southeast One-quarter of the Southwest One-quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), thence East along the South line of Section Thirty-three (33) a distance of 240 feet, thence running in a Northwesterly direction to a point on the East line of Outlot 33-D, 160 feet North of the point of beginning, thence South along the East line of Outlot 33-D to the point of beginning, Sec. 33 T140N R48W.

Parcel 5. Auditor's Outlot 33-D, Sec. 33 T140N R48W.

Parcel 6. That part of Auditor's Outlot 33-C described as follows: Commencing at a point on the South line of Section Thirty-three (33), 210 feet West of the Southwest corner of the Southeast One-quarter of the Southwest One-quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ), Section Thirty-three (33), thence West along the South line of Section Thirty-three (33) 180 feet, thence North 365 feet, thence East parallel to the South line of Section Thirty-three (33), 180 feet to the Northwest corner of Outlot 33-D, thence South along the West line of Outlot 33-D to the point of beginning.

Parcel 7. All of Auditor's Outlot 33-A, Sec. 33 T140N R48W.

Parcel 8. All of Auditor's Outlot 33-B, Sec. 33 T140N R48W.

Parcel 9. All of Auditor's Outlot 33-C in Township 140, Range 48, less three parcels of land located in said Outlot 33C described as follows:

Parcel A:

Commencing at a point located at the center of the road at the southeast corner of the West Half of Southwest Quarter of said Section 33, thence running West 210 feet to the Point of Beginning, thence West 180 feet, thence due North 365 feet, thence East for a distance of 180 feet to the northwest corner of Outlot 33-D thence South to the Point of Beginning (Parcel 6 herein).

Parcel B:

Beginning at the southwest corner of said Section 33, thence East along the South line of said Section a distance of 925.71 feet; thence North 0°08' East a distance of 330 feet; thence West parallel to the South line of said Section a distance of 926.19 feet more or less to a Point of Intersection with the West line of said Section 33 thence South 330 feet, more or less, to the Point of Beginning.

Parcel C:

Auditor's Outlot 33-C, Sec. 33 T140N R48W (Parcel 5 herein).

Parcel 10. The East Half of the Southwest Quarter of Section 33, Township 140, Range 48 less two parcels located therein described as follows:

Parcel A:

Commencing at a point located at the center of the road at the southeast corner of the West Half of the Southwest Quarter of Section 33 thence running East from said Point of Beginning for a distance of 240 feet, thence running in a northwesterly direction to a point intersecting a line extended 160 feet due North of said Point of Beginning, thence running due South to the Point of Beginning (Parcel 4 herein).

Parcel B:

That part of the East Half of the Southwest Quarter of Section 33, Township 140, Range 48 lying between two lines parallel and distant 50 feet and 125 feet Westerly measured at right angles from the center line of the main track of the railway of the Great Northern Railway Company, now Burlington Northern Railway Company, as located and constructed on May 6, 1946 containing 4.55 acres, more or less.

Parcel 13. All of Auditor's Outlot 32-A, Sec. 32 T140N R48W.

Parcel 14. All of Auditor's Outlot 32-B in Township 140, Range 48 less: beginning at a point which lies 1,508.39 feet North of and 45.00 feet East of the Southwest Corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 32, Township 140 North, Range 48 West of the Fifth Principal Meridian, said 1,508.39 feet being measured along the East one-sixteenth line in said Section 32 and said 45.00 feet being measured along a line which is perpendicular to said East one-sixteenth line, said Point of Beginning being located also on the East Right-of-Way of County Road Number 3 (old Trunk Highway

75); thence North along the aforementioned East Right-of-Way line a distance of 660.00 feet; thence East perpendicular to the said East Right-of-Way line a distance of 660.00 feet; thence South along a line which is parallel to the Said East Right-of-Way line a distance of 660.00 feet; thence West a distance of 660.00 feet, more or less, to the Point of Beginning. Said tract of land contains 10.000 acres, more or less, exclusive of all Highway Right-of-Way.

Parcel 15. All of Auditor's Outlot 32-C in Township 140, Range 48 less: that part of Auditor's Outlot 32-C in Section 32, Township 140, Range 48, described as follows: Beginning at a point 705.0 feet East of the southwest corner of the Southeast Quarter of the Southeast Quarter of Section 32, Township 140, Range 48; thence North a distance of 330 feet; thence East a distance of 616.84 feet; thence South a distance of 330 feet; thence West a distance of 616.84 feet to Point of Beginning.

Parcel 16-A. Northeast quarter of the Northeast quarter ( $NE\frac{1}{4}NE\frac{1}{4}$ ) of Section Thirty-two (32), Township One Hundred Forty (140) Range Forty-eight (48), Clay County, Minnesota, less;

Beginning at the NE corner of Sec. 32, Twp. 140, Rge. 43, thence W along the N line of said Sec. 32, a distance of 254.69 ft. to a point of intersection with the N bank of Clay County Ditch Number 41; thence SEerly along said North Ditch Bank to a point of intersection with the E line of said Sec. 32; thence N along the E line of said Sec. 32 a distance of 384.00 ft., more or less, to the point of beginning. Said tract of land contains 1.625 acres, more or less.

Parcel 16-B. Southeast Quarter ( $SE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Thirty-two (32).

2. It is specifically found that certain properties within the Town abutting upon the City are presently urban or suburban in nature and that the City has provided urban services to such properties and is capable of providing additional services to this property to adequately protect the public health, safety, and welfare of the properties.

3. That the Town does, upon passage of this Resolution and its adoption by the City Council of the City, and acceptance by the Municipal Board, confer jurisdiction upon the Minnesota Municipal Board over the various provisions contained in this agreement.

4. The Research Center of American Crystal Sugar Company ("Crystal") and adjoining properties (see map marked Exhibit "A" - parcels 4, 5, 6, 7, 8, 9, 10, 13, 14 and 15) shall be annexed to the City no earlier than January 2, 1983; upon annexation the above indicated parcels' taxes shall be phased into the City and phased out to the Town over a six-year period, in accordance with the formula set forth in Exhibit "B" attached to this agreement. Such Properties shall be zoned I-1 Light Industrial classification, within the City's Zoning Ordinance upon completion of annexation.

5. Upon completion of annexation of the Research Center and adjoining properties, the City shall provide full fire service protection to the Crystal Processing Plant (see map marked Exhibit "A" - parcels 16-A and 16-B) as if the Processing Plant were already within the City.

6. Any existing assessments against Crystal's property abutting 15th Avenue North (see map marked Exhibit "A" - parcels 4, 5, 6, and 10) for curb, gutter, paving, storm sewer and sanitary sewer shall be deferred until each such parcel is sold individually or as a group to another party or until Crystal takes out a building permit for each such parcel individually or as a group for its own purposes; assessment costs shall be based

upon the prorated life of the curb, gutter, paving, storm sewer and sanitary sewer (see Exhibit "C" for prorated life formula); interest rates will be determined based upon the current rate then in use and adopted by the City for special assessments; the deferred assessments against Crystal's property for water mains along 15th Avenue North will be deferred and assessed to respective properties at the existing assessment rate as last established by the Public Service Commission at the time of hookup to City water mains. Assessment payment durations shall be 20 years for curb, gutter and paving, 20 years for storm sewer and 10 years for sewer connection charges, water and sanitary sewer service.

7. Assessments against Parcels 13, 14 and 15 related to the pending improvements and upgrading of 11th Street North, i.e. widening, curb, gutter and storm sewer, etc., shall be applied to only the 750 linear feet directly in front of the Crystal's Research Facility. Assessments relating to the improvement of 11th Street North for the remaining portions of parcels 13, 14 and 15 shall be deferred until each such parcel is sold individually or as a group to another party or until Crystal takes out a building permit for each such parcel individually or as a group for its own purposes. That percentage of the deferred assessments actually levied shall be based upon the prorated life of the curb, gutter, paving and sewer (see Exhibit "C" for prorated life formula); interest rates will be determined based upon the current rate then in use and adopted by the City for special assessments. If in the future there are assessments against the undeveloped portions of parcels 13, 14 and 15 for water mains along 11th Street North, they will be deferred and assessed to the parcels at the existing assessment rate as last established by the Public Service Commission at the time of hookup to City water mains. Assessment payment durations shall be 20 years for curb,

gutter and paving, 20 years for storm sewer and 10 years for sewer connection charges, water and sanitary sewer service.

8. All future sanitary sewer and water lines constructed adjacent to Crystal's properties that are a part of this orderly annexation agreement shall not be assessed to Crystal until hookup to a City water or sanitary sewer main is made.

9. The Crystal's Processing Plant (see map marked Exhibit "A" - parcels 16-A and 16-B) shall be annexed to the City no earlier than July 1, 1993 unless requested earlier by the property owner; upon annexation the parcels' taxes shall be phased into the City and phased out to the Town over a six-year period after completion of annexation of the Processing Plant in accordance with the formula set forth in Exhibit B attached to this agreement. The Processing Plant shall be zoned I-2 Heavy Industrial classification under the Zoning Ordinances of the City at the time annexation is completed.

10. Assessments against Crystal's property located on parcels 16-A and 16-B shall be assessed at the time of annexation for the improvements and upgrading of 11th Street North, i.e. widening, curb, gutter and storm sewer, etc. Costs may be assessed using one of two methods, whichever is the cheapest. The first method utilizes the weighted average of the curb, gutter, paving and storm sewer construction costs for the year of annexation and the previous two years multiplied by the percentage of the 11th Street North project costs actually assessed to the benefitted property owners. The second method utilizes the percentage of the original improvement costs actually assessed plus the annual interest charges. In either case, the improvements shall not be prorated.

11. The City shall not require Crystal to dispose of their industrial waste from either the Processing Plant or the Research Center through the

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City's sanitary sewer system unless requested by Crystal or required by state or federal environmental authorities. In such case, Crystal shall be required to meet the City's current sewer use ordinance requirements and to come to an agreement with the City concerning the regulating of flows of their industrial discharge to the Waste Water Treatment Plant.

12. The City and the Town, whichever has the zoning authority, shall provide a sufficient buffer zone through compatible zoning for the area north and east of Crystal's properties.

13. So long as State law permits, the City shall continue the same valuation practices as prescribed by the County upon annexation of any parcels of Crystal property designated in the Order Annexation Agreement as is currently applied to such parcels as they are now located within Clay County.

14. It is acknowledged and understood that future amendments to this agreement must be mutually approved by both bodies and Crystal and accepted by the Municipal Board to be valid.

15. To facilitate the timing of annexation, it is agreed that the City may petition the Municipal Board for annexation up to six months in advance of the date when the property is eligible for annexation. In no case, however, will any property be annexed prior to dates established in this agreement.

16. That the City and Town further resolve to fully cooperate with the Minnesota Municipal Board throughout the hearing process in connection with this orderly annexation resolution and agreement.



PASSED by the City Council of the City of Moorhead, Minnesota,  
this 22nd day of February, 1983.

APPROVED BY:

Morris L. Lanning  
MORRIS L. LANNING, Mayor

ATTEST:

Everett B. Lecy  
EVERETT B. LECY, City Clerk

(SEAL)

PASSED AND ADOPTED by the Town Board of Oakport this 22nd  
day of February, 1983.

APPROVED BY:

James J. Jones  
JAMES J. JONES, Chairman

ATTEST:

Peggy E. Atherton  
PEGGY E. ATHERTON, Town Clerk

(SEAL)

# Exhibit A

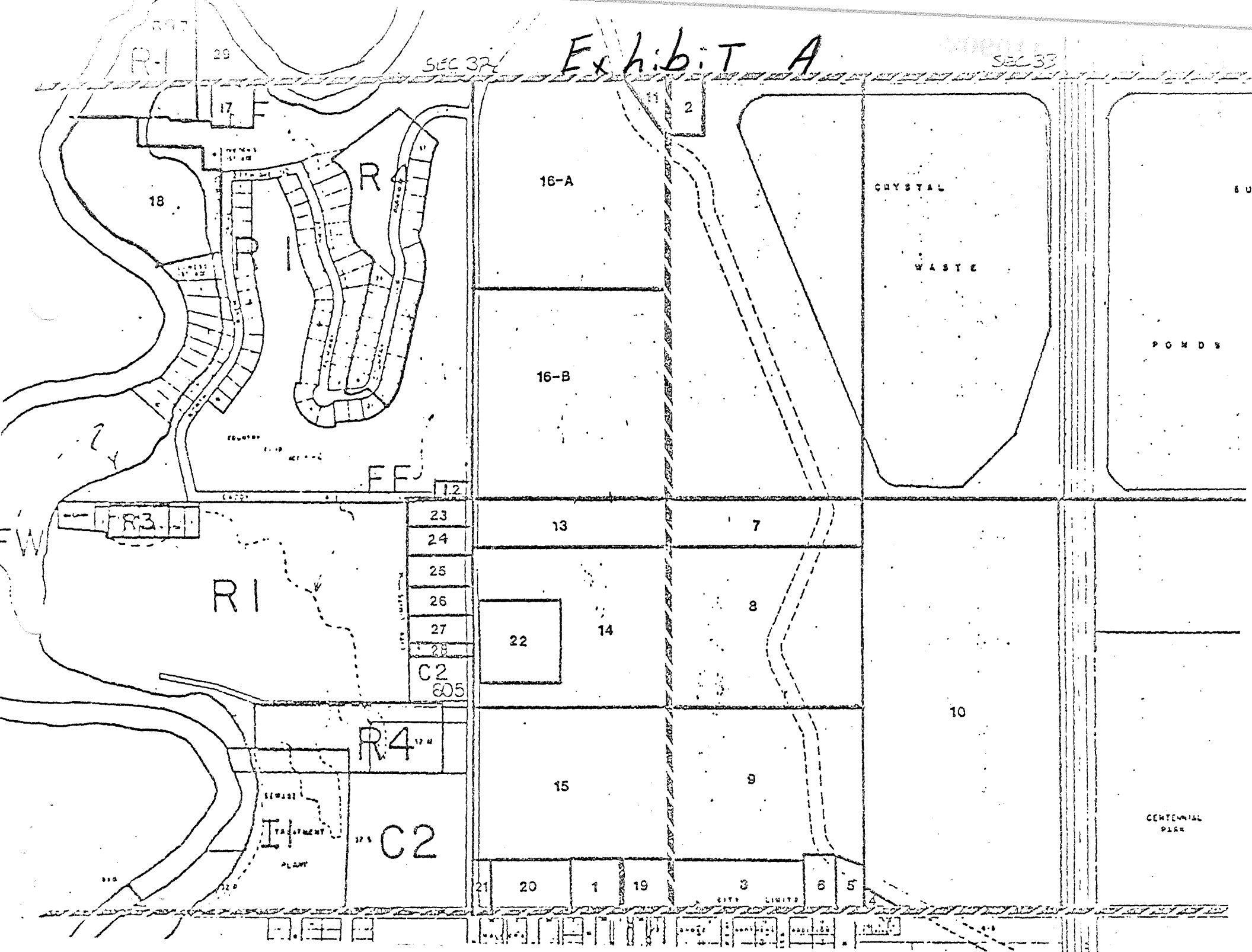


EXHIBIT B

To offset the lost tax base to the Town of Oakport (the "Town"), cash payments shall be made by the City of Moorhead (the "City") to the Town based on the assessed tax value of the annexed property as determined by the City assessor. Each year cash payments shall be made to the Town as applied to the Town's mill rate for the year within which annexation occurs in accordance with the following schedule:

<u>Taxable Year After Annexation</u>	<u>Percent of Oakport Computed Tax to be Returned to the Town</u>
1	100%
2	85%
3	70%
4	55%
5	40%
6	25%

The mill levy for the City shall be applied against the properties in substantial equal proportions over a period of six years from the date of annexation to equality with the mill rate for properties already within the City in accordance with the following schedule:

<u>Taxable Year After Annexation</u>	<u>Percent of City's Computed Tax to be Levied Against the Property</u>
1	15%
2	30%
3	45%
4	60%
5	75%
6	100%

## EXHIBIT C

### DEFERRED ASSESSMENTS

PAVING: Prorated life of existing curb, gutter and paving

The following table shows the cost spread of deferred special assessments to newly annexed properties abutting existing streets and avenues.

<u>Curb, Gutter and Paving</u>	<u>City Share</u>	<u>Assessment Share</u>
0 - 5 years	10%	90%
6 - 10 years	25%	75%
11 - 15 years	50%	50%
16 - 20 years	75%	25%
Over 20 years	100%	0%

Using the above table the cost spread for deferred curb, gutter and paving assessment shall be as follows:

The adjacent benefitted property shall be assessed after said property has been sold or when American Crystal Sugar Company takes out a building permit for the property for its own purposes. The curb, gutter and paving assessment shall be based on the weighted average of the curb, gutter and paving construction costs for three years. The three-year period shall include the year of sale or building permit and the two years prior to that date. The weighted average shall then be prorated using the above table.

Example: If the weighted average is determined to be \$40.00/Lineal Foot of benefitted property and the curb, gutter and paving is eleven years old, the assessed cost to be spread to the benefitted property shall be 50% of the weighted average or \$20.00/Lineal Foot.

## EXHIBIT C

### DEFERRED ASSESSMENTS

#### SANITARY AND STORM SEWER: Prorated life of sewer system

The following table shows the cost spread of deferred special assessments to newly annexed properties benefitted by the storm or sanitary sewer systems.

<u>Sewer Life</u>	<u>City Share</u>	<u>Assessment Share</u>
0 - 20 years	20%	80%
21 - 25 years	40%	60%
26 - 30 years	60%	40%
31 - 35 years	80%	20%
Over 36 years	100%	0%

Using the above table the cost spread for deferred special assessments for storm or sanitary sewer shall be as follows:

The adjusted benefitted property shall be assessed after said property has been sold or when American Crystal Sugar Company takes out a building permit for the property for its own purposes. The sanitary sewer and/or storm sewer assessment shall be based on the weighted average of sanitary sewer and/or storm sewer construction costs for three years. The three-year period shall include the year of sale or building permit and the two years prior to that date. The weighted average shall then be prorated using the above table.

Example: If the sewer is determined to be 21 years old and the three-year weighted average for the assessment is determined to be \$20.00/Lineal Foot of benefitted property, the assessed cost to be spread to the benefitted property shall be 60% of the weighted average or \$12.00/Lineal Foot.