

JUN 24 1987

JOINT RESOLUTION OF ORDERLY ANNEXATION  
A-4383 FERGUS FALLS ANNEXATION

WHEREAS, The Minnesota Municipal Board presently has before it for hearing and consideration the matter of annexing certain portions of Buse Township to the City of Fergus Falls; and

WHEREAS, The City of Fergus Falls (hereafter, "City") and the Township of Buse (hereafter "Town") are parties to said hearing; and

WHEREAS, There is a basis for agreement between the parties to this action upon which the matters presently before the Minnesota Municipal Board can be settled;

NOW, THEREFORE, The City of Fergus Falls and Buse Township propose that the following joint resolution as to orderly annexation be adopted:

Resolved by the City of Fergus Falls and the Township of Buse as follows:

1. That the following described area in Buse Township is properly subject to orderly annexation under and pursuant to Minnesota Statutes 414.032, and the parties hereto do hereby designate this area as in need of orderly annexation as provided by statute:

That portion of the East Half ( $E\frac{1}{2}$ ) of Section Fourteen (14), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying East of the Westerly right of way line of Trunk Highway 59 and North of the Southerly line of the Northeast Quarter of the Southeast Quarter ( $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of said Section 14, Township 132, Range 43.

The Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}$  of  $SW\frac{1}{4}$ ) and the West Half of the Northwest Quarter ( $W\frac{1}{2}$  of  $NW\frac{1}{4}$ ), all in Section Thirteen (13), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota.

That part of the West Half of the Southwest Quarter ( $W\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Twelve (12), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying West of the Burlington Northern Railroad right of way and that part

of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Twelve (12), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying West of the Burlington Northern Railroad right of way.

That part of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying East of the Westerly right of way of Trunk Highway 59; that part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), lying West of the Burlington Northern Railroad right of way; the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), lying East of the Westerly right of way of Trunk Highway 59.

The North 200 feet of the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying West of the Westerly right of way line of Trunk Highway 59.

The Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota.

Part of the East Half of the Northeast Quarter ( $E\frac{1}{2}$  of  $NE\frac{1}{4}$ ) of Section Ten (10), Township One Hundred Thirty-two (132), Range Forty-three (43); commencing at the Northeast corner of said Section 10; thence South along the section line 1022.78 feet to the point of beginning; thence West 660 feet; thence South 957 feet; thence East 660 feet; thence North 957 feet to the point of beginning.

That the Town does upon the passage of this resolution and its adoption by the City Council of the City confer jurisdiction (which jurisdiction is limited by and strictly within the terms

of this resolution) upon the Minnesota Municipal Board so as to accomplish said orderly annexation in accordance with the terms of this resolution.

2. The Town will not object to the annexation during 1987 of the tracts of land described as follows, to-wit:

That portion of the East Half ( $E\frac{1}{2}$ ) of Section Fourteen (14), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying East of the Westerly right of way line of Trunk Highway 59 and North of the Southerly line of the Northeast Quarter of the Southeast Quarter ( $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ) of said Section 14, Township 132, Range 43.

The Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4}$  of  $SW\frac{1}{4}$ ) and the West Half of the Northwest Quarter ( $W\frac{1}{2}$  of  $NW\frac{1}{4}$ ), all in Section Thirteen (13), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota.

That part of the West Half of the Southwest Quarter ( $W\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section Twelve (12), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying West of the Burlington Northern Railroad right of way and that part of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Twelve (12), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying West of the Burlington Northern Railroad right of way.

That part of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying East of the Westerly right of way of Trunk Highway 59; that part of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), lying West of the Burlington Northern Railroad right of way; the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of

Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), lying East of the Westerly right of way of Trunk Highway 59, except the following tracts:

Commencing at the Southeast corner of the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 11, Township 132, Range 43; thence 150 feet north to point of beginning; thence North 728.98 feet; thence Southwesterly 695.68 feet to the East right of way line of Trunk Highway 59; thence Southeasterly along said right of way line 451.8 feet to a point 150 feet North of the South line of the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ); thence East 440 feet to point of beginning.

The North 200 feet of the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, lying West of the Westerly right of way line of Trunk Highway 59.

The Northwest Quarter ( $NW\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43), Otter Tail County, Minnesota, except the following tracts:

Commencing at the Southwest corner of the Northeast Quarter of the Northwest Quarter ( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ), thence East 371.86 feet to the point of beginning; thence East 48.28 feet, thence North 0 degrees 12 minutes 30 seconds West 175.00 feet, thence North 89 degrees 35 minutes 2 seconds West 340.00 feet, thence South 175 feet, thence East 293.48 feet to the point of beginning; thence South 165.34 feet, thence South 6 degrees 5 minutes 49 seconds

East 115.40 feet, thence South  
 7 degrees 17 minutes 6 seconds  
 East 176.43 feet, thence South  
 44 degrees 5 minutes 9 seconds  
 West 108.81 feet, thence North  
 88 degrees 32 minutes 27  
 seconds West 206.58 feet to the  
 East right-of-way line of Trunk  
 Highway No. 59, thence  
 Northerly along the East  
 right-of-way line of Trunk  
 Highway No. 59 to the South  
 line of the Northeast Quarter  
 of the Northwest Quarter (NE $\frac{1}{4}$   
 of NW $\frac{1}{4}$ ), thence East along said  
 South line of the Northeast  
 Quarter of the Northwest  
 Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) 313.48  
 feet to the point of beginning.

Part of the East Half of the Northeast  
 Quarter (E $\frac{1}{2}$  of NE $\frac{1}{4}$ ) of Section Ten (10),  
 Township One Hundred Thirty-two (132),  
 Range Forty-three (43); commencing at  
 the Northeast corner of said Section 10;  
 thence South along the section line  
 1022.78 feet to the point of beginning;  
 thence West 660 feet; thence South 957  
 feet; thence East 660 feet; thence North  
 957 feet to the point of beginning.

3. No annexation shall take place anywhere within the area designated in paragraph 1 except that portion thereof designated in paragraph 2 unless the area involved is or is about to become urban or suburban in character and unless the City has available and is capable of providing municipal services such as water, sanitary sewers and storm sewers, in accordance with the provisions of M.S.A. Chapter 414, and future amendments thereto.

Any persons owning land annexed to the City pursuant to this agreement shall receive a "tax break" consisting of a staged, graduated increase in mill rates from the Township rate to the City rate over a six (6) year period in the following manner:

First year following annexation	16 2/3 % of City rate
Second year following annexation	33 1/3 % of City rate
Third year following annexation	50 % of City rate
Fourth year following annexation	66 2/3 % of City rate
Fifth year following annexation	83 1/3 % of City rate
Sixth year following annexation	100 % of City rate

Notwithstanding the foregoing, any lands annexed to the City which are classified as agricultural lands shall be classified by the City as Agricultural lands and shall be taxed only at the tax rate provided by law for such agricultural lands and not at the full City tax rate for as long as said lands retain their classifications as agricultural lands as herein otherwise provided.

4. Any persons owning lands annexed to the City pursuant to this agreement shall have the following rights with regard to the payment of assessments of projects previously completed by City which may be assessable against said annexed property:

(a) The adjusted front foot cost for water and sewer services shall remain constant for that area of the proposed annexation area which lies westerly of State trunk highway no. 59.

(b) The City shall defer the requirement of payment of such assessments until the affected property owner has use of said utility services; that said assessment shall be payable over a period of 15 years, but that said assessment shall ultimately become due and payable in its entirety not later than 30 years from and after the date of the original assessment.

5. No Assessments for improvements or other assessable projects shall be made against any lands included in this resolution, until such time as said lands are annexed. After annexation, the owners of said lands shall have the same rights with respect to payment of taxes and assessments as provided in paragraph 3 and 4 above, together with any other rights that are afforded to property owners under the City's public improvement assessment policy.

6. The Town and the City agree that as to the lands annexed to the City pursuant to paragraph 2 of this agreement, the real estate tax income received by City by virtue of such annexation shall be apportioned between City and Town over a 6 year period of time wherein City shall reimburse Town for said lost revenue as follows:

First year following annexation	100	% reimbursed to Town
Second year following annexation	83 1/3%	reimbursed to Town
Third year following annexation	66 2/3%	reimbursed to Town
Fourth year following annexation	50	% reimbursed to Town
Fifth year following annexation	33 1/3%	reimbursed to Town
Sixth year following annexation	16 2/3%	reimbursed to Town

Further, the Town shall have the right to receive all Refuge Revenue Sharing Act revenues derived from lands located within the lands described in paragraph 1 above. The City agrees not to

apply for any division of Township's general funds or other assets.

7. Subject only to the two exceptions provided in paragraph 8, below, there will be no annexation of any land within the following described tracts prior to the date designated with respect to each tract and thereafter, there shall be annexation only under the conditions specified in this agreement.

a. No annexation prior to January 1, 1994:

Commencing at the Southeast corner of the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ) of Section 11, Township 132, Range 43; thence 150 feet north to point of beginning; thence North 728.98 feet; thence Southwesterly 695.68 feet to the East right of way line of Trunk Highway 59; thence Southeasterly along said right of way line 451.8 feet to a point 150 feet North of the South line of the Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4}$  of  $SW\frac{1}{4}$ ); thence East 440 feet to point of beginning.

b. No annexation prior to January 1, 2002:

Commencing at the Southwest corner of the Northeast Quarter of the Northwest Quarter ( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132), Range Forty-three (43) West; thence East 371.86 feet to point of beginning; thence South 165.34 feet; thence South 6 degrees 5 minutes 49 seconds East 115.40 feet; thence South 7 degrees 17 minutes 6 seconds East 176.43 feet; thence South 44 degrees 5 minutes 9 seconds West 108.81 feet; thence North 88 degrees 32 minutes 27 seconds West 206.58 feet to the East right-of-way line of Trunk Highway No. 59; thence Northerly along the East right-of-way line of Trunk Highway No. 59 to a point 100 feet South of the South line of the Northeast Quarter of the Northwest Quarter ( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ); thence East 175 feet; thence North 100 feet to the South line of the Northeast Quarter of the Northwest Quarter ( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ); thence East along said South line of the Northeast Quarter of the Northwest Quarter ( $NE\frac{1}{4}$  of  $NW\frac{1}{4}$ ) 138.48 feet to the point of beginning.

Beginning at a point on the South line of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West where the easterly right-of-way line of Highway 59 intersects the said South line of the said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) of said Section 11, thence easterly along and over the South line of said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) a distance of 340 feet, thence northerly and parallel to the easterly right-of-way line of Highway 59 a distance of 175 feet, thence westerly and parallel to the South line of the said Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$  of NW $\frac{1}{4}$ ) a distance of 340 feet to the easterly right-of-way line of said Highway 59, thence southerly along and over the easterly right-of-way line of Highway 59 175 feet to the point of beginning.

c. No annexation until the happening of certain events:

The City agrees not to annex any of the following described tracts of land until the happening of one of the following events:

1. The date of death of the survivor of Anael Trockman and Evelyn Trockman, husband and wife;
2. At the time that Anael Trockman and Evelyn Trockman, or the survivor thereof, convey the title (legal, equitable or both) to all or any portion of the real property described herein, or in the event that such title becomes vested in a person other than Anael Trockman and Evelyn Trockman, husband and wife, or the survivor thereof, in any manner whatsoever.

Beginning at the Northwest corner of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$  of N $\frac{1}{4}$ ) lying immediately East of State Highway No. 52 in Section Eleven (11), Township One Hundred Thirty-two (132) North, Range Forty-three (43) West, thence due South 100 feet,

thence due East 175 feet, thence  
due North 100 feet, thence due West  
175 feet to point of beginning.

8. Exceptions to Time Limitations of Paragraph 7:

a. If sanitary sewer collection systems must be constructed with or, because of any other environmental concerns such as dutch elm disease, etc., within the above described orderly annexation area because of orders from the Minnesota Pollution Control Agency or other agency of federal or state government or in the event that other environmental problems compel City to institute appropriate action or remedy, the time limitations of the preceding paragraph shall be inapplicable with respect to the area required to be served by such environmental concerns and such areas may be annexed pursuant to the other provisions of this agreement and as soon as the area qualifies for annexation pursuant thereto.

b. If any land owner of any tract abutting upon the City boundary petition for annexation of such tract, such tract may be annexed pursuant to the other provisions of this agreement and as soon as the tract qualifies for annexation pursuant thereto, without regard to the time limitation specified by paragraph 7 for the area containing such tract.

9. The Town agrees to exclude the area designated as in need of orderly annexation from its zoning and sub-division ordinances in order that the City may extend the application of its zoning and subdivision ordinances in order that the City may extend the application of its zoning and sub-division regulations thereto pursuant to M.S.A. 462.357-9; provided, however, that the County agree to exclude the area from its zoning regulations, where applicable, and further provided that there be established by the parties a joint planning and zoning committee to exercise the City's regulatory power over such areas and to serve as the "governing body" and "board of appeals and adjustment" for purposes of Minnesota Statutes 462.357, within the orderly annexation area, until such time as said areas are actually annexed to the City. Said committee will consist of three (3) members, one appointed by the Town Board, one appointed by the City Council and one appointed by the Otter Tail County Board of Commissioners.

10. The Town and City agree to share equally in the maintenance of the township road which lies on the south boundary line of said orderly annexation area and which is adjacent to the tract of land owned by City and identified as the Fergus Falls Municipal Golf Course.

11. The Town and the City agree that the area of land described in paragraph 2 shall be annexed without the necessity of conducting the hearing specified in M.S.A. 414.0325, for the reason that the parties are satisfied that the statutory criteria to be determined as a result of that hearing have in fact been met to the satisfaction of both parties and therefore there is no need to subject the tax payers to the expense of conducting such a hearing.

12. If the effect of annexations on populations statistics for revenue purposes is not provided by applicable laws, such effect shall be resolved wherever possible by agreement of the parties. If there is a failure to reach such an agreement, the question shall be resolved by the Minnesota Municipal Board at a hearing and the determination shall be included in the commission order.

13. Both parties agree to dismiss the pending annexation petition (Minnesota Municipal Board file No. A-4383).

CITY OF FERGUS FALLS

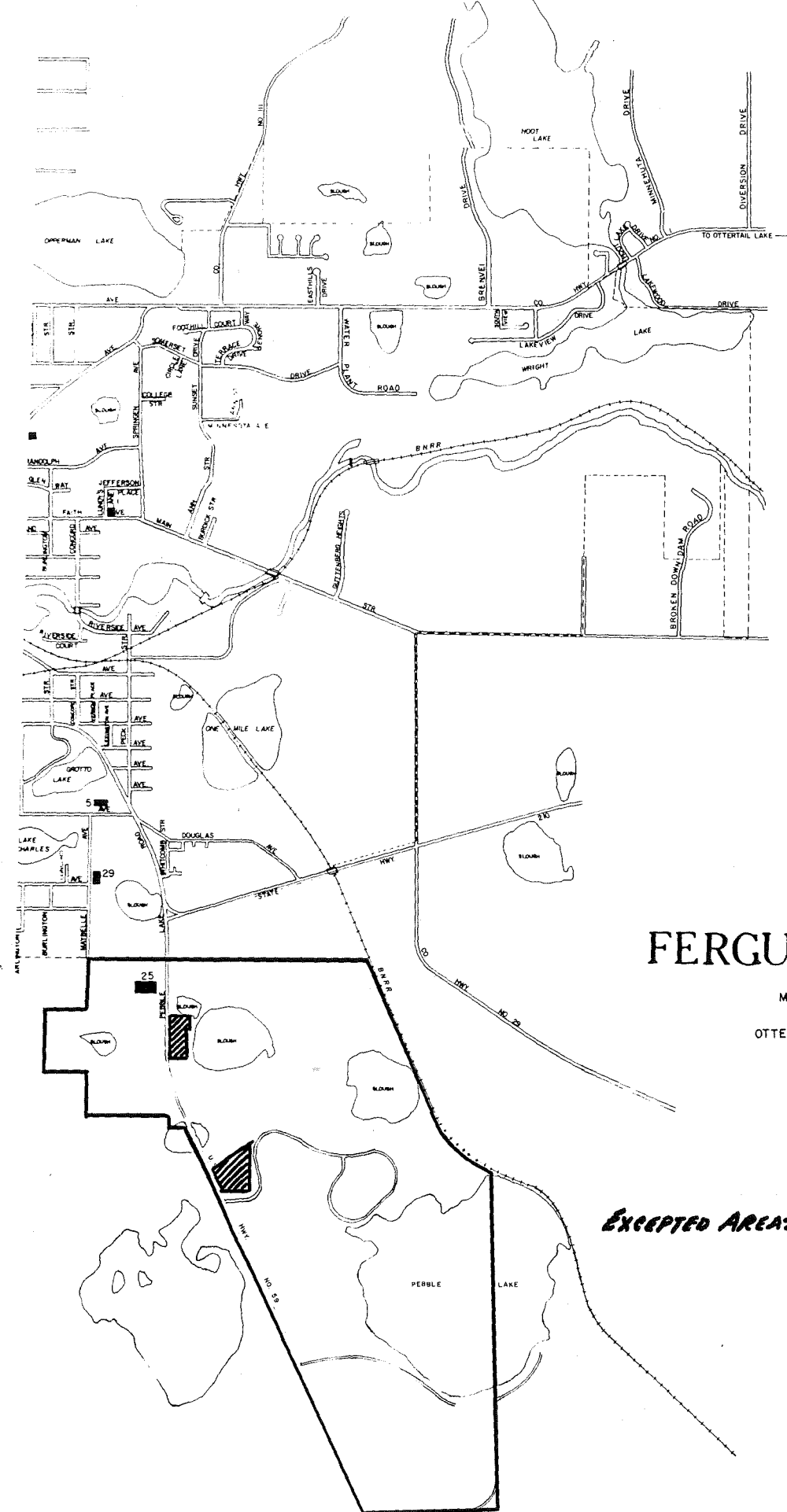
Passed and adopted by the City of Fergus Falls this 15<sup>th</sup> day of June 1987.

ATTEST: James L. McNeal BY Kees Fieber  
City Administrator Mayor

TOWNSHIP OF BUSE

Passed and adopted by the Township of Buse this 12 day of May, 1987.

ATTEST: Carolyn Sund BY Albert E. Schmitt  
Township Clerk Its Chairman



1. JEFFERSON SCHOOL
3. MCKINLEY SCHOOL
4. ADAMS SCHOOL
5. EISENHOWER SCHOOL
6. CLEVELAND SCHOOL
7. HOME FOR THE ELDERLY
8. JUNIOR HIGH SCHOOL
9. SENIOR HIGH SCHOOL
10. PUBLIC LIBRARY
11. CITY HALL
12. COURT HOUSE & POLICE STATION
13. CHAMBER OF COMMERCE
14. POST OFFICE
15. FIRE STATION
16. LAKE REGION HOSPITAL
17. MENTAL HEALTH CENTER
18. B.N.R.R. TRAIN DEPOT
19. HOME FOR THE ELDERLY
20. HOME FOR THE ELDERLY
21. PIONEER HOME
22. BROEN HOME
23. COUNTY HISTORICAL MUSEUM
24. LAKE REGION REHABILITATION INDUSTRIES
25. COUNTY FAIR GROUNDS
26. ARMY RESERVE CENTER
27. NATIONAL GUARD ARMORY
28. OLD SMOKEY SKI HILL
29. LAKE PARK WILD RICE CHILDRENS HOME

Public Parking Lots

CITY OF

# FERGUS FALLS

MINNESOTA

OTTERTAIL COUNTY

**EXCEPTED AREAS** —