

CITY OF FERGUS FALLS

Resolution No. 59-2021

AURDAL TOWNSHIP

Resolution No.: 2021-2

JOINT RESOLUTION FOR DESIGNATION OF CERTAIN LAND AND THE IMMEDIATE ANNEXATION OF ENTIRE DESIGNATED AREA.

IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN THE CITY OF FERGUS FALLS AND AURDAL TOWNSHIP PURSUANT TO MINNESOTA STATUTES § 414.0325

WHEREAS, a petition from all of the property owners of the area proposed for designation and immediate annexation was received; and

WHEREAS, the notice requirements prescribed by Minnesota Statutes § 414.0325, subdivision 1b do not apply because this resolution provides for the immediate annexation of the designated property and all of the owners of the property have petitioned for the annexation; and

WHEREAS, the City of Fergus Falls and Aurdal Township jointly agree to designate and request the immediate annexation of the following described land located within Aurdal Township to the City of Fergus Falls, County of Otter Tail Minnesota;

See attached Exhibit A

and

WHEREAS, the City of Fergus Falls and Aurdal Township are in agreement as to the orderly annexation of the unincorporated land described in **Exhibit A** and as depicted in the map attached hereto as **Exhibit B**; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City of Fergus Falls and Aurdal Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, the owners of the property in the area proposed for designated and immediate annexation have waived the electric utility service notice under Minnesota Statutes § 414.0325, subdivision 1a; and

WHEREAS, the City of Fergus Falls and Aurdal Township have agreed to all the terms and conditions for the annexation of the above-described lands; and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Fergus Falls and the Township Board of Aurdal Township as follows:

1. **(Property.)** That the following described land is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate the area for orderly annexation; and agree that the land be immediately annexed:

See attached Exhibit A

Upon its adoption by the City of Fergus Falls and Aurdal Township, the City of Fergus Falls shall file this resolution with the Chief Administrative Law Judge and pay the filing fee for processing and an order providing for the immediate annexation pursuant to its terms. The City of Fergus Falls shall be responsible, at its own expense, for providing any additional information that may be required to accomplish the annexation provided for herein. In the event that there are errors, omissions, or any other problems with the legal description, mapping, or tax reimbursement provided within the resolution and the attached Exhibits, the parties hereto agree to make such corrections and file any additional documentation, including a new Exhibit making the corrections requested or required by the Office of Administrative Hearings, Boundary Adjustments Unit, as may be necessary to make effective the annexation of said area in accordance with the terms of this resolution, without the necessity of re-adopting this resolution.

2. **(Acreage/Population/Usage.)** That the orderly annexation area consists of approximately 79.06 acres, the population in the area is 0, and the land use type is urban and agricultural.

3. **(Jurisdiction.)** That Aurdal Township and the City of Fergus Falls, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confer jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.

4. **(Roads).** The City of Fergus Falls agrees to assume responsibility for maintenance and repair of Aurdal Township's portion of Main Street/East Mount Faith Avenue from the City limits to Birchwood Estates Road, as well as Broken Down Dam Road. The Parties agree to amend, in writing, any existing road maintenance agreements that may apply to Aurdal Township's portion of Main Street/East Mount Faith Avenue from the City limits to Birchwood Estates Road and Broken Down Dam Road in order to give effect to this resolution.

5. **(Municipal Reimbursement).** Minnesota Statutes § 414.036.

a. Reimbursement to Towns for lost taxes on annexed property. The parties hereto agree to the following tax reimbursement payments in lieu of the multiple year payment provided for in Minnesota Statutes § 414.036.

i. The City of Fergus Falls agrees to reimburse and pay to Aurdal Township agreed upon lost taxes in the lump sum amount of \$10,000.00 within 30 days of the Chief Administrative Law Judge's order for annexation.

b. Assessments and Debt.

The parties hereto agree there are no outstanding special assessment or debt attributable to the property to be annexed by this resolution.

6. **(Review and Comment).** The City of Fergus Falls and Aurdal Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

7. **(Planning and Zoning).** The City of Fergus Falls's zoning and subdivision regulations shall apply to the orderly annexation area upon the effective date of the Chief Administrative Law Judge's order approving the annexation. Until such time as the annexation is effective, the orderly annexation area shall remain subject to the Aurdal Township ordinances and regulations. Additionally, the City of Fergus Falls agrees to implement a Solar Farm Ordinance that will apply to the orderly annexation area that includes setback, fencing, landscaping and screening requirements.

8. **(Responsibility for Costs and Fees).** The City of Fergus Falls and Aurdal Township shall be responsible for their own costs incurred in the negotiation, development and implementation of this resolution, but the City of Fergus Falls shall be responsible for any filing fees and other costs or fees associated with this filing of this joint resolution with the State of Minnesota. The City of Fergus Falls shall also be responsible for the Additional Reimbursement set forth above.

9. **(Binding Contract).** Pursuant to Minnesota Statutes § 414.0325, subdivision 6, this resolution is a binding contract upon the parties and is enforceable in district court in the county containing the property to be annexed.

10. **(Effective Date/Applicability).** This resolution is effective upon its adoption by the respective governing bodies of the City of Fergus Falls and Aurdal Township. The annexation of the orderly annexation area shall be effective upon the issuance of the order by the Chief Administrative Law Judge. This resolution is only meant to apply to the land described in the attached **Exhibit A** and not to any other property or area within Aurdal Township.

Adopted by affirmative vote of all the members of the Aurdal Township Board of Supervisors this 11th day of March 2021.

AURDAL TOWNSHIP

By: 

Chairperson
Board of Supervisor

ATTEST:

By: 

Township Clerk

Adopted by affirmative vote of the City Council of Fergus Falls this 5th day of April 2021.

CITY OF FERGUS FALLS

By: 
Mayor

ATTEST:

By: 
City Administrator

Approved this 5th day of April 2021

EXHIBIT A

Aurdal Township

Parcel Number 03000310231000 - The South half of the West Half of the Southwest Quarter. **Excepting therefrom the Easterly 35 feet of the Southwest Quarter of the Southwest Quarter**, all in Section 31, Township 133 North, Range 42 West, Otter Tail County, Minnesota.

And

And South 1/2 of the West 1/2 of Southwest Quarter, Section 31, Township 133 North, Range 42 West, Otter Tail County, Minnesota. **Except the part lying East of the following described line:** Commencing at the Southwest corner of Section 31; Thence South 89 degree 57 minutes 49 seconds East, (assumed bearing) along the South line of said Section 31, a distance of 1280.37 feet to a point, which now more accurately describes the line agreed upon by the boundary line agreement recorded in Book X, page 404, dated February 16, 1933, said point being the Point of Beginning of the line to be described; Thence North 00 degrees 47 minutes 14 seconds West, along a line which now more accurately describes the line agreed upon by the boundary line agreement recorded in Book X, page 404, dated February 16, 1933, a distance of 1318.78 feet to the North line of aforesaid Southwest Quarter of the Southwest Quarter and there terminating.

Containing 39.54 Acres

Parcel Number 03000310231001 –The North half of the West half of the Southwest Quarter, in Section 31, Township 133 North, Range 42 West, Otter Tail County, Minnesota.

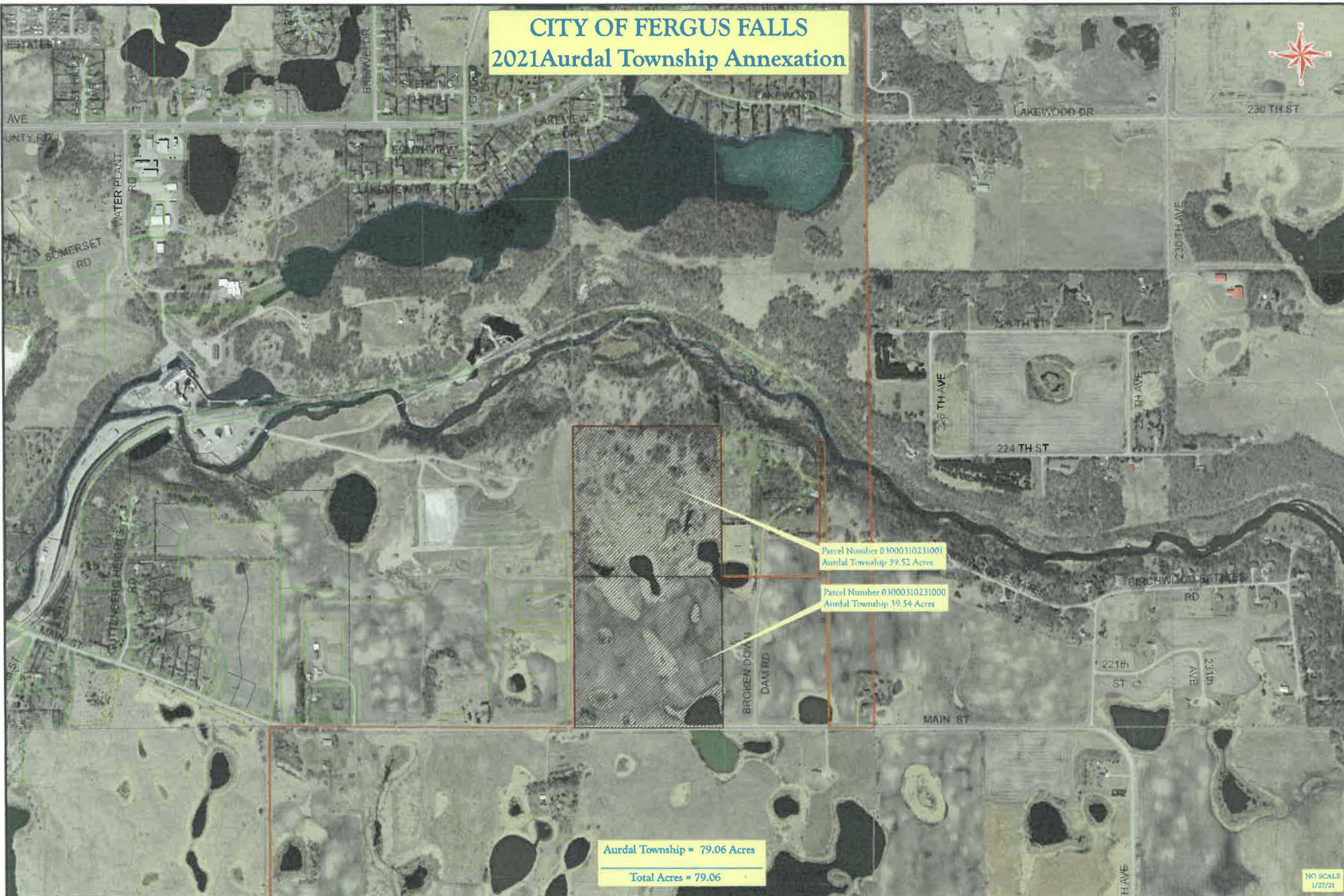
Containing 39.52 Acres

EXHIBIT B

Map of Land being Annexed

(attached hereto)

CITY OF FERGUS FALLS 2021 Aurdal Township Annexation



Parcel Number 01000310231001
Aurdal Township 39.52 Acres

Parcel Number 01000310231000
Aurdal Township 39.54 Acres

Aurdal Township = 79.06 Acres

Total Acres = 79.06

NO SCALE
1/27/21

CITY OF FERGUS FALLS 2021 Aurdal Township Annexation



Otter Tail Power Company
Solar Farm Annexation
79.06 Acres Total

Legend

-  Aurdal Township Parcels
-  Municipal Boundary

NO SCALE
3/11/21

