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

R. D. OFFUTT/PAUL HORN/ASCENSION LUTHERAN CHURCH/
ISD 152/CITY OF MOORHEAD

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ISD 152/CITY OF MOORHEAD

BE IT RESOLVED by the Town of Moorhead, hereinafter referred to as "the Town," by and through its Board of Supervisors, and the City of Moorhead, hereinafter referred to as "the City," by and through its City Council, that the Town and City do and they hereby jointly agree to the following:

1. Definitions

For purposes of this Joint Resolution the following definitions mean:

a. City. Will mean the City of Moorhead, Minnesota, a municipal corporation duly organized and existing under the laws of the State of Minnesota, except whenever in the provisions of this document reference is made to water or electrical services, then and in that case, "City" will include within its meaning both the City of Moorhead and the Moorhead Public Service Commission, a board to which the control, management and operation of all City water and electrical systems have been committed by Section 12.02 of the Moorhead City Charter.

b. County. Will mean the County of Clay, Minnesota, a body corporate and politic duly organized and existing under the laws of the State of Minnesota.

c. Contiguous Property. Will mean that area of the Town not included within the Orderly Annexation Area, legally described as:

Parcel 1: (KOA Campground; Robert & Mary Jean Dennis)
A tract of land in the Southwest Quarter (SW $\frac{1}{4}$) of of Section 14, Township 139 North, Range 48 West of the Fifth Principal Meridian, described as follows: beginning at the south $\frac{1}{4}$ corner of said Section 14; thence North along the the N-S $\frac{1}{4}$ line in said Section 14 a distance of 700.00 feet; thence west parallel to the South line of said Section 14 a distance of 881.60 feet; thence South parallel to the said N-S $\frac{1}{4}$ line a distance of 700.00 feet, more or less, to a point of intersection with the South line of said Section 14; thence East along said South section line a distance of 881.60 feet, more or less to the point of beginning, said tract of land containing 14.167 acres, more or less and subject to a 33 foot road easement parallel to the South line thereof.

Parcel 2: (Leslie and Mabel Burkhardt)
All that part of the Southeast One-Quarter (SE $\frac{1}{4}$) of Section 15, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, which is included within the following metes and bounds description: Beginning at the Southeast Corner of Section 15, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota; thence North along the East Line of said Section 15 a distance of 308.86 feet; thence West along a line which is parallel with the South line of said Section 15 a distance of 221.73 feet; thence South along a line which is parallel with the East line of said Section 15 a distance of 308.86 feet, more or less, to a Point of Intersection with the South line of said Section 15, thence East along said South section line a distance of 221.73 feet, more or less, to the point of beginning. Said tract of land contains 1.572 acres, more or less, including a 60-foot easement for Clay County Highway 14 along and parallel with the South Line.

Parcel 3: (Merlin & Kathryn Kroshus)
All that part of the South half (S $\frac{1}{2}$) of Section 15, Township 139, Range 48, described as follows: Beginning at a point 1,271.3 feet West and 33 feet North of the Southeast corner of Section 15, thence North 208.7 feet, thence West 104.35 feet; thence South 208.7 feet; thence East 104.35 feet to the point of beginning, Clay County, Minnesota, consisting of \pm .50 acres, more or less.

Parcel 4: (John A. and Catherine A. Streifel)
One-half acre in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15 Township 139, Range 48, described as follows: Beginning at a point 1,375.65 feet West and 33 feet North of the Southeast corner of Section 15, Township 139, Range 48, thence N 208.7 feet; thence West 104.35 feet; thence South 208.7 feet; thence East 104.35 feet, to the point of beginning, Clay County, Minnesota, consisting of \pm .50 acres, more or less.

and a map of which is attached as Exhibit A.

d. Effective Date of Annexation. Will mean the date the Minnesota Municipal Board issues its order approving the annexation contemplated in the Initiating Resolution.

e. Effective Date of This Joint Resolution. Will mean the date the Minnesota Municipal Board accepts this Joint Resolution for filing.

f. Initiating Resolution. Will mean an initiating resolution adopted by the City and filed with the Minnesota Municipal Board.

g. Joint Resolution. Will mean this Joint Resolution between the Town and the City designating an area for orderly annexation pursuant to Minnesota Statute Section 414.0325.

h. Minnesota Municipal Board. Will mean the Minnesota Municipal Board, which is created by Minnesota Statute Section 414.01.

i. Orderly Annexation Area. Will mean that area of the Town legally described as:

That part of Section 10, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota described as follows: All that part of the Northwest Quarter of said Section 10 lying southerly of the southerly boundary, and easterly and westerly extensions thereof, of Highway 10 Business Addition to the City of Moorhead, together with all of the Southwest Quarter of said Section 10, together with all of the Southeast Quarter of said Section 10, less the following described tract: the northerly 42.50 feet of the Southeast Quarter of said Section 10 and the southerly 230.00 feet of the northerly 272.50 feet of the easterly 1,320.00 feet of the Southeast Quarter of said Section 10. Said tract of land contains 426 acres, more or less; together with that part of Section 14, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: All of the Southwest Quarter less the following described tract: the south 700.00 feet of the east 881.60 feet of said Southwest Quarter. Said tract of land contains 146.00 acres, more or less; together with that part of Section 15, Township 139 North, Range 48 West of the Fifth Principal Meridian, Clay County, Minnesota, described as follows: all of the Northeast Quarter of said Section 15, together with all of the Southeast Quarter of Section 15 lying northeasterly of the northeasterly right-of-way line of Minnesota State Highway No. 231, less the following described two tracts: the easterly 221.73 feet of the southerly 308.86 feet of said Southeast Quarter, and the westerly 208.70 feet of the easterly 1,480.00 feet of the southerly 241.70 feet of said Southeast Quarter; Together with that part of the Southwest Quarter of said Section 15 lying northeasterly of the northeasterly right-of-way line of said Minnesota State Highway No. 231. Said tract of land contains 340 acres, more or less. The entire tract to be annexed contains 912 acres, more or less.

and a map of which is attached as Exhibit B.

j. Property Owner. Will mean the respective owners of the property within the Orderly Annexation Area.

k. Town. Will mean the Town of Moorhead, a body corporate and politic, duly organized under the laws of the State of Minnesota.

2. Reason for Annexation

It is specifically found that:

a. Certain Properties Urban or Suburban. Certain areas within the Town abutting upon the City are presently urban or suburban in nature.

b. City Capable of Providing Services. City has provided or is capable of providing wastewater collection services and water distribution and is capable of providing additional municipal services to this property to adequately protect the public health, safety, and welfare of the properties.

3. Annexation Date/Taxes

All property within the Orderly Annexation Area will be annexed to the City upon the date the Minnesota Municipal Board issues its order approving annexation following the Board's acceptance of this Joint Resolution and based on the City filing an Initiating Resolution with the Board. The tax rate of the City will apply to the Orderly Annexation Area upon the effective date of annexation. The City will, on or before January 15th of each applicable year, remit to the Town in the form of a cash payment the amounts as specified in Exhibit C, to reimburse the Town for property tax revenue foregone as a result of this annexation.

4. Zoning/Subdivision/Land Use Control Regulations

Upon the effective date of annexation, certain portions of the Orderly Annexation Area will be zoned TZ, Transitional Zone, and certain portions Residential Zone, so that the entire Orderly Annexation Area is zoned and will be governed by the City's comprehensive land use plan and subdivision regulations as such plan and regulations may be amended, modified or replaced from time to time.

5. Building Regulations

Upon the effective date of annexation, the power to regulate building, issue building permits, collect fees, and require compliance with applicable engineering standards within the Orderly Annexation Area will be vested with City. Any improvement within the Orderly Annexation Area following the effective date of annexation will be required to meet all City and State building, electrical, plumbing and fire codes.

6. Contiguous Property

The City and Town agree that, except to facilitate linkage of 34th Street to Interstate 94, the City shall be prohibited for a period of ten years from the effective date of annexation from unilaterally initiating annexation proceedings pursuant to Minnesota Statute, Sections 414.031, 414.0325, and 414.033 regarding any property defined as Contiguous Property under this Joint Resolution. Provided, however, that nothing in this section will prohibit any property defined as Contiguous Property under this Joint Resolution from petitioning the City pursuant to Minnesota Statute 414.033.

Should any property defined as Contiguous Property under this Joint Resolution petition the City pursuant to Minnesota Statute 414.033, then the City and the Contiguous Property will commence negotiations pertaining to said request. In the event the City and the owner of any Contiguous Property reach an agreement subsequent to the filing of the aforementioned petition, and if said agreement provides for the extension of the City's Wastewater Collection and Water Distribution Systems, then in addition to any other terms and conditions that may pertain to the Wastewater Collection and Water Distribution Systems, the following shall apply:

- a. Septic and/or Well Systems. Any parcel which is presently served or continues to be served by a certifiable septic and/or well system will not be required by the City to connect to the wastewater collection system and/or water

distribution system, provided such existing systems have not failed pursuant to Subsection 6(i).

(i) Failure of Septic and/or Well Systems.

Should a designated health agency at any time determine that a septic and/or well system has failed, then and in that event the septic and/or well system will no longer be considered certifiable. The parties agree the affected property owner is required to abandon said septic and/or well system and connect to the City's wastewater collection system and/or water distribution system.

b. Deferred Special Assessments: Property owners who continue to use certifiable sewer and/or well systems subsequent to the effective date of annexation and in conformance to Subsection 6 will in any event be subject to the payment of sewer and water special assessments, including the payment of principal, together with accrued interest thereon commencing within five years from the effective date of annexation of the Contiguous Property.

7. Electric Service

The provision of electric service vests with the Moorhead Public Service Commission, a board to which the control, management, and operation of the City's electric system has been committed by Section 12.02 of the Moorhead City Charter. The policy of the Moorhead Public Service Commission and the City of Moorhead is to have the Moorhead Public Service Department provide electric service to all property located within the City of Moorhead.

8. Recordation/Run With Land

City and Town agree that by recording this Joint Resolution in the Clay County Recorder's Office it is intended that the agreements contained in this Joint Resolution run with the land.

9. Modifying/Amending Joint Resolution

The parties to this agreement agree that this agreement will not be modified or amended, nor will the stated boundaries be altered unless mutually agreed to through resolution of each party and acceptance by the Minnesota Municipal Board.

10. Ordering in of Annexation

Upon receipt of an Initiating Resolution under this Joint Resolution, the Minnesota Municipal Board may review and comment, but will, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.

20 days

11. Town/City Cooperation

The Town and City resolve to fully cooperate with the Minnesota Municipal Board in connection with this Joint Resolution and agreements therein.

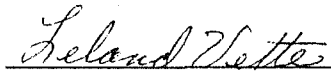
PASSED AND ADOPTED by the Town Board of Moorhead, Minnesota, this 18 day of February 1992.

APPROVED BY:



E. ROBERT OLSON, Chairperson

ATTEST:

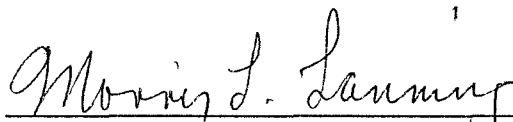


LELAND E. VETTE, Town Clerk

(SEAL)

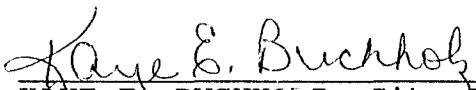
PASSED by the City Council of the City of Moorhead this 18th day of Feb, 1992.

APPROVED BY:



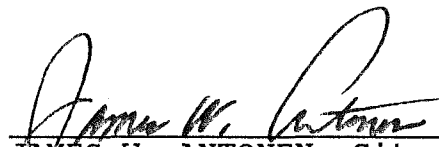
MORRIS L. LANNING, Mayor

ATTEST:



KAYE E. BUCHHOLZ, City Clerk

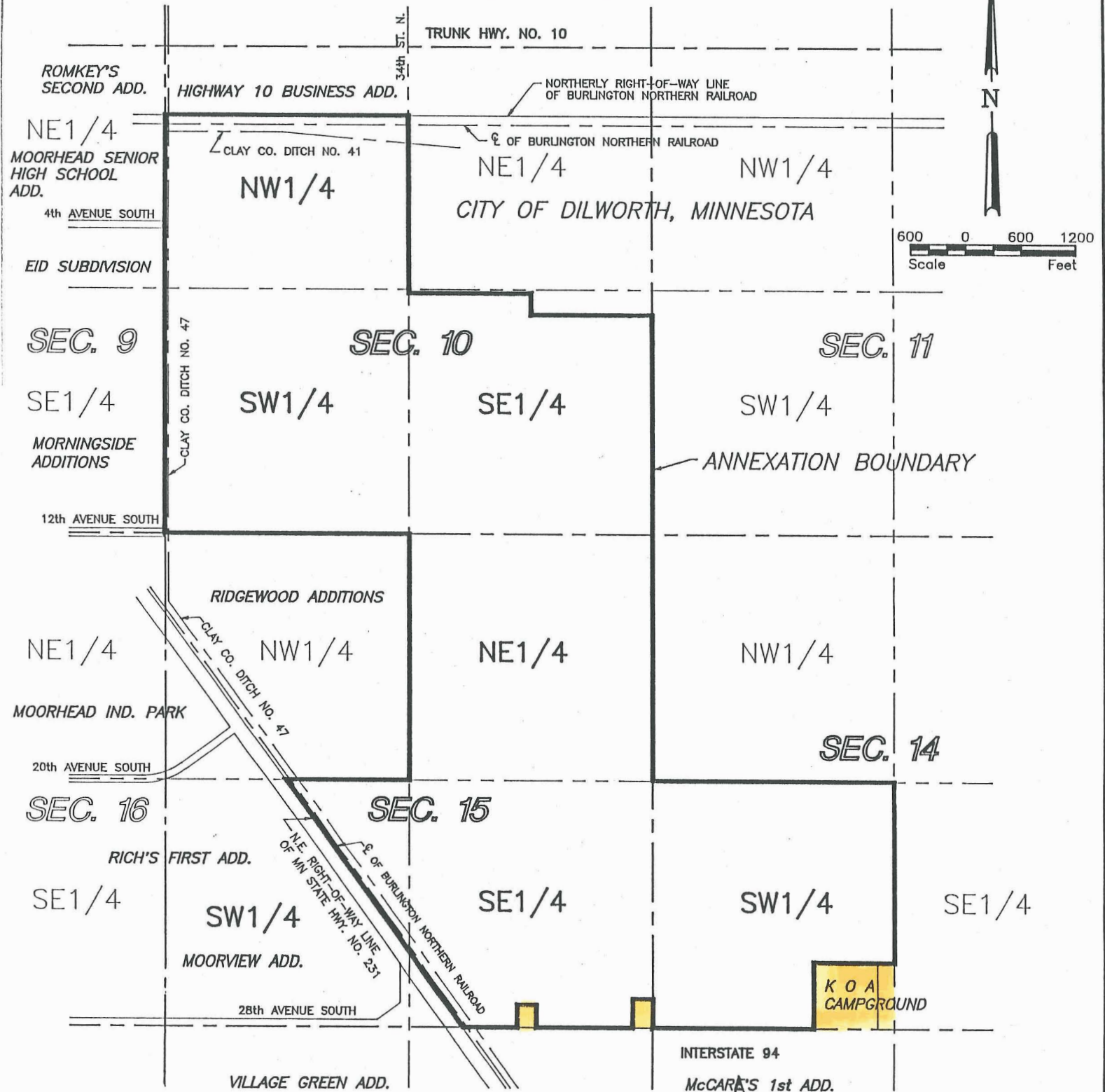
(SEAL)



JAMES W. ANTONEN, City Manager

ANNEXATION MAP

PARTS OF SECTIONS 10, 14 & 15, T139N, R48W
TO THE CITY OF MOORHEAD,
CLAY COUNTY, MINNESOTA



ANNEXATION MAP

PARTS OF SECTIONS 10, 14 & 15, T139N, R48W
TO THE CITY OF MOORHEAD,
CLAY COUNTY, MINNESOTA

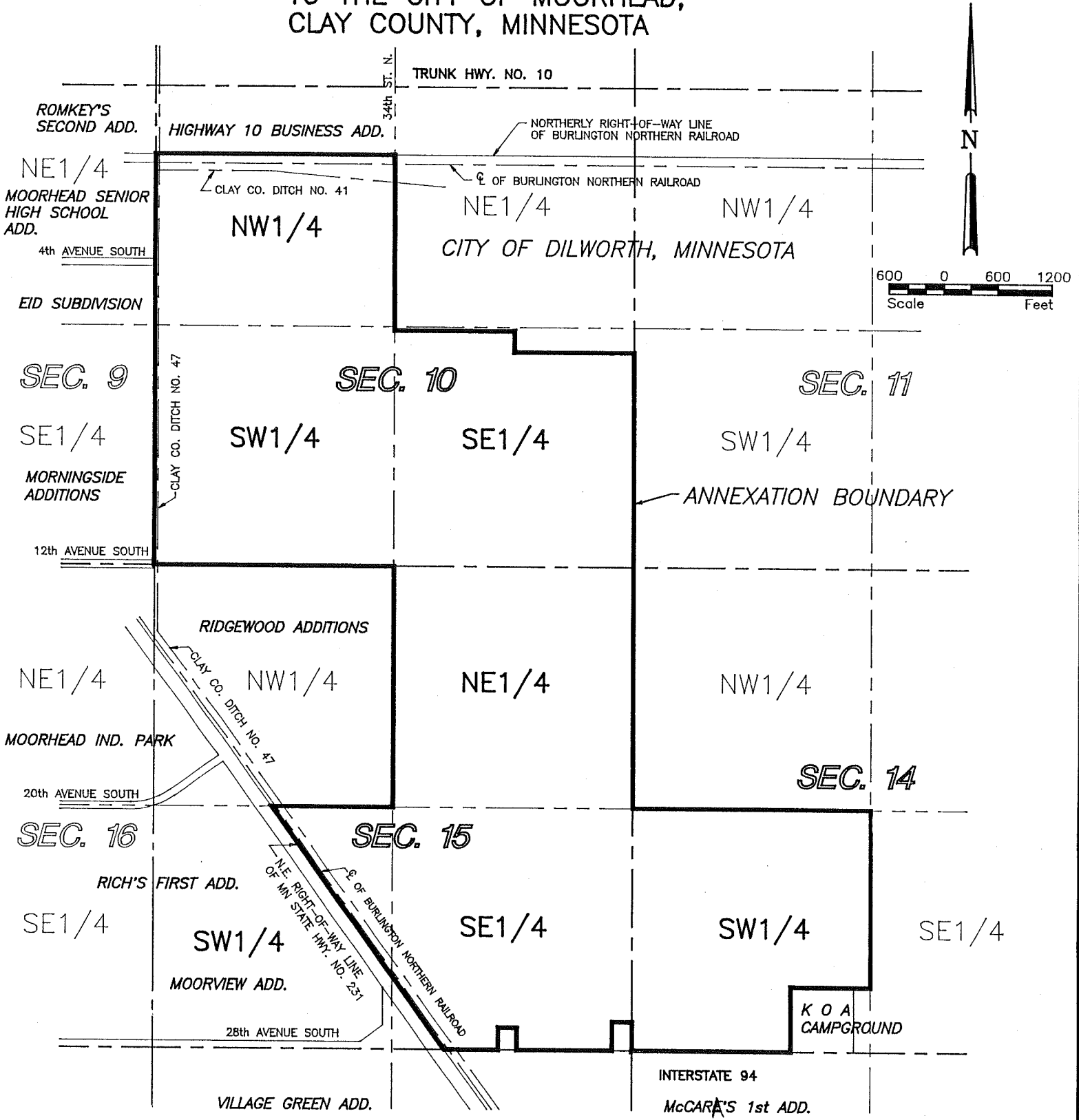


EXHIBIT C

Property Taxes: Schedule of Payments by City to Town

Payable On or Before January 15 of the Year	Amount	Percentage
=====	=====	=====
1993	\$ 1,034.00	100%
1994	827.20	80%
1995	620.40	60%
1996	413.60	40%
1997	206.80	20%
1998	-0-	-0-

TRUNK HIGHWAY 10

CITY OF DILL

HIGHWAY 10 BUSINESS ADDITION

ANNEXATION

AREA

RIDGEWOOD ADDITION

INDUSTRIAL PARK

STATE 94

VILLAGE GREEN

