

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

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 hereby jointly agree to the following:

1. **Definitions**

For the purposes of this Joint Resolution the following definitions will 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. Contiguous Property. Will mean that area of the Town not included within the Orderly Annexation Area, legally described as:

Parcel 1. (Steven and Candice Christman) A tract of land located in the northeast quarter of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, described as follows: beginning 276.53 feet south and 33 feet west of the northeast corner of Section 23; thence south 305 feet; thence west 331.02 feet; thence north 305 feet; thence east 331.25 feet to the point of beginning. Said tract contains 2.3 acres more or less.

Parcel 2. (Patrick Hust) A tract of land located in the northeast quarter of Section 23, Township 139 North, Range 48 West of the Fifth Principal Meridian, described as follows: beginning 581.53 feet south and 33 feet west of the northeast corner of Section 23; thence south 180 feet; thence west 331.02 feet; thence north 180 feet; thence east 331.02 feet to the point of beginning. Said tract contains 1.4 acres more or less.

- c. 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.
- 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. This Joint Resolution shall serve as the Initiating Resolution adopted by the City and filed with the Minnesota Municipal Board.
- g. Joint Resolution. Will mean the 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:  
  
"The North 1,600 feet of the Northeast Quarter of Section 23, Township 139 North, Range 48 West of Moorhead Township, less Interstate 94 and 3.6 acres. Said parcel contains 71.9 acres more or less."  
  
and a map of which is attached as Exhibit A.
- j. Town. Will mean the Town of Moorhead, a body corporate and politic, duly organized under the laws of the State of Minnesota.

## 2. Population

The population of the Orderly Annexation Area is zero and the population of the City of Moorhead will not increase as a result of annexation.

3. **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 or are about to become 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 service to this property to adequately protect the public health, safety, and general welfare of the property.

4. **Annexation Date**

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.

5. **Zoning/Subdivision/Land Use Control Regulations**

Upon the effective date of annexation, the Orderly Annexation Area will be zoned TZ, Transitional Zone, so that the entire Orderly Annexation Area 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.

6. **Electric Service**

The provisions of electric service vests with the Moorhead Public Service Commission, a board to which the control, management, and operation of the City's electrical 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.

7. **No Referendum**

As all of the conditions for annexation are contained within and have been mutually agreed upon by the Town and City, at the time of annexation of the Orderly Annexation Area no referendum will be conducted.



REC'D. BY  
M M B FEB 07 2000

8. **Modifying/Amending Joint Resolution**

The parties to this agreement concur 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.

9. **Ordering in of Annexation**

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

10. **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.

11. **Contiguous Property**

The City and Town agree that 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.

The City will make a good faith effort to notify owners of Contiguous Property of pending development proposals for said Orderly Annexation Area and the Contiguous Property. The City will attempt to provide notice of proposed plats, zoning changes, or utility installations to owners of Contiguous Property at least 90 days prior to final City action. Failure of a property owner to receive said notice will not invalidate or have any effect upon proceedings or actions of private property owners, private parties, or the City of Moorhead.

PASSED AND ADOPTED by the Town Board of Moorhead, Minnesota, this 15<sup>th</sup> day of November 1999.

APPROVED BY:

E. Robert Olson  
E. ROBERT OLSON, Chairperson



ATTEST:

REC'D. BY FEB 07 2000  
MMB

Leland Vette  
LELAND E. VETTE, Town Clerk

(SEAL)

PASSED by the City Council of the City of Moorhead this 6 day of DECEMBER 1999.

APPROVED BY:

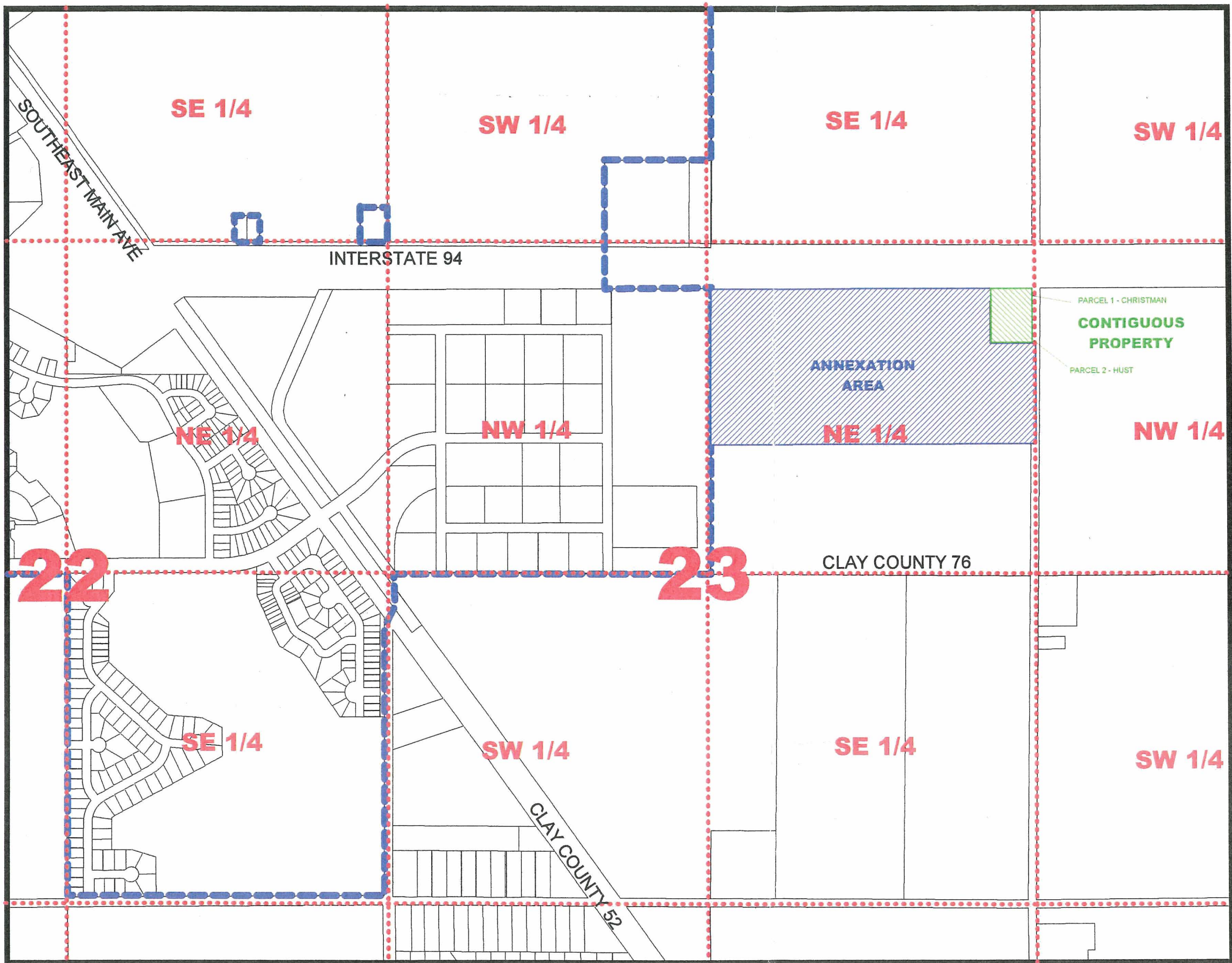
Morris L. Lanning  
MORRIS L. LANNING, Mayor

ATTEST:

Kaye E. Buchholz  
KAYE E. BUCHHOLZ, City Clerk

(SEAL)

Drafted by: City of Moorhead Department of Community and Economic Development



**CITY OF MOORHEAD  
MOORHEAD TOWNSHIP  
ORDERLY ANNEXATION  
AGREEMENT**

REC'D. BY  
MMB FEB 07 2000

**ASTRUP  
I-94 AND McCARA  
INDUSTRIAL PARK**

**THE NORTH 1,600 FEET  
OF THE NORTHEAST  
QUARTER OF SECTION 23,  
TOWNSHIP 139 NORTH,  
RANGE 48 WEST OF  
MOORHEAD TOWNSHIP,  
CLAY COUNTY, MINNESOTA  
LESS INTERSTATE 94 AND  
LESS 3.6 ACRES**

CITY OF  
**MOORHEAD**  
MINNESOTA

**DEPARTMENT OF COMMUNITY  
AND ECONOMIC DEVELOPMENT  
BOX 779  
MOORHEAD, MN 56561  
218-299-5370**